

# **TITLE TARGET**

City of Gladstone

**LOCAL ENTITY:  
CITY OF GLADSTONE**

**OFFICE:  
CITY CLERKS OFFICE**

**TITLE OF RECORD SERIES:  
Minutes Book 97, 98, 99, 100**

**INFORMATION CONTENT:  
January 12, 2004 – December 10, 2007**

**ARRANGEMENT:  
BOOK NUMBER**

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JANUARY 12, 2004**

**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(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 DECEMBER 1, 2003 CITY COUNCIL MEETING MINUTES.**
- 4a. **PRESENTATION OF BOARD AND COMMISSION APPRECIATION PLAQUES.**

**Mike Stock, Board of Zoning Adjustment**  
January 1999 – July 2003

**Herbert Watson, Cable TV Advisory Board**  
January 1993 – August 2003

**Lori LeMunyon, Recycling and Solid Waste Committee**  
January 1998 – December 2003

**Father Joseph Mancuso, Sister Cities Commission**  
January 2002 – December 2003

**James Bone, Planning Commission**  
May 2002 – December 2003

**Josh Wilkerson, Parks and Recreation Advisory Board**  
October 2000 – October 2003

5. **CONSENT AGENDA**

**RESOLUTION R-04-1, authorizing acceptance of work under contract with Miller Paving and Construction, LLC for the 2003 Curb and Sidewalk Program, and authorizing final payment in the amount of \$4,918.47 for Project 035007.**



**RESOLUTION R-04-2**, authorizing acceptance of work under contract with BHC Consulting Engineers for the 76<sup>th</sup> & Woodland Street Reconstruction (Design), and authorizing final payment in the amount of \$1,650.00 for Project 9409.

**RESOLUTION R-04-3**, authorizing Change Order No. 1 in the amount of \$25,745.00 to the contract with Kraus-Anderson Construction Company for the new Fire Station Project 025602.

**RESOLUTION R-04-4**, authorizing Change Order No. 4 in the amount of \$44, 738.00 to the contract with Harmon Construction for the City Hall Addition and Renovation Project 036015.

**RESOLUTION R-04-5**, accepting Temporary Construction Easements and Standard Easements from property owners in conjunction with the 59<sup>th</sup> Terrace Drainage Improvements Project 0209.

**RESOLUTION R-04-6**, accepting Temporary Construction Easements, Permanent Easements, and Right-Of-Way Parcels from property owners in conjunction with the Northeast 76<sup>th</sup> Street Reconstruction Project 985014.

**RESOLUTION R-04-7**, adopting the 2004 State Legislative Program for the City of Gladstone, Missouri.

**RESOLUTION R-04-8**, authorizing execution of a contract with Commercial Concepts and Furnishings in the total amount not to exceed \$25,735.98 for furniture for the New Fire Station Project 025607.

**APPROVAL OF A NEW SIX DAY PACKAGE LIQUOR LICENSE AND SUNDAY PACKAGE LICENSE** to Gas Mart, 7303 North Oak Trafficway. Managing Officer: Kevin Lott.

**APPROVAL OF LIMITED LIQUOR BY THE DRINK LICENSE** to Oakhill Day School, 7019 North Cherry, for a school event on Saturday, February 28, 2004. Hours: 5:30 PM - 11:00 PM. Managing Officer: Mark Schirmer.

**APPROVAL OF FINANCIAL REPORTS** for the months of November and December 2003.

**REGULAR AGENDA.**

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

9. **PUBLIC HEARING:** on a request to rezone from R-1 (Residential) to CP2 (Commercial Planned) on property located at 2404 and 2412 NE 72<sup>nd</sup> Street. Applicant: Apex Management Systems, Incorporated. Owner: Shirley Lee Wethered, 2404 NE 72<sup>nd</sup> Street, and Gilbert and Harriet Chesterton, 2412 NE 72<sup>nd</sup> Street. (File No. 1210).

**AUDIENCE NOTE:** This Public Hearing will be opened and immediately continued to the Monday, January 26, 2004, 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**

**MONDAY, JANUARY 12, 2004**

**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 January 12, 2004, 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 #247 who presented the Color Guard and led the Pledge of Allegiance, in which all joined.

Mayor Smith invited members of the Boy Scout Troop #247 Color Guard to join him in front of the Council Chambers to introduce themselves, and state their age and school they attend. The Scouts introduced themselves as follows: Justin Schulz, age 12, New Mark Middle School; Aaron Fidulke, age 12, Antioch Middle School; Andrew Palmer, age 11, New Mark Middle School; Tim Schlee, age 14, Lincoln College Preparatory Academy; and Jonathan Kinnett, age 14, New Mark Middle School.

**Item 4. on the Agenda.      APPROVAL OF THE REGULAR DECEMBER 1, 2003 CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular December 1, 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.      PRESENTATION OF BOARD AND COMMISSION APPRECIATION PLAQUES.**

Mayor Les Smith presented appreciation plaques to outgoing Board and Commission members in recognition of their service to the City as follows: Lori LeMunyon, Recycling and Solid Waste Committee, January 1998 - December 2003; Father Joseph Mancuso, Sister Cities Commission, January 2002 - December 2003; and James Bone, Planning Commission, May 2002 - December 2003.

Mayor Smith thanked the recipients for their hard work and commitment to the community.

Mayor Smith invited Parks and Recreation Advisory Board Chairman John Houlihan, and Parks and Recreation Director Sheila Lillis to step forward.

Mayor Smith stated Ms. Lillis, Mr. Houlihan, and he were honored to attend the Missouri Community Development Society Annual Conference last week in Jefferson City, where they received the 2003 Missouri Community Development Project of the Year Award for the reconstruction of the City of Gladstone Amphitheatre. Mayor Smith continued by saying only one of these awards was given for the year 2003 in the entire state of Missouri, and they felt very honored to receive the award. Mayor Smith asked Ms. Lillis and Mr. Houlihan to present the award to the Parks and Recreation Advisory Board at their next meeting.

Mr. Houlihan offered his thanks to the community, and stated this truly was a community development project. Mr. Houlihan said it was nice to see the City of Gladstone receive such a recognition.

Ms. Lillis began by saying the City of Gladstone Amphitheatre burned to the ground in July 2002 and was rebuilt and opened by June 2003. Ms. Lillis stated the rebuilding was a result of community effort and the support of City staff.

Mayor Smith stated what impressed the selection committee was that this was not a "high-dollar" project, but it was truly a community development project. Mayor Smith said this was a community betterment project in the sense that the entire Northland community and others came together, and the State committee was very impressed by that. Mayor Smith

congratulated and thanked Ms. Lillis and Mr. Houlihan and all who helped to rebuild the amphitheatre.

**Item 5. on the Agenda**

**CONSENT AGENDA**

Following the Clerk's reading, Councilman Carol Rudi asked that Resolution R-04-7 be removed from the Consent Agenda for discussion.

Mayor Smith stated Resolution R-04-7 would be considered under Agenda Item 5a.

Councilman Joe Evans asked that Resolution R-04-4 be removed from the Consent Agenda for discussion.

Mayor Smith stated Resolution R-04-4 would be considered under Agenda Item 5b.

Councilman Rudi asked Finance Director Cash Sweiven if Use Tax receipts are coming in as projected.

Finance Director Cash Sweiven reported the projection for the Use Tax on an annual basis was \$100,000.00, and through December 2003, which is six months of collections, the City has received approximately \$58,000.00. Mr. Sweiven stated, based on his analysis, we are on pace to make budget.

Mayor Pro Tem Wayne Beer 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**

Mayor Pro Tem Wayne Beer moved to adopt **RESOLUTION NO. R-04-1**, authorizing acceptance of work under contract with Miller Paving and Construction, LLC for the 2003 Curb and Sidewalk Program, and authorizing final payment in the amount of \$4,918.47 for Project 035007. 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 adopt **RESOLUTION R-04-2**, authorizing acceptance of work under contract with BHC Consulting Engineers for the 76th & Woodland Street Reconstruction (Design), and authorizing final payment in the amount of \$1,650.00 for Project 9409. 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 adopt **RESOLUTION R-04-3**, authorizing Change Order No. 1 in the amount of \$25,745.00 to the contract with Kraus-Anderson Construction Company for the new Fire Station Project 025602. 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 adopt **RESOLUTION R-04-5**, accepting Temporary Construction Easements and Standard Easements from property owners in conjunction with the 59<sup>th</sup> Terrace Drainage Improvements Project 0209. 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 adopt **RESOLUTION R-04-6**, 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 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 adopt **RESOLUTION R-04-8**, authorizing execution of a contract with Commercial Concepts and Furnishings in the total amount not to exceed \$25,735.98 for furniture for the New Fire Station Project 025607. 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 **A NEW SIX DAY PACKAGE LIQUOR LICENSE AND SUNDAY PACKAGE LICENSE** for Gas Mart, 7303 North Oak Trafficway. Managing Officer: Kevin Lott. 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 a **LIMITED LIQUOR BY THE DRINK LICENSE** to Oakhill Day School, 7019 North Cherry, for a school event on Saturday, February 28, 2004. Hours: 5:30 PM - 11:00 PM. Managing Officer: Mark Schirmer. 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 months of November and December 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-04-7**, adopting the 2004 State Legislative Program for the City of Gladstone, Missouri.

Councilman Carol Rudi stated, in the proposed 2004 State Legislative Program, she would like to see the portion that discusses the reapplication of sales tax in regard to food removed for discussion at a later date. Councilman Rudi stated she was not comfortable voting in favor of adopting the 2004 State Legislative Program for the City of Gladstone, Missouri with this section included.

Councilman Carol Rudi moved to accept **RESOLUTION NO. R-04-7**, adopting the 2004 State Legislative Program for the City of Gladstone, Missouri, with the deletion of the paragraph on page 4 that discusses sales tax on food. 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-04-4**, authorizing Change Order No. 4 in the amount of \$44,738.00 to the contract with Harmon Construction for the City Hall Addition and Renovation Project 036015.

Councilman Joe Evans stated he asked this item be removed from the Consent Agenda, as he has a conflict of interest and will be abstaining from voting on this item.

Mayor Pro Tem Wayne Beer moved to accept **RESOLUTION NO. R-04-4**, authorizing Change Order No. 4 in the amount of \$44,738.00 to the contract with Harmon Construction for the City Hall Addition and Renovation Project 036015. Councilman Carol Rudi seconded. The vote: "Aye" Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith "Abstain" Councilman Joe Evans. (4 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 Joe Evans wished everyone a Happy New Year, and stated the newly renovated Council Chambers looks great, and the addition to City Hall is coming along nicely. Councilman Evans stated now we just need to get the new Fire Station moving along as well.

**Councilman Carol Rudi** expressed her best wishes to everyone for a Happy New Year. Councilman Rudi asked City Counselor Ramsay if he would have the rewording of the removed portion of the Legislative Program at the next City Council meeting.

City Counselor David Ramsay replied he would have the revised Legislative Program prepared for the next City Council meeting.

**Councilman Bill Cross** expressed his appreciation to the City for sending him and others to the National League of Cities Congress of Cities in Nashville, Tennessee. Councilman Cross found it very rewarding and he learned a great deal at the meetings. Councilman Cross stated he had pictures to share for anyone who would like to see them.

Councilman Cross thanked the City for the Employee Recognition Dinner, which was very nice, with approximately 120 people were present. Councilman Cross stated the Strategic Planning Committee, comprised of Gladstone citizens, is considering important issues for the City and there are a lot of good ideas coming from their meetings.

Councilman Cross reported he represented the City of Gladstone at the annual dinner at the Airline History Museum, where he learned a great deal listening to the World War 2 pilots who were present. Councilman Cross expressed his appreciation for the opportunity to represent the City at this regional event.

**Mayor Pro Tem Wayne Beer** had no comments at this time.

**Mayor Les Smith** wished everyone a Happy New Year. Mayor Smith continued by saying he would like see if there is a way to make the City of Kansas City aware of the importance of expediting repair projects, especially on North Oak Trafficway. There is a 55 year old water main that runs under North Oak Trafficway that many citizens may not realize belongs to Kansas City, when there is a water main break.

Mayor Smith stated Kansas City did very well in making repairs recently in front of Worth Harley Davidson on North Oak Trafficway. The expediency of those repairs were probably due to a special event that was scheduled at that time. Mayor Smith said whether Gladstone makes necessary repairs and Kansas City pays the bill, a repair policy is established, or anything that can be done to expedite repair work by Kansas City would be greatly appreciated.

**Mayor Pro Tem Wayne Beer** stated he had a rather "tongue in cheek" remark to make in that tonight the City did something rather foreign to a former school educator, such as himself, in approving a liquor license for a school (Oakhill Day School).

Councilman Cross agreed, and commented that he noticed Mark Schirmer, from Oakhill Day School was in the audience.



Mr. Schirmer invited everyone to attend the annual one day auction, on Saturday, February 28<sup>th</sup>, at Oakhill Day School.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reported there has been a water main break at Northeast 64<sup>th</sup> Street and North Oak, and City staff has been in contact with the City of Kansas City. City Manager Davis said he was pleased to see on a recent news report that the water main on North Oak Trafficway is the highest priority for water main replacement for Kansas City. The water main on Vivion Road is the second highest priority. City Manager Davis stated he is looking forward to the Kansas City water main being removed from North Oak Trafficway, especially as our city is planning our own water main relocation and repaving of North Oak Trafficway in the next couple of years.

City Manager Davis welcomed everyone back from the holidays, and apologized for the temporary audio system being used until the new permanent audio system is installed. City Manager Davis stated City Council members are doing very well with the temporary system, but there are some buzzing and feedback issues. City Manager Davis thanked everyone for their patience.

**Item 9. 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 72<sup>nd</sup> Street. Applicant: Apex Management Systems, Incorporated. Owner: Shirley Lee Wethered, 2404 NE 72<sup>nd</sup> Street, and Gilbert and Harriet Chesterton, 2412 NE 72<sup>nd</sup> Street. (File No. 1210).

Mayor Smith opened the Public Hearing and announced the applicant has withdrawn their application, so no Public Hearing or continuance is necessary. Mayor Smith closed the Public Hearing.

**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.

**Item 12. on the Agenda.**

**ADJOURNMENT.**


Mayor Pro Tem Wayne Beer made a motion to adjourn to Closed Executive Session pursuant to the Missouri Open Meeting Act exemption 610.021(3) for Personnel Discussion. Councilman Bill Cross seconded the motion.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, and 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, JANUARY 26, 2004**

**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 JANUARY 12, 2004 CITY COUNCIL MEETING MINUTES.**
- 4a. **Presentation of 2003 Mayor's Community Christmas Tree Lighting Fund Drive checks to Gladstone Neighbors Helping Neighbors, Mr. Art Hammen, Executive Director; and the Northland Christmas Store, Ms. Ikey Harris, Chairman.**  
**Presenter: Mayor Les Smith.**

**REGULAR AGENDA.**

5. **Communications from the Audience.**
6. **Communications from the City Council.**
7. **Communications from the City Manager.**
8. **PUBLIC HEARING:** for consideration of a Site Plan Revision for property located at 7117 North Prospect. Applicant: Shafer, Kline & Warren, Inc. Owner: Hy-Vee, Inc. (File #1214)

**AUDIENCE NOTE: This Public Hearing will be opened and immediately continued to the Monday, February 9, 2004, City Council Meeting at the request of Staff.**

9. **PUBLIC HEARING** – for consideration of renewal of a Special Use Permit subject to certain conditions to A Child's Garden for purposes of operating a day care center in a RP-4 Zone at 3000 NE 64<sup>th</sup> Street. Applicant: A Child's Garden, Incorporated. Owner: Heritage Care, Incorporated.
- 9a. **FIRST READING BILL 04-1**, granting a Special Use Permit subject to certain conditions to a Child's Garden for purposes of operating a Day Care Center in a RP-4 Zone at 3000 NE 64<sup>th</sup> Street.
10. **FIRST READING BILL 04-2**, approving the Final Plat of "Northaven Village Condominium Seventh Plat", a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said plat for recording.
11. **FIRST READING BILL 04-3**, amending Ordinance Number 2.818 by repealing Sections 18-61 and 18-63 relating to mandatory price schedules and charges for towing services.
12. **RESOLUTION NO. R-04-9**, adopting changes to the structure and allowing enhancements of the benefits of the City of Gladstone's Deferred Compensation Plan.
13. Other Business.
14. Questions from the News Media.
15. Adjournment.



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

**MONDAY, JANUARY 26, 2004**

**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 January 26, 2004, 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 JANUARY 12, 2004  
CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular January 12, 2004 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.**      **Presentation of 2003 Mayor's Community Holiday Tree Lighting Fund Drive checks to Gladstone Neighbors Helping Neighbors, Mr. Art Hammen, Executive Director; and the Northland Christmas Store, Ms. Ikey Harris, Chairman. Presenter: Mayor Les Smith**

Mayor Les Smith began by saying there were more contributors this year than in previous years. However, two major corporate sponsors did not contribute to the Mayor's Community Holiday Tree Lighting Fund this year. One contributor did not contribute the \$1,000 they typically give, and the other donated \$1,000 directly to the Northland Christmas Store. If these contributions had been made to the Mayor's fund drive, there would have been an all time high in funds collected.

Mayor Smith presented to Mr. Art Hammen, Executive Director of Gladstone Neighbors Helping Neighbors, a check for \$1,694.34.

Mr. Hammen thanked the Mayor and City Council for their support of Gladstone Neighbors Helping Neighbors. 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.

Mr. Hammen stated there is no cost to anyone who receives assistance from Gladstone Neighbors Helping Neighbors. Many thousands of dollars have been spent to assist residents in Gladstone thanks to the generosity of City Council members and members of the community who have contributed to the Mayor's Community Holiday Tree Lighting Fund.

Mayor Smith invited Ms. Ikey Harris, Chairman of the Northland Christmas Store to step forward. Mayor Smith presented to Ms. Harris a check in the amount of \$6,399.34. Mayor Smith thanked Ms. Harris for all the wonderful things she does in addition to her wonderful work with the Northland Christmas Store.

Ms. Harris thanked Mayor Smith and City Council members and expressed her appreciation to all who contribute to the Northland Christmas Store. Ms. Harris said the money will be used to pay bills for the Northland Christmas Store.

#### **REGULAR AGENDA**

**Item 5. 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 Joe Evans** had no comments at this time.

**Councilman Carol Rudi** congratulated Paige Robbins, 50+ Program Coordinator, on the very nice article in the Dispatch Tribune, which highlighted the 50+ Program and the wonderful job Ms. Robbins does in coordinating this program. It was a great article.

Councilman Rudi asked City Counselor David Ramsay to please provide as soon as possible to City Council the Title II Public Health, Safety and Welfare chapter from the Gladstone City Code. This chapter is scheduled to be discussed at a City Council Open Study Session in February. Councilman Rudi stated she would appreciate it if City Council members could also receive future chapters for review as soon possible.

**Councilman Bill Cross** stated he had the privilege to have lunch with Paige Robbins, who was very humble about her newspaper article. Councilman Cross stated, although Ms. Robbins is humble, he knows she does a very good job with the 50+ Program. Councilman Cross attended the monthly Senior Citizen Luncheon, where he enjoyed good food and good company. This luncheon is scheduled the 4<sup>th</sup> Monday of each month in the Gladstone Community Building. There were approximately 15 people present when he attended, but they usually have about 40 people who attend.

**Mayor Pro Tem Wayne Beer** offered his congratulations to Paige for such a nice article in the newspaper. It was great to see such positive remarks in a publication. Councilman Beer remarked "great job" to Ms. Robbins.

**Mayor Les Smith** stated he wished to echo congratulations to Ms. Robbins and encouraged everyone to vote at the February 3<sup>rd</sup> primary election. Mayor Smith asked City Manager Davis to please install a handle on the door leading to the Council dais.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

**City Manager Kirk Davis** stated Ms. Robbins shared the newspaper article with him and he was very pleased with the very positive news commentary. City Manager Davis reported 90 tons of salt was received today, and it is hoped to receive more this week to fill the salt dome. Obtaining salt has been a problem this year. Staff has had to go to alternative sources other than our contractual vendor for salt.

City Manager Davis stated the City of Kansas City will be addressing the Sales Tax Holiday, and suggested our City needs to pay attention to their decision, as it will affect our businesses. If Kansas City supports the Sales Tax Holiday, the issue will be presented to our City Council.

City Counselor David Ramsay stated that Council does not have to do anything to participate in the sales tax holiday. If our City wishes to opt out of the sales tax holiday, action would be necessary, and the final date for the opt out is June 30<sup>th</sup>. However, Council may wish to pass a resolution in support of the sales tax holiday.

Mayor Smith suggested that our City wait until May to discuss this issue in order to see what other cities are doing.

Councilman Cross mentioned the sales tax holiday was discussed at a Mid-America Regional Council (MARC) meeting.

Councilman Beer asked if the salt contractor was unable to provide delivery of salt as outlined in their contract, and is this a one-year contract?

Public Works Director Andy Noll replied representatives from Independent Salt have informed the City a rail car was derailed between Kansas and Kansas City, which affected the distribution of salt. This is a one-year contract. Mr. Noll stated Independent Salt provides salt for many cities, including Kansas City, who is 14,000 tons behind in their deliveries. Mr. Noll reported Kansas City assisted our City with salt the last couple of days, and we will replenish their supply. The cost for salt under the City's contract with Independent Salt is \$28.67 per ton.

Councilman Cross asked how much salt is needed to cover the streets in Gladstone.

Mr. Noll replied 200 tons of salt are necessary to cover all the streets. The season was begun with 900 tons of salt and typically 1,400 tons of salt is purchased throughout the winter season.

Councilman Beer asked what size the salt dome would need to be to accommodate all the salt purchased in a year.

Mr. Noll replied the salt dome would need to be tripled in size, if the City were to store the entire year's supply. Mr. Noll stated some sort of temporary storage is being investigated. Mr. Noll said we have had trouble receiving shipments of salt in the past, but it has not been an ongoing issue like it has been this year.

Councilman Beer asked how much salt was on hand before the 90-ton shipment was received.

Mr. Noll replied approximately 40 tons of salt was on hand prior to the 90-ton shipment.

Councilman Beer remarked, for clarification, if that is the case, is there not enough salt for a one time pass through the City.

Mr. Noll replied there is enough salt to cover the major snow routes, but there are some less traveled streets that will not get as much salt as they normally would receive.

City Manager Davis stated there is enough salt to get through the City. There just won't be as much salt distributed on the streets as usual. City Manager Davis reported the cost to



purchase salt from the secondary bidder is \$45.00 per ton, which is substantially higher than the contract amount.

Director Noll stated salt was ordered from the secondary provider and it should arrive within three days. Salt will be put on the streets once the accumulation of snow has stopped.

**Item 8. on the Agenda.** **PUBLIC HEARING:** for consideration of a Site Plan Revision for property located at 7117 North Prospect. Applicant: Shafer, Kline & Warren, Inc. Owner: Hy-Vee, Inc. (File #1214).

**Mayor Smith opened the Public Hearing and immediately continued it to the Monday, February 9, 2004, City Council Meeting at the request of Staff.**

**Item 9. on the Agenda.** **PUBLIC HEARING:** for consideration of renewal of a Special Use Permit subject to certain conditions to a Child's Garden for purposes of operating a day care center in a RP-4 Zone at 3000 NE 64<sup>th</sup> Street. Applicant: A Child's Garden, Incorporated. Owner: Heritage Care, Incorporated.

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 A Child's Garden is a day care center located in Heritage Village on NE 64<sup>th</sup> Street. A Child's Garden has been open since 1997 and operating under a valid Special Use Permit that is now up for renewal. Mr. Wingerson reported the Planning Commission recommends approval by a unanimous vote of 10-0. The conditions in the draft ordinance are the same as approved by previous City Councils.

Councilman Carol Rudi inquired into the brief gap in when this permit was due to be renewed.

Mr. Wingerson replied the permit expired in January of this year and their application was filed in plenty of time to be completed by January 1<sup>st</sup>, but Staff asked the applicant to wait until after January 1, due to the publication of Public Notices and so forth. The delay was due to no fault of the applicant.

Mayor Smith asked the minutes to note the applicant was not represented this evening. As there were no comments in favor or opposed to the application, Mayor Smith closed the Public Hearing.

**Item 9a. on the Agenda.**      **FIRST READING BILL 04-1**, granting a Special Use Permit subject to certain conditions to a Child's Garden for purposes of operating a Day Care Center in a RP-4 Zone at 3000 NE 64<sup>th</sup> Street.

Councilman Carol Rudi moved to place Bill 04-1 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 04-1, 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 04-1 and enact the Bill as **Ordinance 3.895**. 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 10. on the Agenda.**      **FIRST READING BILL 04-2**, approving the Final Plat of "Northaven Village Condominium Seventh Plat", a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said plat for recording.

Mayor Pro Tem Wayne Beer moved to place Bill 04-2 on First Reading. Councilman Bill Cross seconded.

Mayor Smith asked Mr. Wingerson if he had any comments regarding this Bill.

Mr. Wingerson stated the Planning Commission recommends a unanimous ruling.

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.

Mayor Pro Tem Wayne Beer moved to accept the First Reading of Bill 04-2, 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.

Mayor Pro Tem Wayne Beer moved to accept the Second and Final Reading of Bill 04-2 and enact the Bill as **Ordinance 3.896**. 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.** **FIRST READING BILL 04-3**, amending Ordinance Number 2.818 by repealing Sections 18-61 and 18-63 relating to mandatory price schedules and charges for towing services.

Councilman Bill Cross moved to place Bill 04-3 on First Reading. Councilman Joe Evans 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 04-3, 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 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 04-3 and enact the Bill as **Ordinance 3.897**. 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 12. on the Agenda.** **RESOLUTION NO. R-04-9**, adopting changes to the structure and allowing enhancements of the benefits of the City of Gladstone's Deferred Compensation Plan.

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-04-9**, adopting changes to the structure and allowing enhancements of the benefits of the City of Gladstone's Deferred Compensation Plan. Mayor Pro Tem Wayne Beer seconded.

Mayor Smith asked City Manager Davis if he had comments regarding this resolution.

City Manager Davis stated this resolution basically allows the opportunity to enhance benefits for the City employees through the City's Deferred Compensation Plan. This change allows the opportunity to look at health care benefits and for employees to participate in investments like Roth and Traditional IRAs. City Manager Davis explained approval of this resolution will allow the opportunity to provide more benefits to the employees at relatively low or no costs. A couple of these programs will be brought to City Council, once Staff has had an opportunity to analyze them.

Human Resources Administrator Charlene Leslie stated the revised plan document addresses the IRS final regulations issued on July 10, 2003, which are effective retroactively to January 1, 2002. Administratively, last year the City made changes in the contribution limits. However, the resolution modifies our plan and trust agreement. The adoption of the revised plan document would lay the initial groundwork for considering the establishment of a Sidecar IRA provision or a Health Care Savings Account.

Mayor Pro Tem Wayne Beer stated he believed there is a provision whereby the employee is the actual owner of the plan. The North Kansas City School District provided a somewhat similar plan that remained under the ownership of the School District, which made it extremely difficult for an employee to gain ownership. Councilman Beer commended Ms. Leslie for not allowing such a situation to happen with the City.

The Vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Wayne Beer, Mayor Les Smith. (5-0).

**Item 13. on the Agenda.**      **OTHER BUSINESS.**

Mayor Smith designated Councilman Carol Rudi as Council liaison to the Arts Council. Mayor Smith stated Joyce Wild has resigned from the Planning Commission, and he recommended the appointment of Diane McGuire to fill Ms. Wild's position.

Mayor Pro Tem Wayne Beer moved to appoint Diane McGuire to fill the position on the Planning Commission made vacant by the resignation of Joyce Wild. Councilman Joe Evans seconded. The Vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Wayne Beer, Mayor Les Smith. (5-0).

**Item 14. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**

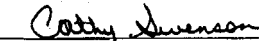
There were no questions from the News Media.

**Item 15. on the Agenda.**      **ADJOURNMENT.**

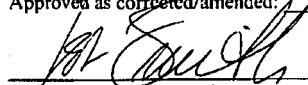
Mayor Pro Tem Wayne Beer made a motion to adjourn to an Open Study Session begun prior to the Regular City Council meeting, followed immediately thereafter by Closed Executive Session pursuant to the Missouri Open Meeting Act exemption 610.021(1) for Litigation and Privileged Communications Discussion, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Councilman Bill Cross seconded the motion.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, and 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, FEBRUARY 9, 2004**

**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 JANUARY 26, 2004 CITY COUNCIL MEETING MINUTES.**
5. **CONSENT AGENDA.**

**RESOLUTION NO. R-04-10**, authorizing acceptance of work under contract with Olsson Associates for the design of 76<sup>th</sup> Street Improvements, North Troost to North Lydia, and authorizing final payment in the amount of \$1,936.50 for Project 055014.

**RESOLUTION NO. R-04-11**, authorizing acceptance of work under contract with Pyramid Excavation and Construction, Inc. for the Basin Covers at the Water Treatment Plant and authorizing final payment in the amount of \$17,800.00 for Project 0137-A.

**APPROVAL OF LIMITED ONE DAY BEER & WINE LICENSE** to St. Charles Borromeo Church, 804 Shady Lane Drive, for a parish event on Saturday, March 27, 2004. 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. **PUBLIC HEARING:** for consideration of a Special Use Permit at 7508 North Oak Trafficway. Applicant: North Oak Garden Center, LLC. Owner(s): Anthony and Fina Scire (#1211).
- 9a. **FIRST READING BILL 04-4,** granting a Special Use Permit subject to certain conditions to North Oak Garden Center, LLC. 7508 North Oak Trafficway. Applicant: North Oak Garden Center, LLC. Owner(s): Anthony and Fina Scire (#1211)
10. **PUBLIC HEARING:** for consideration of a zoning change from CP-1 to CP-2 and Site Plan Revisions for property located at 7117 North Prospect. Applicant: Shafer, Kline & Warren, Inc. Owner: Hy-Vee, Inc. (File #1214)
- 10a. **FIRST READING BILL 04-5,** approving a Site Plan Revision for property at 7117 North Prospect, and specifically relating to construction of a retail addition and drive-thru canopy.
- 10b. **FIRST READING BILL 04-6,** 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.
- 10c. **FIRST READING BILL 04-7,** approving a Site Plan Revision for property at 7117 North Prospect, and specifically relating to construction of a convenience store with petroleum.
11. **FIRST READING BILL 04-8,** declaring the results of the Tuesday, February 3, 2004 **Gladstone Primary Election**, and that the names of Les Smith and Roger Bowles shall appear on the Tuesday, April 6, 2004 General Election Ballot as candidates for (1) three-year position on the Gladstone City Council. (Certified Results: Les Smith, 1,498; Roger Bowles, 421; Robert Parkerson, 209)
12. **APPROVAL OF BUILDING PERMIT:** for a new façade and storefront at 6407 NE. Antioch Road. Applicant/Owner: Richard Hawkins. (BP 04-0068)
13. **RESOLUTION R-04-12,** amending the 2004 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 \$13,251,819; Expenditures \$13,168,980); Revised **CWSS Fund Budget** (Revenue \$6,219,284; Expenses \$6,219,284); Revised **Municipal Pool Fund Budget** (Revenue \$297,307; Expenses \$297,307).
14. Other Business.
15. Questions from the News Media.
16. Adjournment.



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

**MONDAY, FEBRUARY 9, 2004**

**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 February 9, 2004, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Following is a transcript of the meeting as provided by Action Court Reporters, Inc.

CITY OF GLADSTONE, MISSOURI

CITY COUNCIL MEETING

TRANSCRIPT OF MEETING/PUBLIC HEARING

February 9th, 2004

City Hall  
Gladstone, Missouri

City Council Members:

Mr. Les Smith, Mayor  
Mr. Joe Evans, Councilman  
Mr. Bill Cross, Councilman  
Ms. Carol Rudi, Councilman

Attendance:

Mr. Kirk Davis, City Manager  
Mr. Scott Wingerson, Assistant City Manager  
Ms. Cathy Swenson, Clerk  
Mr. Dave Ramsay, City Attorney

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ACTION COURT REPORTERS, INC.

816-454-4224

6 N.E. 53rd Terrace  
Kansas City, MO 64118

fax 816-455-4488



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1 GLADSTONE CITY COUNCIL

2 MEETING/PUBLIC HEARING

3 ITEM NUMBER ONE:

4 MAYOR SMITH: I'd like to call to order the Monday,  
5 February 9, 2004 Gladstone City Council meeting.

6 ITEM NUMBER TWO:

7 MAYOR SMITH: Madame Clerk, would you please note  
8 that all Council members are present, with the  
9 exception of Mayor pro tem Wayne Beer who's out of  
10 town this evening.

11 ITEM NUMBER THREE:

12 MAYOR SMITH: Would you all please stand and join  
13 us for the Pledge of Allegiance?

14 (Wherein the Pledge of Allegiance took place.)

15 ITEM NUMBER FOUR:

16 MAYOR SMITH: The next order of business is the  
17 approval of the January 26th, 2004 City Council  
18 meeting minutes.

19 COUNCILMAN CROSS: Mayor Smith?

20 MAYOR SMITH: Councilman Cross?

21 COUNCILMAN CROSS: I move to approve the regular  
22 January 26th, 2004 City Council meeting minutes.

23 COUNCILMAN EVANS: Second.

24 MAYOR SMITH: There's a motion and a second, any  
25 discussion?

26 (No response.)

1 MAYOR SMITH: All in favor, please indicate by  
2 saying "aye".  
3 (All said aye.)  
4 MAYOR SMITH: Opposed, same sign.  
5 (No response.)  
6 ITEM NUMBER FIVE (Consent Agenda):  
7 MAYOR SMITH: The next item is the Consent Agenda  
8 and Madame Clerk, would you please explain and  
9 read the Consent Agenda?  
10 MS. SWENSON: The Consent Agenda allows the City  
11 Council to consider and approve routine items of  
12 business without discussion. If any member of the  
13 City Council, the City Staff or the public may  
14 request removal of any item from the Consent  
15 Agenda and request that it be considered under the  
16 Regular Agenda if discussion or debate of the item  
17 is desired. Items not removed from the Consent  
18 Agenda will stand approved upon a motion by a  
19 Council member, second and a unanimous vote to  
20 approve the Consent Agenda as published or  
21 modified. The Consent Agenda is as follows:  
22 Resolution Number R-04-10, authorizing acceptance  
23 of work under contract with Olsson & Associates  
24 for the design of 76th Street improvements, North  
25 Troost to North Lydia and authorizing final  
26 payment in the amount of \$1936.50 for project

1       055014. Resolution Number R-04-11, authorizing  
2       acceptance of work under contract with Pyramid  
3       Excavation & Construction, Incorporated for the  
4       basin covers at the water treatment plant and  
5       authorizing final payment in the amount of \$17,800  
6       for Project 0137-A. An approval of a limited one-  
7       day Beer and Wine License to St. Charles Parochial  
8       Church, 804 Shady Lane Drive, for a parish event  
9       on Saturday, March 27, 2004, hours 6:00 p.m. to  
10      12:00 midnight, Managing Officer, Mr. Paul G.  
11      Danaher.

12      MAYOR SMITH: Is there anyone in the audience who  
13      would like any of these items removed from the  
14      Consent Agenda? Any Staff member? Any Council  
15      member?

16      (No response.)

17      COUNCILMAN RUDI: I move we approve the Consent  
18      Agenda as presented.

19      COUNCILMAN CROSS: Second.

20      MAYOR SMITH: There's been a motion and a second.  
21      All in favor, please say "aye".

22      (All said aye.)

23      MAYOR SMITH: Opposed, same sign.

24      (No response.)

25      ITEM NUMBER SIX (Regular Agenda):

26      MAYOR SMITH: I'd first like to mention that we

1 have a scout with us this evening. We have  
2 Brandon and Mike Berg(ph), Troop 354. Which one  
3 is which?  
4 MIKE BERG: I'm Mike.  
5 MAYOR SMITH: You're Mike. Brandon, how old are  
6 you and what school do you go to?  
7 BRANDON BERG: I'm twelve and I go to Antioch  
8 Middle School.  
9 MAYOR SMITH: Thanks for being here this evening.  
10 Item 6 is communications from the audience. If  
11 there's anyone in the audience who would like to  
12 address the Council this evening on any item that  
13 is not on our Agenda, you may do so at this time.  
14 (No response.)  
15 ITEM NUMBER SEVEN:  
16 MAYOR SMITH: Seeing no takers, City Council,  
17 Councilman Evans?  
18 COUNCILMAN EVANS: I just wanted to thank our  
19 Public Works Department for another job well done  
20 with the snow removal near us, very good, lots of  
21 good comments from the citizens of Gladstone.  
22 COUNCILMAN RUDI: I have the same remark to make.  
23 It was a very good job. I had several citizens  
24 tell me that about the time they thought the  
25 streets aren't going to get plowed this time, for  
26 the first time, here comes the truck, so thank you

1           very much.

2           COUNCILMAN CROSS: And I will make it a threesome.

3           Very definitely, we're proud of them and the Staff

4           and the work they've done, and the Director, and

5           everybody involved in it. It's very secure when

6           you go to meetings throughout the City and people

7           look forward to driving through Gladstone where

8           they know they will be safe for a little while

9           anyway.

10          MAYOR SMITH: No pressure, but I understand the

11          word in the metropolitan area is that we catch the

12          snow before it even hits the ground. I heard a

13          rumor, or maybe a story, or maybe a tall tale, but

14          I think this most recent snowstorm, our folks were

15          out for twelve, fifteen, sixteen hours at a time.

16          Perhaps our Director, Andy Noll, said they had

17          some incredible leadership. It's my understanding

18          that he jumped in a loader and also jumped in a

19          snow plow, and one of the guys could hardly even

20          stay with it any longer, told him to go home and

21          took over the wheel, and I think that's pretty

22          impressive, Andy, and congratulations to you, and

23          thanks to you and your department.

24          ITEM NUMBER EIGHT:

25          MAYOR SMITH: City Manager Davis?

26          MR. DAVIS: I'd like to echo the same thoughts,

1 appreciate everyone's patience relative to the  
2 snow last week. We had a lot of it and a lot of  
3 guys work for a lot of hours and it's true, Andy  
4 did jump in the truck, so did Kirk Rome(ph), so  
5 did some of the engineers. I think it was truly a  
6 team effort out there. The rumor has it that when  
7 Andy got in the truck, the rest of them left the  
8 grounds real quickly, but I understand he did a  
9 pretty good job, so kudos to everyone and the  
10 Staff. We appreciate all their hard work out  
11 there. Just a reminder to the Council, we're also  
12 closed Monday for President's Day and no Planning  
13 Commission meeting on Tuesday night. Thank you.

14 MAYOR SMITH: Very good.

15 ITEM NUMBER NINE:

16 MAYOR SMITH: Item 9 is a public hearing for  
17 consideration of a Special Use Permit at 7508  
18 North Oak Trafficway, Applicant North Oak Garden  
19 Center, LLC, Owners Anthony and Fina Scire. This  
20 is filed under 1211. The public hearing is  
21 opened. Mr. Wingerson?

22 MR. WINGERSON: We were supposed to get the numbers  
23 to the City Council. The Applicant has requested  
24 an extension of the Special Use Permit for term of  
25 five years that would allow them to continue the  
26 operation of the North Oak Garden Center, North

1 Oak just south of 76th Street. The Planning  
2 Commission recommends to you approval based on the  
3 conditions in your Draft Ordinance by a unanimous  
4 vote, 10-0. I'd be glad to answer any questions  
5 you have now. Mr. and Mrs. Ryan are here if you  
6 have any questions of them.

7 MAYOR SMITH: Any questions of Mr. Wingerson?

8 COUNCILMAN CROSS: My only question would be, and I  
9 do remember when they were here and presented  
10 that, had a presentation to open the place and  
11 take over and run it and they promised all these  
12 things and from what I have seen and experienced,  
13 they definitely have fulfilled everything that  
14 they said that they were going to do, and I think  
15 it makes a nice site there on North Oak. I'm  
16 going to be in favor of this.

17 MAYOR SMITH: Very good. Would the Applicants like  
18 to make any comments this evening? Step right  
19 forward please and give us your name and address  
20 for the record.

21 ANNA RYAN: Hi. My name is Anna Ryan. I live at  
22 509 Southwest 10th Street in Blue Springs,  
23 Missouri. I wanted to introduce my husband, Kenny  
24 Ryan, he's here with me as well. We're here for  
25 the five-year Special Use Permit. Last year  
26 brought many new opportunities, as we were honored



1 to participate in the Gladstone 2003 with much  
2 success. We're excited about the future for 2004,  
3 we have many new things planned. We have applied  
4 for membership to the Gladstone Chamber of  
5 Commerce. We're both honored and privileged to  
6 sponsor the Tony Tobin show this year. He's been  
7 number one rated lawn and garden and home-  
8 improvement show in KC and the Midwest. We've  
9 been invited to join his show and we'll be doing  
10 live broadcasts Saturday mornings, hopefully from  
11 a satellite position hear in Gladstone a couple  
12 weekends. We look forward to expanding our  
13 facility and we will continue to work with the  
14 City of Gladstone and its representatives to make  
15 it a success. Any questions?  
16 COUNCILMAN RUDI: I did hear your sponsorship of  
17 the Tony Tobin show and I like that very much,  
18 thank you. I like that promotion for Gladstone.  
19 MAYOR SMITH: By all accounts, you have done  
20 everything you said you would do the first time  
21 you were in and we appreciate that. It's good to  
22 have good business neighbors.  
23 ANNA RYAN: Thank you.  
24 MAYOR SMITH: Any questions?  
25 (No response.)  
26 MAYOR SMITH: Thank you. Is there anyone in the

1 audience who would like to speak in favor of this  
2 application?  
3 (No response.)  
4 MAYOR SMITH: Anyone who would like to speak in  
5 opposition?  
6 (No response.)  
7 MAYOR SMITH: Hearing none, we will close the  
8 public hearing. Item 9-A is the first reading of  
9 Bill 04-4, granting a Special Use Permit subject  
10 to certain conditions to North Oak Garden Center,  
11 LLC, 7508 North Oak Trafficway.  
12 COUNCILMAN CROSS: Mayor Smith?  
13 MAYOR SMITH: Councilman Cross?  
14 COUNCILMAN CROSS: I move that we place Bill 04-4  
15 on its first reading.  
16 COUNCILMAN EVANS: Second.  
17 MAYOR SMITH: A motion and the second. Any  
18 discussion?  
19 (No response.)  
20 MAYOR SMITH: All in favor, please say "aye".  
21 (All said aye.)  
22 MAYOR SMITH: Opposed, same sign.  
23 (No response.)  
24 MAYOR SMITH: Madame Clerk, would you please read  
25 the Bill?  
26 MS. SWENSON: First reading, Bill 04-4, granting a

1 Special Use Permit, subject to certain conditions,  
2 to North Oak Garden Center, LLC, 7508 North Oak  
3 Trafficway, Applicant North Oak Garden Center,  
4 LLC, Owners Anthony and Fina Scire, Number 1211.  
5 COUNCILMAN CROSS: Mayor Smith?  
6 MAYOR SMITH: Councilman Cross?  
7 COUNCILMAN CROSS: I moved to accept the first  
8 reading of Bill 04-4, waive the rule and place the  
9 Bill on second and final reading.  
10 COUNCILMAN EVANS: Second.  
11 MAYOR SMITH: A motion and a second. Any  
12 discussion?  
13 (No response.)  
14 MAYOR SMITH: All in favor, please say "aye".  
15 (All said aye.)  
16 MAYOR SMITH: Opposed, same sign.  
17 (No response.)  
18 MAYOR SMITH: Madame Clerk?  
19 MS. SWENSON: Second reading, Bill 04-4, granting a  
20 Special Use Permit subject to certain conditions,  
21 to North Oak Garden Center, LLC, 7508 North Oak  
22 Trafficway, Applicant North Oak Garden Center,  
23 LLC, Owners Anthony and Fina Scire.  
24 MAYOR SMITH: Councilman Cross?  
25 COUNCILMAN CROSS: I move to accept the second and  
26 final reading of Bill 04-4 and enact Bill as

1 Ordinance 3.895.  
2 MAYOR SMITH: Would you agree to 3.898?  
3 COUNCILMAN CROSS: Yes, if that's correct. If you  
4 are right, I will be glad to do that, thank you.  
5 MAYOR SMITH: We have a motion and a second. Any  
6 discussion?  
7 (No response.)  
8 MAYOR SMITH: Call the roll, please?  
9 MS. SWENSON: Councilman Joe Evans?  
10 COUNCILMAN EVANS: Aye.  
11 MS. SWENSON: Councilman Carol Rudi?  
12 COUNCILMAN RUDI: Aye.  
13 MS. SWENSON: Councilman Bill Cross?  
14 COUNCILMAN CROSS: Aye.  
15 MS. SWENSON: Mayor Les Smith?  
16 MAYOR SMITH: Aye. Bill 04-4 has been enacted as  
17 Ordinance Number 3.898 as of this date. Thank  
18 you, and congratulations. Lots of publicity for  
19 Gladstone, remember now.  
20 ITEM NUMBER TEN:  
21 MAYOR SMITH: Item 10 is a public hearing for  
22 consideration of a zoning change from CP1 to CP2,  
23 and site plan revisions for property located at  
24 7117 North Prospect, Applicant Shafer, Kline &  
25 Warren, Inc., Owner Hy-Vee, Incorporated, File  
26 Number 1214. The public hearing process will be

1 the same as the last public hearing. We will hear  
2 from our Staff, then from the Applicant, anyone  
3 who might be in favor and anyone who might be  
4 opposed to the application. The public hearing is  
5 opened. Mr. Wingerson?

6 MR. WINGERSON: Mayor Smith and members of the  
7 Council, thank you. I'd like to take just an  
8 extra minute longer than I normally would for a  
9 request of this type. I'll start with explaining  
10 the request in general, like usual, to answer a  
11 host of questions that have been raised at the  
12 Planning Commission level, I'm at the Council  
13 level, and through the public during the last  
14 week, and then talk about the Staff and Planning  
15 Commission recommendations for your action  
16 tonight. The Applicant is really requesting two  
17 separate projects tonight that require three  
18 actions from the City Council. The first is a  
19 Site Plan Revision which will allow the  
20 construction of the retail addition to the south  
21 side of the existing grocery store, together with  
22 a drive-thru canopy for pharmacy use, to delivery  
23 pharmaceuticals from the pharmacy to the customer  
24 in the car. The second major part of the proposal  
25 is the development of a convenience store with gas  
26 pumps on what we commonly refer to as the arced

1 out parcel. It's more at the intersection of 72nd  
2 and M1. That requires two actions from the  
3 Council. First, a zoning change from existing CP1  
4 to CP2 and second, a site plan approval for the  
5 construction of the facility. There have been a  
6 host of questions raised at the Planning  
7 Commission and in the week since the Planning  
8 Commission meeting, and I'll just go through them  
9 rather quickly, and I'll certainly be available to  
10 answer any additional questions the Council may  
11 have. About how often or for how many meetings  
12 per year does Hy-Vee hold special events. Hy-Vee  
13 typically has a four to six week event in the  
14 springtime to house the garden center. They also  
15 have a smaller one two or three weeks in the fall  
16 time and with that, during the summer months, they  
17 have four to six weekends of special events. It  
18 may be a Boy Scouts garage sale or a carwash or  
19 those types of things, all of those are special  
20 events. The question was asked about the land  
21 area of Hy-Vee's gas stations and how does that  
22 compare to this request. The representatives from  
23 Hy-Vee can provide more detailed documentation,  
24 however in the information that's been provided in  
25 this site is very large and accommodates the size  
26 of convenience store and petroleum gas station

1       that exists at other Hy-Vees and is certainly not  
2       too much for the property based on what Hy-Vee is  
3       done in other communities. There's been a lot of  
4       discussion about the decibel levels, we have an  
5       air intake device that's on the back of the  
6       existing store. Representatives from Hy-Vee  
7       measured the noise level, I believe, on a Thursday  
8       following the Planning Commission public hearing  
9       last week and measured it at 62 decibels. They've  
10      had some success in other stores that adjoin  
11      neighborhoods in bringing that down, and we  
12      believe the condition that requires 60 decibels  
13      will be an improvement for the neighborhood.  
14      There was some concern at the Planning Commission  
15      level about storm water and fluids, gasoline and  
16      oil and vehicle fluids draining into the storm  
17      water system. The intent is that that doesn't  
18      happen but of course if it does, and it rains,  
19      they have appropriate cleanup measures in place  
20      and to that will be insured during the permitting  
21      process and handled just like we do any other gas  
22      station, Quik Trip caddy-cornered from there as an  
23      example. It was asked if Hy-Vee contributed to  
24      the improvements of 72nd Street. They did, they  
25      dedicated all the right-of-way and contributed  
26      \$109,000 for utility relocations. There's a long

1 history of financial contributions from developers  
2 to the City to make public improvements. This  
3 case is really no different than that. It's based  
4 on documented and rational public improvement as  
5 created by the developer. On what are the hours  
6 of other pharmacies in town, Eckard is unlimited  
7 and are actually allowed to operate on a 24-hour  
8 basis and I would suggest to the City Council that  
9 that is a different application as surrounding  
10 that Eckhard at 72nd and Oak. It is surrounded by  
11 commercial property, commercially used property,  
12 so a different set of circumstances compared to  
13 this application proposes a time limit from 7:00  
14 a.m. 'til 2:00 p.m. At the Planning Commission  
15 level, there was discussion of screening of the  
16 existing air conditioning and cooling units, and  
17 the question is, was the store required to do the  
18 same thing as we have required of any other store  
19 when it was built in the early '90s. The question  
20 is yes, that Hy-Vee did exactly what was required  
21 at the time. However, those requirements have  
22 changed in the last seven or eight years and are  
23 more stringent now than when the store was  
24 originally built. Staff is recommending approval  
25 on these requests as presented to you. I'd just  
26 like to highlight on a couple of conditions. As



1       it relates to the Site Plan Revision for the  
2       retail addition and the canopy, and we're  
3       recommending that the hours of operation for the  
4       drive-thru to be limited from 7:00 a.m. to 10:00  
5       p.m., that all speakers contain adjustable volume  
6       controls and all noise shall be significantly  
7       imperceptible at the property lines, that's  
8       related to the speakers and outside devices.  
9       Existing and proposed air conditioning and cooler  
10      units shall be visually screened and baffled to  
11      reduce noise. I would suggest, in addition, for  
12      the City Council, to a maximum of 60 decibels.  
13      The use of the drive-thru for liquor sales is  
14      strictly prohibited. The Planning Commission on  
15      the Site Plan Revision related to that topic  
16      recommends unanimously your approval. In terms of  
17      this zoning change, Staff is recommending approval  
18      as it relates to the site plan after the zoning  
19      change. I think there will be a little bit of  
20      concern on the part of the Applicant as it relates  
21      to condition number five, and it talks about an  
22      escrow calculated and provided to the City within  
23      thirty days of Building Permit issuance. I think  
24      we're very close. We've continued to negotiate  
25      that during the week. We are currently, based on  
26      traffic information that was submitted this week

1 and contained in your packet, or late last week  
2 and contained in your packet, we believe that  
3 their impact is in the neighborhood of \$32,500,  
4 which is different on what we thought it was,  
5 prior to the traffic information in front of the  
6 Planning Commission. I think the Applicant will  
7 also want to discuss with you, suggested condition  
8 number six, which has to do with the right-of-way  
9 dedication. The City has planned and been  
10 approved for partial federal funding for a  
11 bicycle/pedestrian trail along M1. The Applicant  
12 is willing to dedicate an easement for the  
13 construction of that, however, would like us to  
14 minimize the impact on their property which, of  
15 course, Staff is willing to do. With that, I  
16 would suggest to you that the Planning Commission  
17 recommends 5-5, a tied vote coming to you on the  
18 zoning change for the Site Plan Revision for the  
19 convenience store.

20 MAYOR SMITH: Any questions for Mr. Wingerson?  
21 Councilman Rudi?

22 COUNCILMAN RUDI: Regarding the decibel level,  
23 there was discussion at the Planning Commission  
24 about a 55, as opposed to, at another store that  
25 they were able to achieve. Why are we talking 60?

26 MR. WINGERSON: Mr. Brauer can explain this in much

1 clearer detail than I can, but in common terms,  
2 the measurement location is different. I believe  
3 the measurement at the Barry Road store, which was  
4 the reference in the Planning Commission  
5 discussion, actual measurement was taken further  
6 away. The measurement of 62 was taken at the curb  
7 line directly behind the store, so I think it's a  
8 distance from the actual noise that's impacting  
9 that change.

10 COUNCILMAN RUDI: And then regarding the escrow,  
11 can you tell me a little bit about how you got  
12 from \$130,000 to \$32,500?

13 MR. WINGERSON: Yes. Originally, escrow was  
14 calculated based on one fourth of the improvements  
15 being made, one fourth of the intersection's  
16 improvements being made. Director Noll's staff,  
17 through the Engineering Division, calculated that  
18 escrow at approximately \$130,000. Because escrows  
19 have to be tied to a rational development impact,  
20 and we didn't have any traffic information, we had  
21 to assess the full cost of those improvements as a  
22 potential escrow. Since then, contained in your  
23 packet is information from TranSystems that show  
24 that basically the peak time, there's not a  
25 significant impact to 72nd or M1, based on the  
26 construction of the convenience store. So we

1 think, with all of those things together, it's  
2 basically one fourth of the original one fourth  
3 escrow amount, which we believe is appropriate for  
4 a development of this type, that certainly will  
5 impact both 72nd Street and M1, at least in terms  
6 of trips, total number of trips.  
7 MAYOR SMITH: Any other questions?  
8 (No response.)  
9 MR. WINGERTSON: Thank you.  
10 MAYOR SMITH: Now, we'd like to hear from the  
11 Applicant or its representatives. State your name  
12 and address for the record, please.  
13 MR. BRAUER: Good evening. I'm Mark Brauer,  
14 representing Hy-Vee, 5820 West Town Parkway, West  
15 Des Moines, Iowa. With me is Tom Shafer who is  
16 demonstrating the model here. Today, as Scott has  
17 pointed out, we have two portions on the site.  
18 The lower portion is the retail addition to the  
19 south of the property which is retail expansion  
20 along with a pharmacy drive-up lane. We are in  
21 agreement with the stipulations made for that  
22 facility. With respect to the decibel levels to  
23 approach that, the property line immediately  
24 behind the existing food store is approximately  
25 36, 37 feet. That dimension is five times less,  
26 we're about 200 feet actually at the Kansas City

1 Barry Road measurement, and actually, where the  
2 sound is being measured for the 55 decibels at the  
3 Kansas City Barry Road would have been the south  
4 property line, all the way at the bottom of the  
5 page, for 55 decibels, as opposed to measuring it  
6 directly behind the store, within 30 feet of the  
7 machine room. The point were trying to make with  
8 that decibel is being honest with you that what is  
9 operating today is 62, maybe 65 potentially in the  
10 summer when everything is running, so we're trying  
11 to be open and honest as to what's going on now.  
12 We can agree to come up with some method to baffle  
13 that and can reasonably achieve 60 decibels at the  
14 property line behind our store. There's the  
15 difference. I believe all our stipulations for  
16 that site plan before the retail addition are  
17 acceptable. Are there any questions on the south  
18 half of the property?  
19 MAYOR SMITH: You state there, you say the  
20 application states in the conditions, and you  
21 agree that it's for pharmacy sales only?  
22 MR. BRAUER: The drive-up window is for pharmacy  
23 sales only, that's correct. It's a bank tube,  
24 essentially. Not essentially, it is a bank tube.  
25 And that's consistent with the previous Ordinance.  
26 We did come through here with a site plan approval

1 approximately two years ago for a drive-up window  
2 at that point in time. Now, with the addition, we  
3 held it off, figuring this was going to come.  
4 MAYOR SMITH: Would you be agreeable to language -  
5 we have the wrong condition. It says, "Use of  
6 drive-thru for liquor sales is strictly  
7 prohibited", but would you be willing to have us  
8 include the language that the drive-thru shall  
9 only be used for pharmacy sales? I'd hate to see  
10 that be altered somehow, some way, someday, and  
11 you have drive-thru grocery service or whatnot.  
12 MR. BRAUER: We'd rather see it, that it's used  
13 only for pharmacy sales, as opposed to creating  
14 some innuendo for something else, exactly.  
15 MAYOR SMITH: Any other questions on this part?  
16 COUNCILMAN RUDI: Yes, I have another one. Could  
17 you give me an example of what 60 decibels would  
18 sound like? What have I heard that would be 60  
19 decibels?  
20 MR. BRAUER: Let me go to my handy dandy chart.  
21 MR. WINGERSON: Freeway noise is an example.  
22 MR. BRAUER: Freeway noise is what's on our little-  
23 -  
24 COUNCILMAN RUDI: How close to the freeway am I  
25 when I hear it?  
26 MR. BRAUER: As far as freeway noise, how close?

1 You would be at the property line, or at the  
2 right-of-way line. Here's the chart that we're  
3 referring to. It's an older chart cause you'll  
4 notice at 70 decibels, it talks about a  
5 stenographer. But the essence of it is, is it  
6 would be at the perimeter of, you know, a freeway,  
7 right at the right-of-way. There's conversation  
8 in an apartment that's at like 40-45. Telephone,  
9 I believe, is on there. A telephone conversation  
10 in the earpiece right in your ear is roughly 60.  
11 I don't have any other examples than that.

12 MAYOR SMITH: Anything else?

13 (No response.)

14 MR. BRAUER: The second portion is the rezoning and  
15 site plan approval for the convenience store  
16 portion of the site, where the outline is referred  
17 to by Staff. Visualization-wise, it is very  
18 similar to the Quik Trip layout that is caddy-  
19 cornered in that area. We have five fueling  
20 islands, similar to the Quik Trip, and we have a  
21 building that is very representative and is a  
22 similar size. We have different functions, but  
23 essentially, the same core functions exist. We  
24 have re-moved that building to the corner for  
25 visual presence, and we are altering no driveways  
26 or any other circulation on 72nd or M1 for this

1 site, so it's all internal circulation. That is  
2 our plan. We need to maintain the driveway  
3 immediately off 72nd Street to get people into and  
4 off of 72nd, and into the convenience store, if  
5 they so choose that movement. We do not want to  
6 cut that one off. There are different ways to  
7 configure the parking behind the store itself.  
8 This is our proposal to you today, and it has been  
9 to the Planning Commission, as it retains the feel  
10 of what is currently on the site and what our  
11 customers know, not to say that it can't change,  
12 but that is what they know. I'd be happy to  
13 answer questions on that.

14 MAYOR SMITH: One of the concerns that was raised  
15 by a neighbor was the traffic flow on and off 72nd  
16 Street. How is that configured now? There's a  
17 left turn and a right turn, and one lane coming  
18 in; is that correct?

19 MR. BRAUER: One lane in and two lanes out, that's  
20 correct.

21 MAYOR SMITH: The concern was it's not marked in  
22 such a way as people, I guess, get confused as  
23 they cross 72nd Street to the north to get to the  
24 WalMart parking lot. Can you recommend a way that  
25 that, perhaps could be striped differently or  
26 marked differently to avoid that confusion?



1 MR. BRAUER: The middle lane of the two should be  
2 marked as a thru or a left turn, meaning to cross,  
3 and then the right lane should be a dedicated  
4 right turn to keep traffic moving, for those who  
5 want to go east.  
6 MAYOR SMITH: Will you re-mark that?  
7 MR. BRAUER: We can do that, yes.  
8 COUNCILMAN CROSS: And I think that all we need to  
9 do is remind the manager of the store when that  
10 starts fading out, to re-mark it again.  
11 MR. BRAUER: As we go through doing this, we'll  
12 clean them up.  
13 MAYOR SMITH: The markings or the manager?  
14 MR. BRAUER: Both. After he sees the bill, maybe  
15 he'll need some cleaning up.  
16 MAYOR SMITH: Any other questions?  
17 MR. BRAUER: As far as the stipulations then, with  
18 respect to the escrow, our issue has been, because  
19 I have to defend the corporation, that's my role,  
20 is to make sure that the escrow is a fair share of  
21 our contribution and others, and we would ask that  
22 if this is the will of the Council to move this  
23 forward, that other participants also be in  
24 joining into that improvement on M1 and 72nd is  
25 what I'm dealing with, generating that. We do  
26 have an impact and we understand that we should be

1 responsible for our fair share, so we will stand  
2 for that. As far as the decibels, we're asking  
3 for 60 decibels specifically because of the  
4 proximity of the property line. This is a  
5 differing condition than what we've experienced in  
6 the summer as far as Kansas City. As far as  
7 right-of-way dedication, we would prefer an  
8 easement to be worked out with Staff, as the trail  
9 design is more secure and defined, and we would  
10 appreciate language to that extent, as we work  
11 with Staff to define that and as it calls for the  
12 need.

13 MAYOR SMITH: Mr. Wingerson, do we think we can  
14 have an escrow amount nailed down by our next  
15 Council meeting on the 23rd? Is that possible?

16 MR. WINGERSON: Yes, that's possible. In fact, IBS  
17 has submitted building plans and it just may be on  
18 your Agenda the 23th for permanent approval, which  
19 is why the condition is written that way, because  
20 they were planned to be very close together.

21 MAYOR SMITH: Mayor Pro Tem Beer had asked to have  
22 some input on the final approval of this. I'm  
23 going to suggest to the Council that we only give  
24 these items a first reading this evening, that  
25 perhaps we'd be prepared to take final action on  
26 it next week. That's why I asked the question.

1 MR. BRAUER: Any other questions for the Applicant?  
2 COUNCILMAN EVANS: I just have one. On the south  
3 portion, where are we going to move, or where will  
4 those semi trailers that are parked there now,  
5 where will they go?  
6 MR. BRAUER: The short answer is away.  
7 COUNCILMAN EVANS: That's great.  
8 MR. BRAUER: We have some logistics to work out to  
9 make that happen.  
10 COUNCILMAN EVANS: Thank you, that's all I have.  
11 Mayor Smith?  
12 MAYOR SMITH: Anything else?  
13 (No response.)  
14 MAYOR SMITH: Thank you. Is there anyone in the  
15 audience who would like to speak in favor of this  
16 application?  
17 (No response.)  
18 MAYOR SMITH: Anyone who might be in opposition of  
19 it?  
20 (No response.)  
21 MAYOR SMITH: Mr. Wingerson, any other comments?  
22 MR. WINGERSON: If I can answer any other  
23 questions.  
24 MAYOR SMITH: Any questions?  
25 COUNCILMAN RUDI: One question. On item number six  
26 regarding the 10 foot right-of-way dedication.

1 Are you all right with the easement or do we need  
2 to keep it as a dedication, or can we make it an  
3 easement/dedication?  
4 MR. WINGERSON: We had a brief conversation with  
5 the engineering folks and I think Mr. Ramsay may  
6 have been involved in that and I think we're okay  
7 with the reservation, right-of-way reservation  
8 because it is for a bicycle/ pedestrian trail.  
9 The easement dedication, there's lots of different  
10 ways to call it.  
11 MAYOR SMITH: Any comments?  
12 (No response.)  
13 MAYOR SMITH: The public hearing is closed. Item  
14 10-A is the first reading of Bill 04-5, approving  
15 a Site Plan Revision for property at 7117 North  
16 Prospect, and specifically relating to  
17 construction of a retail addition and drive-thru  
18 canopy.  
19 COUNCILMAN CROSS: Mayor Smith?  
20 MAYOR SMITH: Councilman Cross.  
21 COUNCILMAN CROSS: I move to place Bill 04-5 on its  
22 first reading.  
23 COUNCILMAN EVANS: Second.  
24 MAYOR SMITH: We've got a motion and a second. Any  
25 discussion?  
26 COUNCILMAN RUDI: Mayor Smith?

1 MAYOR SMITH: Councilman Rudi.  
2 COUNCILMAN RUDI: On item number nine on 04-5, are  
3 we going to change that to use of the drive-thru  
4 is strictly for pharmacy sales, or something like  
5 that?  
6 MR. BRAUER: For pharmacy sales only.  
7 COUNCILMAN CROSS: And it's also because of  
8 Councilman Beer that we were going to hold it up?  
9 MAYOR SMITH: Yes, if we could, just take the first  
10 reading this evening.  
11 COUNCILMAN RUDI: And also on eight, was the  
12 decibel level, as a maximum of 60?  
13 MR. BRAUER: Yes, please.  
14 COUNCILMAN RUDI: Staff, are we all right with 60?  
15 60 as the decibels?  
16 MR. WINGERTSON: Yes, 60 is, and we can, if it's  
17 acceptable to the Council, we can create  
18 appropriate language to reflect that for your  
19 consideration on the 23rd.  
20 MAYOR SMITH: We can do this one of two ways.  
21 Either Councilman Rudi, you can make a motion to  
22 amend or if the motion made would agree to those  
23 two changes?  
24 COUNCILMAN CROSS: I would definitely agree to  
25 those two changes.  
26 MAYOR SMITH: And the Councilman who seconded that

1 would agree?

2 COUNCILMAN EVANS: Yes.

3 MAYOR SMITH: Okay, very good. Any further

4 discussion?

5 (No response.)

6 MAYOR SMITH: All in favor, please indicate by

7 saying "aye".

8 (All said aye.)

9 MAYOR SMITH: Opposed, same sign.

10 (No response.)

11 MAYOR SMITH: Madame Clerk, would you please read

12 the Bill?

13 MS. SWENSON: First reading of Bill 04-5, approving

14 a Site Plan Revision for property at 7117 North

15 Prospect, and specifically relating to

16 construction of a retail addition and drive-thru

17 canopy.

18 MAYOR SMITH: Item 10-B is the first reading of

19 Bill 04-6, amending Ordinance Number 2.292 and

20 being an Ordinance relating to Zoning Ordinance

21 regulations and the establishment of Use Districts

22 within the City of Gladstone, Missouri.

23 COUNCILMAN RUDI: Mayor Smith?

24 MAYOR SMITH: Councilman Rudi.

25 COUNCILMAN RUDI: I move to put Bill Number 04-6 on

26 its first reading.

1 COUNCILMAN CROSS: Second.

2 MAYOR SMITH: Motion and a second. Any discussion?

3 (No response.)

4 MAYOR SMITH: All in favor, please indicate by

5 saying "aye".

6 (All said aye.)

7 MAYOR SMITH: Opposed, same sign.

8 (No response.)

9 MAYOR SMITH: Madame Clerk, would you please read

10 the Bill?

11 MS. SWENSON: First reading of Bill 04-6, amending

12 Ordinance Number 2.292 and being an Ordinance

13 relating to Zoning Ordinance regulations and the

14 establishment of Use Districts within the City of

15 Gladstone, Missouri.

16 MAYOR SMITH: Item 10-C is the first reading of

17 Bill 04-7, approving a Site Plan Revision at 7117

18 North Prospect and specifically relating to

19 construction of a convenience store with

20 petroleum.

21 COUNCILMAN RUDI: Mayor Smith?

22 MAYOR SMITH: Councilman Rudi.

23 COUNCILMAN RUDI: I move to put Bill Number 04-7 on

24 its first reading, with the following change on

25 item number six, and it reads, "A 10 foot right-

26 of-way reservation", rather than dedication.

1 COUNCILMAN CROSS: Second.

2 MAYOR SMITH: Motion and a second. Any discussion?

3 (No response.)

4 MAYOR SMITH: All in favor, please indicate by

5 saying "aye".

6 (All said aye.)

7 MAYOR SMITH: Opposed, same sign.

8 (No response.)

9 MAYOR SMITH: Madame Clerk, would you please read

10 the Bill?

11 MS. SWENSON: First reading of Bill 04-7, approving

12 a Site Plan Revision for property at 7117 North

13 Prospect, and specifically relating to

14 construction of a convenience store with

15 petroleum.

16 MAYOR SMITH: Thank you. And we will take final

17 action on all three of these items at our next

18 Council meeting on the 23rd, thank you.

19 ITEM NUMBER ELEVEN:

20 MAYOR SMITH: Item 11 is the first reading of Bill

21 04-8, declaring the results of the Tuesday,

22 February 3rd, 2004 Gladstone Primary Election, and

23 that the names of Les Smith and Roger Bowles shall

24 appear on the Tuesday, April 6th, 2004 General

25 Election ballot as candidates for (1) three year

26 position on the Gladstone City Council. Certified



1 results: Les Smith, 1,498; Roger Bowles, 421;  
2 Robert Parkerson, 209.  
3 COUNCILMAN CROSS: Mayor Smith?  
4 MAYOR SMITH: Councilman Cross.  
5 COUNCILMAN CROSS: I move we place Bill 04-8 on its  
6 first reading.  
7 COUNCILMAN EVANS: Second.  
8 COUNCILMAN RUDI: Second.  
9 MAYOR SMITH: There's a motion and two seconds.  
10 Any discussion?  
11 (No response.)  
12 MAYOR SMITH: All in favor, please indicate by  
13 saying "aye".  
14 (All said aye.)  
15 MAYOR SMITH: Opposed, same sign.  
16 (No response.)  
17 MAYOR SMITH: Madame Clerk, would you please read  
18 the Bill?  
19 MS. SWENSON: First reading Bill 04-8, declaring  
20 the results of the Tuesday, February 3, 2004  
21 Gladstone Primary Election, and that the names of  
22 Les Smith and Roger Bowles shall appear on the  
23 Tuesday, April 6, 2004 General Election ballot as  
24 candidates for (1) three year position on the  
25 Gladstone City Council. Certified results: Les  
26 Smith, 1,498; Roger Bowles, 421; Robert Parkerson,

1 209.  
2 COUNCILMAN CROSS: Mayor Smith?  
3 MAYOR SMITH: Councilman Cross.  
4 COUNCILMAN CROSS: I move to accept the first  
5 reading of Bill 04-8, waive the rule and place the  
6 Bill on the second and final reading.  
7 COUNCILMAN EVANS: Second.  
8 MAYOR SMITH: Motion and a second. Any discussion?  
9 (No response.)  
10 MAYOR SMITH: All in favor, please say "aye".  
11 (All said aye.)  
12 MAYOR SMITH: Opposed, same sign.  
13 (No response.)  
14 MAYOR SMITH: Madame Clerk?  
15 MS. SWENSON: Second reading of Bill 04-8,  
16 declaring the results of the Tuesday, February 3,  
17 2004 Gladstone Primary Election, and that the  
18 names of Les Smith and Roger Bowles shall appear  
19 on the Tuesday, April 6, 2004 General Election  
20 ballot as candidates for (1) three year position  
21 on the Gladstone City Council. Certified results:  
22 Les Smith, 1,498; Roger Bowles, 421; Robert  
23 Parkerson, 209.  
24 MAYOR SMITH: Councilman Cross.  
25 COUNCILMAN CROSS: Mayor Smith, I move to accept  
26 the second and final reading of Bill 04-8 and

1 enact the Bill as Ordinance 3.902.  
2 MAYOR SMITH: Could I get you to agree to 3.899?  
3 COUNCILMAN CROSS: Yes. I'll stand corrected as  
4 usual, thank you. My fault, I didn't look at it.  
5 (Off the record.)  
6 MAYOR SMITH: Will you call the roll, please?  
7 MS. SWENSON: Councilman Joe Evans?  
8 COUNCILMAN EVANS: Aye.  
9 MS. SWENSON: Councilman Carol Rudi?  
10 COUNCILMAN RUDI: Aye.  
11 MS. SWENSON: Councilman Bill Cross?  
12 COUNCILMAN CROSS: Aye.  
13 MS. SWENSON: Mayor Les Smith?  
14 MAYOR SMITH: Aye. Bill 04-8 has been enacted as  
15 an Ordinance Number 3.899 as of this date.  
16 ITEM NUMBER TWELVE:  
17 MAYOR SMITH: Item 12 is the approval of a Building  
18 Permit, for a new facade and storefront at 6407  
19 Northeast Antioch Road, Applicant/Owner Richard  
20 Hawkins. This is Building Permit Number 04-0068.  
21 We would first like to hear from Staff, and then  
22 we'll give the Applicant an opportunity to make  
23 comments.  
24 MR. WINGERSON: Mayor Smith and members of the  
25 Council, Staff suggested this item on the Regular  
26 Agenda to have this discussion, and the Owner of

1 the property is Mr. Rich Hawkins who's with us  
2 tonight. This is the building that's on Antioch  
3 Road, across from White Chapel Cemetery, that was  
4 damaged significantly, and in fact, in our  
5 opinion, a total loss from the tornado in May. To  
6 date, there's been no restoration activity,  
7 however there has been some clean up and  
8 demolition on the exterior of the property. Staff  
9 is suggesting two conditions upon this Building  
10 Permit approval. First, is that the Owner remove  
11 the south drive at Northeast 64th Street. That is  
12 really a follow through on a commitment for a  
13 Special Use Permit for a daycare prior to the  
14 tornado, and would like to make that a permanent  
15 change to improve the safety of that intersection.  
16 The second requirement is that the Owner treat the  
17 exterior of the building on the south side or the  
18 back side of the building that faces the single-  
19 family subdivision south, and provide some  
20 additional landscaping as an additional buffer.  
21 Mr. Hawkins, I'm just concerned about both of  
22 those requests and I'll find it appropriate to  
23 allow us to listen to discussion. I'd be glad to  
24 answer any questions that you have at this point.  
25 MAYOR SMITH: Any questions of Mr. Wingerson?  
26 COUNCILMAN CROSS: So up to this point with what

1       you said, Mr. Wingerson, the only thing he has  
2       done is to clean the place up.

3       MR. WINGERSON: They've cleaned the place up  
4       probably in the last forty-five to sixty days, in  
5       terms of the outside. They've done a significant  
6       amount of interior demolition.

7       COUNCILMAN CROSS: It just appeared to be at first,  
8       that they were trying to repair it already or put  
9       blocks back up. It's all just been cleaning up  
10      and demolition then.

11      MAYOR SMITH: Mr. Hawkins, would you like to make  
12      comments to the Staff and the Council? Give us  
13      your name and address, please, for the record.

14      MR. HAWKINS: My name is Rich Hawkins. I live at  
15      6900 North Quincy, Charleston Harbor subdivision.  
16      I'm the Owner of 6407 Antioch property, and I'm  
17      here and I wondered if you had any questions.

18      MAYOR SMITH: First of all, from the rendering, it  
19      looks like you are going to make significant  
20      improvements to the building and I think that  
21      looks good. Specifically, if you could give us  
22      some reason in your mind why we might want to not  
23      follow Staff recommendations and make those two  
24      conditions part of the approval?

25      MR. HAWKINS: Well, initially when I purchased the  
26      property, I believe, in late 2001, it was with the

1       intention of turning a blighted piece of property  
2       around that everybody around it, and myself and  
3       anybody else may be proud of, was the intentions  
4       of coming up with the concept, an image like this.  
5       The first thing I had to do was evict some tenants  
6       that I didn't believe would be successful in this  
7       image here. Once I did get the daycare and the  
8       learning center, everybody is aware of that, then  
9       the building somewhat turned around. I had a crew  
10      that was scheduled to show up on a particular  
11      Monday to start improving the image of the  
12      building, drastically improving, much like, I've  
13      had some recent accomplishments. One being the  
14      TCBY yogurt selling business, and turned it around  
15      to, what I believe to be, a successful restaurant  
16      that I think will be there for years to come. I  
17      predict the restaurant will be a landmark, much  
18      like Hayes or Bryant's or something like that.  
19      It's currently owned by a family that will be in  
20      the business for years to come, and I was careful  
21      in selecting that tenant for that piece of  
22      property, and I think that I've turned the piece  
23      of property around successfully. Another piece of  
24      property was on Antioch, the Professional Plaza at  
25      Antioch and Englewood, which was blighted when I  
26      took this piece of property over, had been more

1           than half empty. I brung a tenant that is  
2           Creekwood Family Care, part of KU, over. They're  
3           very successful in there. I don't know if anybody  
4           has walked the property, but the front, in my  
5           opinion, looks pretty well, and every square inch  
6           of that property was manicured, all the way to the  
7           back of the building, the inside of the building,  
8           both sides of the building, the inside of the  
9           building. Has anybody toured that property, the  
10          inside of the property, the common parts?  
11         COUNCILMAN CROSS: Yes, sir, many times. It looks  
12         fine.  
13         MR. HAWKINS: I mean up to date, since I've taken  
14         the property over? I do this part time. I've  
15         been known to be slow, and there's no doubt about  
16         that I'm a little slow because I'll settle for no  
17         less than high quality workmanship. I've turned  
18         some of these properties around and that is my  
19         goal with this piece of property. Again, as I  
20         said, I had a crew showing up on a Monday, the  
21         tornado happened Sunday and slowed things down.  
22         Some of the tenants in this building were not  
23         insured for this type of thing. I've been faced  
24         with loss of rent, keeping the grass cut which I  
25         have done, out-of-pocket boarding up, out-of-  
26         pocket cleaning up the tornado debris, which I

1 don't know if everybody here can remember what  
2 that looked like, but you couldn't even drive on  
3 that parking lot. It was telephone poles, it was  
4 trees, and they weren't my trees, they was other  
5 people's trees, and I don't have a problem with  
6 that, and other people's buildings, and I cleaned  
7 it up, countless man hours and labor and cost of  
8 doing that. I realize that it has been a sore eye  
9 for that part of the community in the last ten  
10 months. With debating with the insurance company  
11 which was the right thing to do and other  
12 difficulties with the property, getting it turned  
13 around and expenses in developing this image, it's  
14 taken some time. I know I haven't been perfect in  
15 keeping the image up to date perfect, but I have  
16 kept it boarded up and kept it mowed and in my  
17 mind, in my mind, I am planning on doing this to  
18 the building, and that is my intentions. On the  
19 back of the building, here's my plans to date, and  
20 I've only got two of them.

21 MAYOR SMITH: Is this the look that you had  
22 anticipated prior to the tornado? I mean, did you  
23 already have this plan?

24 MR. HAWKINS: Not exactly, no. This is a little  
25 bit updated and is a little bit better in  
26 appearance, although the plan that I had was ample



1 in appearance, in my opinion.

2 MAYOR SMITH: Well, if I could, just specifically  
3 to the two conditions, especially since it seems  
4 to be in concert with your desire to dress up the  
5 property and make it look nice. What is the  
6 objection to condition number two, which states,  
7 "Dress up the south side of the building with  
8 landscaping or facade work to the block wall"?  
9 And again, I have looked, if the answer is on  
10 these plans. Obviously, in my mind, that is the  
11 side that the people who live in that neighborhood  
12 see and you know, you're right, I think they're  
13 very frustrated with the fact that, and I  
14 understand you were negotiating with the insurance  
15 company, to get the property cleaned up after the  
16 tornado because some of the debris, in fact, was  
17 blowing in their yards, so what are you doing on  
18 this side of it that might be more visually  
19 appealing to the neighbors?

20 MR. HAWKINS: Well, my plans with the back side of  
21 it is going to be based on the tenant. It could  
22 be a learning center, a daycare. I've talked to  
23 one Christian coffee selling business that wanted  
24 to put a patio back there, maybe have some chairs  
25 and a place to go back and study and things like  
26 that. A salon had wanted a place to go back and

1 sit back there. Whether that will all happen or  
2 mature, it could and it probably won't, but before  
3 I just go and make a commitment, with all due  
4 respect to the City Council, if I start throwing  
5 trees up that aren't planned yet, not knowing what  
6 tenants are going to be there or if the whole  
7 building is going to be occupied by one tenant, my  
8 budget just won't call for that right now. I'm  
9 under a pretty tight budget and you know, with my  
10 experience with these buildings, whenever you  
11 think it's going to be a certain amount, it's  
12 usually about three times that amount, and I just  
13 didn't want to make a commitment saying I was  
14 going to put X amount of trees back there because  
15 I can assure you, I can draw up some plans that  
16 would make you happy but to stand here and say,  
17 "Well, that's the plan and I'm going to be able to  
18 carry it through to exactly," that plan, I'd be  
19 just lying. Although I do have plans of making  
20 the back of that building, as in my words, as  
21 beautiful as the front is going to be. I think my  
22 history in the past with the other buildings, if  
23 you look at the back of the other buildings,  
24 they're equally manicured and as nice as the  
25 fronts.  
26 MAYOR SMITH: Would you be willing, and I can

1 understand that, that you don't want to put in  
2 something that you'll ultimately need to remove to  
3 accommodate a tenant, but would you be willing to  
4 reach some agreement with our Staff as to what, in  
5 concept, it might look like and perhaps be willing  
6 to, I don't know if it's possible to escrow funds  
7 for or make some condition of revocation of a  
8 permit or what not, to see that that does  
9 ultimately happen. I mean, I can understand you  
10 wanting to wait until you see what you need to do  
11 and then doing it, but once we reach that point, I  
12 think we need some assurance that it will happen.  
13 MR. HAWKINS: Absolutely. I mean, I would be  
14 willing to say that if you drove up there when the  
15 building is completed and you didn't like it and I  
16 didn't perform and it didn't look good and you  
17 didn't think it looks like a brand new building,  
18 I'll stop what I'm doing and do whatever you want.  
19 I mean, there's going to be probably some various  
20 tenants that go in there that's going to request  
21 some permits and things like that, that I know  
22 that they're probably going to be back here, and  
23 there's no doubt that the building is going to  
24 look new. I mean, that's just the way it is. I  
25 mean, if something comes up in the future where  
26 you wasn't happy, I would be glad to accommodate

1       whatever that you'd be asking for and, you know,  
2       it wouldn't be that hard. We're talking about  
3       some landscaping.

4       MAYOR SMITH: Mr. Davis, how can we tie something  
5       along those lines down, or is that something that  
6       needs to be discussed with Counsel before we take  
7       action?

8       MR. DAVIS: I would prefer to discuss that with  
9       Counsel and see that it was the most appropriate  
10      tool that might tie down this obligation and give  
11      the Applicant the opportunity to develop a  
12      business plan, if you will, for the building.  
13      It's really at the Council's direction.

14      MAYOR SMITH: Is it your intention, Mr. Hawkins, to  
15      start right away on this?

16      MR. HAWKINS: Yes. Actually, I was going to start  
17      two weeks ago. I was issued a Roof Permit to put  
18      the roof on. I had contractors who were going to  
19      rough in and start this, and I was kind of delayed  
20      for the last two weeks. So that's just that much  
21      more time that that building's sat.

22      MAYOR SMITH: To get this issue off dead center,  
23      would you be willing if we would give you - if,  
24      I'm saying, because we still have another major  
25      issue to address - if we were willing to give you  
26      approval subject to you working out such an

1       agreement with our Staff. That could be two days,  
2       depending on how you all work together, or it  
3       could be two weeks or two months, but at least  
4       you'd know that the ball is kind of in your court  
5       and you know, we're only looking out for  
6       everyone's best interest to come to some agreement  
7       and you can get started. That would be better  
8       than saying, you know, no tonight and make you  
9       come back in two weeks for sure. You might want  
10      to make it happen sooner than that.  
11      MR. HAWKINS: Absolutely.  
12      COUNCILMAN CROSS: Mayor Smith?  
13      MAYOR SMITH: Councilman Cross.  
14      COUNCILMAN CROSS: Also, and Mr. Hawkins is not  
15      aware of this, but some of us have received many,  
16      many phone calls from those neighbors wanting to  
17      know, "Can't we do something to help him get that  
18      cleaned up?" I've even had people come up here to  
19      City Hall and in open discussion, complain about,  
20      "Why doesn't the owner clean that place up?" or,  
21      "The debris is coming all over in our yard", and  
22      you made mention that you move rather slow and try  
23      to be very careful with the moves that you make  
24      and you know, that sounds well and good but I'm  
25      like Mayor Smith, I think if we can get - we like  
26      the idea of that, but boy, we've caught an awful

1 lot of heat in the last ten months about the way  
2 the place has looked since the tornado. We can  
3 sympathize, but we have a lot of citizens who are  
4 very upset about it, that nothing was done.  
5 MR. HAWKINS: I can certainly understand that and I  
6 sincerely apologize for that, but I really put my  
7 best foot forward to clean up all this. You  
8 wouldn't imagine all the debris I cleaned out of  
9 that, I mean there was just no stopping it. A  
10 week or two later, a wind storm would come up and  
11 more debris would show up, insulation, paper, this  
12 and that. I cleaned up the back of the church  
13 property because some of my debris had went on  
14 their property. Well, a lot of other people's  
15 debris went on that property too and so to do it  
16 right, I cleaned the whole thing. There was an  
17 air conditioning compressor hanging off the back  
18 of the building, just hanging there, and it was  
19 there all summer and it looked really bad. And  
20 you know, I thought, you know, to get up there and  
21 just take that thing off, I should, but I think I  
22 should be compensated from the insurance company  
23 for having a professional HVAC man up there. So  
24 here awhile back, we were doing some of the clean  
25 up in preparation to get these permits and I was  
26 up on the roof myself with some contractors and I

1        said, "Hey, let's push this thing off", so we  
2        started pushing and there was still some  
3        electrical wires, and I, of course, had the  
4        electricity shut off the building and there's  
5        still some freon. The freon lines break and shot  
6        up and it was a very, it just shhh for the longest  
7        time, it just shot everywhere, and I was right. I  
8        had no business not having a professional up there  
9        disconnecting that. I mean, I didn't stop and  
10       think maybe it was still loaded with freon, and  
11       that's the point I'm trying to make and even to be  
12       up on the roof and handling some of these  
13       dangerous things without a professional, but the  
14       air conditioning compressor is removed now.  
15       MAYOR SMITH: The other item is the driveway  
16       approach you've got on the south entrance off of  
17       Northeast 64th Street and as I recall, the last  
18       approval that we gave for that property as a  
19       daycare and that was a condition at that time, and  
20       it never was completely closed off. I'll be  
21       honest with you, this is a deal breaker for me. I  
22       will not support this application unless that  
23       drive is closed off. We discussed it at length  
24       last time, that it becomes a safety issue. If  
25       there were some reasonable or acceptable  
26       compromise, if you will, for ingress and egress

1       that we can work out, what are your thoughts on  
2       that?  
3       MR. HAWKINS: My thoughts on that, I don't think  
4       that that driveway is really necessary for various  
5       tenants, although the last time we had this  
6       conversation, it would be blocked off. I went out  
7       there and designed and spent some money on a  
8       design to block that off, and I had some  
9       contractors out there doing it and I think his  
10      name was Chuck, the Fire Marshall, showed up and  
11      didn't like it and he didn't think that it should  
12      be permanently enclosed, it should have some type  
13      of application where it can be removed in case of  
14      a fire, so I stopped and changed the design and  
15      came up with what is currently there, the copper  
16      dome thing, and I thought it looked good. I  
17      actually designed it. It probably doesn't look  
18      that good. It was for the safety of the daycare,  
19      which I understand that. Now that the daycare is  
20      gone, long gone, possibly could come back, another  
21      tenant in particular, a florist selling business  
22      that could cater to maybe across the street or  
23      what have you, I don't know, really wants that to  
24      be open. Which I think that once the tenants or  
25      tenant is in there and sees that it's closed and  
26      it shouldn't hurt their business, I think they



1        would be okay with it. However, I've talked to -  
2        there's been some discussion about a bank location  
3        and having a drive-thru and needing to be able to  
4        access off of 68th Street. My feelings are, I  
5        could live without it, but the breaker is it's  
6        back to the budget, that you know, that I need to  
7        escrow the \$2800 to close it off. I had it closed  
8        off and I thought I had it looking good and as far  
9        as the safety is people cutting through the  
10       parking lot, people drive through that parking lot  
11       to avoid a traffic signal.

12       MAYOR SMITH: Here's kind of the deal. Had you  
13       closed it off permanently the last time, we  
14       wouldn't have to have this discussion this time,  
15       and I think that's why we're looking for a  
16       permanent solution to the problem. Mr. Davis,  
17       have we had any discussions today regarding some  
18       alternatives to that point of ingress and egress?

19       MR. DAVIS: We've had several discussions relative  
20       to the design of what would basically stand by  
21       Pleasant Valley Road and T into Antioch in a much  
22       more defined fashion than the current merger.  
23       That would require a stop sign and I believe -  
24       Andy, are you the engineer on that? Where are you  
25       at on the design of that curve?

26       MR. NOLL: The plan is out for bid right now, for

1       modification of the curve radius.

2       MR. DAVIS: And that's for construction?

3       MR. NOLL: Correct.

4       MR. WINGERSON: Mayor Smith, Mr. Noll and I had a

5       brief conversation about alternatives to allow the

6       driveway to remain open. One alternative would be

7       to construct a raised median in that vicinity. In

8       effect, that would limit that driveway to a right

9       hand in eastbound and a right hand out westbound,

10      if you can picture that. Certainly a suitable

11      alternative would require a right-of-way

12      reservation from Mr. Hawkins, as well as a much

13      different level of escrow. The current escrow,

14      just so that we're speaking factually, the request

15      is \$2,350, not \$2,800. Between Andy and I, we

16      would estimate between \$50,000 and \$75,000 to

17      install a raised median in addition to the right-

18      of-way relocation, or the right-of-way

19      reservation.

20      MAYOR SMITH: You don't like that one as well, huh?

21      MR. HAWKINS: I don't have a problem with losing a

22      driveway. I mean, if that's what has to happen,

23      that's fine, but I don't have it in the budget,

24      the \$2,800, and with all due respect, the way I

25      see it, that if this is something that the City

26      wants, that's fine. I can give my ingress and

1 egress, which is in my opinion, valuable to that  
2 property and valuable to the tenants, several  
3 different tenants. I just don't have it. I just  
4 don't think it's fair that I pay for it.

5 MAYOR SMITH: Well, and I hope you understand we're  
6 not doing it to be arbitrary in any way. We think  
7 it's a safety issue, and we have to not only  
8 protect the tenants, but the people who frequent  
9 that building, and we consider it a safety issue  
10 for everyone in that area, not to mention what  
11 might come down the pike in the future, so that's  
12 kind of where we're coming from. Does Council  
13 have any comments?

14 MR. HAWKINS: On the safety issue, sir, with all  
15 due respect, it's blocked off now and I thought it  
16 would be more safer to turn in that way and turn  
17 out that way than to try to navigate around that,  
18 what I call hairpin turn, and come into the  
19 property.

20 MAYOR SMITH: Mr. Wingerson, can you better  
21 articulate our issues and concerns there, than I  
22 did? It wouldn't take much, I understand.

23 MR. WINGERSON: It was a Special Use Permit for the  
24 daycare and I'm sorry, Mary and I were having a  
25 side conversation, but hopefully I'll answer your  
26 question anyway. When the Special Use Permit for

1 the daycare was approved, the Planning Commission  
2 and the Council had significant discussion about  
3 that driveway, and the installation of the locking  
4 device or whatever you want to call that was  
5 really a compromised position on, I think,  
6 everybody's part, The Council's, the Commission's  
7 and the Staff's part. I think what we're  
8 suggesting now is that the building is  
9 significantly more than fifty percent damaged by  
10 the tornado which requires that current building  
11 codes and development standards be applied to the  
12 property. In effect, that's what we're doing, at  
13 the same time, trying to be aware of Mr. Hawkins'  
14 concerns. Unfortunately, with the reconfiguration  
15 of Antioch Road, 64th Street and a couple of other  
16 side streets there that impact on that  
17 intersection, we just don't see any way to leave  
18 that driveway open. It wouldn't be appropriate or  
19 safe to allow that to occur.

20 MAYOR SMITH: Any comments from the Council?

21 COUNCILMAN RUDI: I have a question. With this  
22 building fifty percent damaged or more, would we  
23 need to also require sidewalks?

24 MR. WINGERSON: There's not - that's an excellent  
25 question, Ms. Rudi. I don't think so. We have  
26 significant plans for Antioch Road there based on

1 much different criteria than applicable to Mr.  
2 Hawkins, as well as changes on the whole way that  
3 works. St. Andrews Church did provide a lot of  
4 money and provided that curb and guttering.  
5 MAYOR SMITH: We're not requiring any escrow for  
6 that road improvement or sidewalks in front of  
7 this property?  
8 MR. WINGERSON: Well beyond the scope of this  
9 project, the renovation. Does that answer your  
10 question?  
11 MAYOR SMITH: Yes.  
12 COUNCILMAN EVANS: Mayor Smith?  
13 MAYOR SMITH: Councilman Evans.  
14 COUNCILMAN EVANS: I have a question for Director  
15 Adamo. Do we have any issues of fire safety  
16 standing out if we close this drive permanently?  
17 DIRECTOR ADAMO: No.  
18 MAYOR SMITH: Anything else?  
19 (No response.)  
20 MAYOR SMITH: Thank you, Mr. Hawkins. I'm sorry,  
21 do we have any other comments?  
22 MR. HAWKINS: I'm just here to say if we need to  
23 lose a driveway, fine, we can lose a driveway.  
24 What I'm trying to do, as I indicated, I will do,  
25 if Council will just have some compassion and  
26 waive the \$2,300 or \$2,800 or whatever it is,

1       escrow, I'm find with it, I mean whenever it will  
2       happen, and I'll keep the driveway blocked until  
3       the plans mature. I'm here to work with the City,  
4       I want to make the City happy. I want to do some  
5       nice things in terms of fixing older buildings up  
6       and older properties and bring in come quality  
7       businesses to these buildings, and I think I can  
8       accomplish that.

9       COUNCILMAN RUDI: Mr. Hawkins, if you were here in  
10      the previous public hearing, we had an issue of an  
11      escrow come up, and that's not something that we  
12      normally just drop or waive. It's standard  
13      business practice and I don't think that we want  
14      to start a precedent by doing that. It's nothing  
15      personal, it's just the way that we think of  
16      things. Mayor Smith, I would feel much better if  
17      Mr. Hawkins could get with Staff between now and  
18      the next meeting and go over this again and see if  
19      they can get these issues ironed out, rather than  
20      even doing a half-hearted approval.

21      MR. HAWKINS: Would you consider an exception to a  
22      tornado victim?

23      COUNCILMAN RUDI: We have had some homes that were  
24      damaged and we couldn't make exceptions for them  
25      either.

26      MR. WINGERTSON: I will go along with whatever the

1 rest of the Council wishes. I was trying to be  
2 somewhat compassionate in giving you a conditional  
3 approval, if you will, which then kind of, like I  
4 said, put the ball in your court to work it out  
5 with our folks. It sounds like that at the very  
6 best, that's what we can do, but we're more likely  
7 to not do anything until it gets worked out. What  
8 is the Council's preference with this?

9 COUNCILMAN CROSS: My feelings are just like Mayor  
10 Smith's, just like Ms. Rudi's, I think you should  
11 get together with Mr. Wingerson and your City  
12 Manager and work out and be a little bit more  
13 specific about what they're going to do. I like  
14 the looks of this and what he plans on doing, but  
15 I think there's certain things that still need to  
16 be ironed out before we give a final approval on  
17 it.

18 COUNCILMAN RUDI: Yes, I think it's a very  
19 attractive improvement to that building. Part of  
20 what makes it attractive is all that landscaping  
21 that's around it and we're talking about waiting  
22 on that, so that's part of my problem too.

23 MR. HAWKINS: Thank you very much for the  
24 compliments. One last thing I wanted to say about  
25 landscaping, that is a concept and there will be  
26 some landscaping, but can I point out some areas

1 here? Some of these trees, I mean, some of these  
2 trees are almost on the easements over here and  
3 the street goes by here and you know, some of  
4 these different trees exactly like that, there  
5 will be some along here, but I won't be able to  
6 make it look exactly like that. But I mean, I  
7 will do my best and I think that you'll be proud  
8 of it and I think the complaints will vanish.

9 MAYOR SMITH: Counselor, let me ask a question,  
10 please? If the Building Permit were to be denied  
11 this evening, could he reapply and be on our next  
12 Council Agenda without additional fees?

13 MR. WINGERSON: We don't know of any additional  
14 fees, should a permit be denied. Certainly the  
15 Council could continue the discussion as you've  
16 suggested, or Council could approve it with the  
17 Staff recommended conditions, and it would be up  
18 to Mr. Hawkins whether or not he chose to comply.

19 MAYOR SMITH: I think the Applicant prefers, and I  
20 don't want to put words in your mouth, that we get  
21 this off dead center. So what if the Council were  
22 to make a motion to approve the permit with the  
23 conditions as stipulated, and it would be up to  
24 Mr. Hawkins to either comply or work something out  
25 to satisfactory with us in the meantime. Would  
26 anyone like to entertain a motion?



1 COUNCILMAN CROSS: So moved that we do.  
2 COUNCILMAN EVANS: Second.  
3 MAYOR SMITH: So the motion and the second is for  
4 approval of the Building Permit with two Staff  
5 conditions. Is that correct?  
6 COUNCILMAN CROSS: Yes.  
7 MAYOR SMITH: Is there any discussion?  
8 (No response.)  
9 MAYOR SMITH: Madame Clerk, call the roll, please.  
10 MS. SWENSON: Councilman Joe Evans?  
11 COUNCILMAN EVANS: Aye.  
12 MS. SWENSON: Councilman Carol Rudi?  
13 COUNCILMAN RUDI: Aye.  
14 MS. SWENSON: Councilman Bill Cross?  
15 COUNCILMAN CROSS: Aye.  
16 MS. SWENSON: Mayor Les Smith?  
17 MAYOR SMITH: Aye. The Building Permit has been  
18 approved with Staff conditions attached, and I  
19 guess that at this point, it's a matter of whether  
20 or not you can work something out with Mr.  
21 Wingerson relative to changing any of those  
22 conditions and bringing it back before the  
23 Council. If he does not recommend any changes of  
24 the conditions, then you have a Building Permit if  
25 you comply. If you don't comply, then you don't.  
26 ITEM NUMBER THIRTEEN:

1 MAYOR SMITH: Item 13 is Resolution R-04-12,  
2 amending the 2004 Annual General Fund Budget,  
3 Combined Water and Sewerage System Fund Budget,  
4 and Municipal Pool Fund Budget for the City of  
5 Gladstone, Missouri, and authorizing expenditure  
6 of funds. Revised General Fund Budget, revenue  
7 \$13,251,819, expenditures \$13,168,980. Revised  
8 CWSS Fund Budget, revenue \$6,219,284, expenses  
9 \$6,219,284. Revised Municipal Pool Fund Budget,  
10 revenue \$297,307, expenses \$297,307.  
11 COUNCILMAN CROSS: Mayor Smith?  
12 MAYOR SMITH: Councilman Cross.  
13 COUNCILMAN CROSS: I move to approve Resolution 04-  
14 12.  
15 COUNCILMAN RUDI: Second.  
16 MAYOR SMITH: Motion and a second. Any discussion?  
17 (No response.)  
18 MAYOR SMITH: All in favor, please indicate by  
19 saying "aye".  
20 (All said aye.)  
21 MAYOR SMITH: Opposed, same sign.  
22 (No response.)  
23 MAYOR SMITH: Resolution R-04-12 has been approved.  
24 ITEM NUMBER FOURTEEN:  
25 MAYOR SMITH: Item 14. Is there any other business  
26 to come before the Council this evening?

1 (No response.)

2 ITEM NUMBER FIFTEEN:

3 MAYOR SMITH: Any questions from the news media?

4 (No response.)

5 ITEM NUMBER SIXTEEN:

6 MAYOR SMITH: Hearing none, we stand in

7 adjournment.

8 (End of Proceeding.)

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1 REPORTER'S CERTIFICATE

2

3 I, JANET H. WIMER, Certified Court Reporter,  
4 Certified Shorthand Reporter, Certified Verbatim  
5 Reporter, do hereby certify that I personally appeared  
6 at the taking of the proceeding as set forth in the  
7 caption sheet hereof; that I then and there took down  
8 by use of the Stenomask closed microphone, the  
9 proceedings had at said time and that the foregoing is  
10 a full, true and correct transcript of such proceeding.

11

12

13

14

15 Janet H. Wimer, CCR-CSR-CVR  
16 Action Court Reporters, Inc.  
17 P.O. Box 11066  
18 Kansas City, MO 64119  
19 (816) 454-4224

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23

24

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, FEBRUARY 23, 2004**

**OPEN STUDY SESSION: 6:15 PM**

**REGULAR MEETING: 7:30 PM**

**A G E N D A**

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.

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **APPROVAL OF REGULAR FEBRUARY 9, 2004 CITY COUNCIL MEETING MINUTES.**
- 4a. **SPECIAL PRESENTATION – Pete Hall**
5. **CONSENT AGENDA.**

**RESOLUTION R-04-13**, authorizing the sale of a tract of real estate owned by the City, located at the northwest corner of 72<sup>nd</sup> Street and North Campbell, to James and Rebecca Robb, as surplus property.

**RESOLUTION R-04-14**, authorizing transfer of a tract of real estate owned by the City, located at 104 Northeast 72<sup>nd</sup> Street, with retention of road right of way and utility easements to RAN Properties, L.L.C.

**RESOLUTION R-04-15**, authorizing execution of a contract with Charles Termini, D/B/A Sunny Concessions, for operation of the concession stands in the City park system.

**APPROVAL OF A BUILDING PERMIT:** for demolition of the northern portion of the Gladstone Commons structure at NE 64<sup>th</sup> Street and North Oak Trafficway for construction of the new Walgreens and exterior remodel of existing structures, including Dominic's Pizza and Pasta. Applicant: L.S. Construction Services. Owner: Gladstone Commons, LLC (c/o L.S. Commercial). (BP 04-0054)

**APPROVAL OF A BUILDING PERMIT:** for construction of a retail store for Walgreens to be located at 6320 North Oak Trafficway. Applicant: H.T. Paul Co. Inc. Owner: Mission River, LLC. (BP 04-0057)

**APPROVAL OF A BUILDING PERMIT:** for construction of a convenience store and gas station located at 4901 North Old Pike Road. Applicant: Warman Design Group Architects, P.C. Owner: SACO Petroleum. (BP 04-0053)

**APPROVAL OF FINANCIAL REPORT** for the month of January 2004.

## **REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
- 7a. Appointment of Caitlin Nichols, Freshman from Winnetonka High School, as Student Member to the Sister City Commission.
8. **Communications from the City Manager.**
9. **SECOND READING BILL 04-5,** approving a Site Plan Revision for property at 7117 North Prospect, and specifically relating to construction of a retail addition and drive-thru canopy.
10. **SECOND READING BILL 04-6,** 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.
11. **SECOND READING BILL 04-7,** approving a Site Plan Revision for property at 7117 North Prospect, and specifically relating to construction of a convenience store with petroleum.
12. **FIRST READING BILL 04-9,** 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 25 miles per hour and designation of a school zone for sections of North Antioch Road and Pleasant Valley Road in the area of St. Andrew's School.
13. **Other Business.**
14. **Questions from the News Media.**
15. **Adjournment.**



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

**MONDAY, FEBRUARY 23, 2004**

**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 February 23, 2004, 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 FEBRUARY 9, 2004  
CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular February 9, 2004 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.**

**SPECIAL PRESENTATION – Pete Hall**

Mayor Smith stated it was his understanding Mr. Pete Hall would like to address the Council on business, tonight, and invited Mr. Pete Hall to approach the dais. Mayor Smith stated about 15 years ago, a group of people began an enterprise that became known as the Gladstone Economic Betterment Council (GEBEC). GEBEC has been very instrumental in a number of programs throughout the City in addition to just what might be considered economic development. Mayor Smith continued by saying Mr. Hall, until recently, was not only the first, but the only Chairman of GEBEC, and he believed there were only two people who have been members since the beginning (himself and Mr. Hall).

Mayor Smith stated it has been long said, "dignity is not in attaining rewards, but in deserving them", and Mr. Hall, as much as anyone in the community, deserves them. Although Mr. Hall has many plaques to put on his wall, Mayor Smith stated he and City Council, on behalf of the City, would like to give him one more, and in fact go one step further. Mayor Smith read and presented to Mr. Hall a framed certificate recognizing his service to the Gladstone Economic Betterment Council. Mayor Smith stated there was a second special presentation, because Mr. Hall has made such an impact on so many in this community, and children are dear to his heart. Mayor Smith asked Public Safety Officer/D.A.R.E. (Drug Abuse Resistance Education) Coordinator LeAnn Smith to step forward.

Officer Smith began by saying the City of Gladstone is involved in a D.A.R.E. summer program, which is not funded through the City, but is funded through donations. Counselors in all Gladstone's elementary schools are asked for a list of 10 students from their schools that they consider "high risk" children. Officer Smith explained that these may be children that have a difficult time at home and would benefit from a summer camp type program. The summer program usually benefits 30 to 40 children who spend three days with the D.A.R.E. officers doing fun activities. The camp includes bowling, swimming, roller-skating, fishing, and so forth. Snacks, lunches, t-shirts, and other items are provided free of charge. Officer Smith stated many compliments have been received from parents and the children always leave with a smile on their face.

Mayor Smith stated in honor of Mr. Hall's service to our community, he had an award of four summer camp scholarships, made in the name of Pete Hall, in appreciation of the fine work the D.A.R.E. Program has been doing for the community of Gladstone.

Mayor Smith invited Sergeant Richard King to explain the TRY (Teaching and Reaching Youth) Program.

Sergeant King stated Teaching and Reaching Youth is the North Kansas City School District's youth outreach program that was born out of First Lady Nancy Reagan's initiative to work with substance abuse prevention throughout the nation. Sergeant King stated Mr. Hall has worked extensively with this program. Each year in the TRY Program,

Gladstone participates in the Western Regional Teen Institute, which is a leadership program for high school teenagers. The students are nominated by their teachers or counselors to participate in the program. Evelyn Mathis, who has passed away, began this program. A scholarship program has been started in her name, the Evelyn Mathis Memorial Scholarship. Sergeant King stated the students that attend the Western Regional Teen Institute learn how to be leaders, and return to their schools enthusiastic and ready to make a positive impact with their peers and a difference in their schools, in the areas of alcohol, tobacco, and drug abuse prevention.

Mayor Smith presented, in the name of Mr. Pete Hall, three Evelyn Mathis Memorial Scholarship awards to Sergeant King.

Mr. Hall thanked Gladstone, Mayor Smith and City Council members for the recognition and most importantly for making it possible for young people to attend these fine programs. Mr. Hall said there are a lot of good kids who just need a little help, direction, and an opportunity to develop positive self-esteem. These are the types of things that will help young people be better citizens in the future.

Mr. Hall stated he is passionate about a number of things, and one issue that he is most passionate about is recognizing war veterans. Mr. Hall stated our country has fought in 15 wars since its inception. In each and every conflict, our sons and daughters have laid down their lives to keep our country free. Mr. Hall said in 1862, our country was involved in a Civil War, and since that time until now, Clay County has lost over 400 of its sons and daughters to war. There is a group made up of VFW (Veterans of Foreign Wars) Posts, American Legions, concerned citizens, and civic leaders, who for over five years have worked diligently to put together a plan for the Clay County Veterans Memorial. Mr. Hall provided handouts for this project displayed a rendering of the project.

Mr. Hall reported an enormous amount of interest has been generated for the Clay County Veterans Memorial and \$326,000 has been raised. This memorial facility is unique in many ways. There are many entities partnering or participating in making this a reality for Clay County. Mr. Hall pointed out on the rendering a bronze eagle, in the center of the memorial that will be donated by Clay County. Kansas City has set aside \$160,000 to contribute to the memorial, and the Kansas City Parks and Recreation has dedicated land, and will maintain the facility. Mr. Hall stated the City of North Kansas City has contributed \$55,000 to make this project a reality. In addition there have been many private and individual donations. Mr. Hall pointed out the memorial will be located in the Anita Gorman Park at North Oak and Vivion Road, just to the east of the large fountain.

Mr. Hall reported that about 60 percent of the funding goal has been met. Approximately \$487,000 is needed to make this project a reality. Mr. Hall explained \$94,000 has been dedicated from the Kansas City Tourism Fund, and that money must be used by the end of April of this year. Mr. Hall said it is imperative that we go forward with the funding and not back up. This memorial should attract people across Kansas City, and maybe even the Midwest to see how Clay County honors its fallen war heroes. Mr. Hall stated because

Gladstone is a major part of the community, and as this memorial is located just a few short minutes south of Gladstone, and the memorial is in jeopardy of losing a portion of its funds, and honoring our war dead, the people who made the ultimate sacrifice, is the right thing to do, and because this is a permanent memorial facility that will help teach our children and their children about respect and honor for those people who gave their lives for us, Mr. Hall is asking the City of Gladstone for consideration of funding a portion of the Clay County Veterans Memorial in the amount of \$10,000. Mr. Hall stated his was a very short presentation, without a lot of figures and numbers, which he can provide, but he did not feel was appropriate for this evening.

Mr. Hall stated he felt there is a need to honor our fallen heroes and their families. Mr. Hall reported bricks are being sold as a fund-raiser. These bricks are a fitting way to permanently memorialize someone who is a veteran or holds our country in high esteem. There will be a plaque installed just outside the memorial for major contributors, and Mr. Hall will visit each city in Clay County. Mr. Hall pointed out there will be five monoliths that will have the names of all 400 people who have given their lives for their country, and there will be a space for names of those who give their lives in the future. Mr. Hall stated ground would be broken around Memorial Day of this year. Mr. Hall concluded by asking the Mayor and City Council to contribute \$10,000 for the Clay County Veterans Memorial.

Mayor Smith thanked Mr. Hall and stated City Council will give this consideration and will try to fund this project.

**Item 5. on the Agenda.**

**CONSENT AGENDA**

Following the Clerk's reading, Mayor Pro Tem Wayne Beer moved to accept 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**

Mayor Pro Tem Wayne Beer moved to adopt **RESOLUTION NO. R-04-13**, authorizing the sale of a tract of real estate owned by the City, located at the northwest corner of 72<sup>nd</sup> Street and North Campbell, to James and Rebecca Robb, as surplus property. 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 adopt **RESOLUTION NO. R-04-14**, authorizing transfer of a tract of real estate owned by the City, located at 104 Northeast 72<sup>nd</sup> Street, with retention of road right of way and utility easements to RAN Properties, L.L.C. 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 adopt **RESOLUTION NO. R-04-15**, authorizing execution of a contract with Charles Termini, D/B/A Sunny Concessions, for operation of the concession stands in the City park system. 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 a **BUILDING PERMIT** for demolition of the northern portion of the Gladstone Commons structure at NE 64th Street and North Oak Trafficway for construction of the new Walgreens and exterior remodel of existing structures, including Dominic's Pizza and Pasta. Applicant: L.S. Construction Services. Owner: Gladstone Commons, LLC (c/o L.S. Commercial). (BP 04-0054) 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 a **BUILDING PERMIT** for construction of a retail store for Walgreens to be located at 6320 North Oak Trafficway. Applicant: H.T. Paul Co. Inc. Owner: Mission River, LLC. (BP 04-0057). 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 a **BUILDING PERMIT** for construction of a convenience store and gas station located at 4901 North Old Pike Road. Applicant: Warman Design Group Architects, P.C. Owner: SACO Petroleum. (BP 04-0053). 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 REPORT** for the month of January 2004. 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.**

**Dixie Brown, 511 NW 43<sup>rd</sup> Terrace, Kansas City Missouri**, stated she was present at the City Council meeting to talk about the proposed two Great Plains Power Plants, which are coal fired, that are going to be built near Weston, on the Missouri River. Ms. Brown reported the water used in the plants will come from the aquifers under the river, and asked if Gladstone gets its water from the aquifer.

Public Works Director Andy Noll replied that Gladstone does get water from the aquifer.

Ms. Brown reported each plant would use 7,000 gallons of water per minute, or 11,000,000 gallons of water per day. The water will come from the aquifer under the river. This amount of usage is equal to 220,000 people getting water from the aquifer. Ms. Brown stated the question is, who will be the priority the next time there is a drought – our people or the plants. Ms. Brown continued by saying the landfill for the spent coal from the burning process in the plants is in the floodplain, upstream from Northland towns and their water supplies. Ms. Brown stated power plant waste has contaminated both surface and ground water in virtually all environments across the country according to "The Clean Air Task Force Publications", and this is documented by the expanding inventory of damage cases acknowledged by US EPA. Ms. Brown said a judge in Indiana required these wastes to be treated as hazardous wastes and to be subject to those regulations.

Ms. Brown stated the power plants are for speculation, with the power to be sold around the country. It is not for Kansas City use. Ms. Brown said Kansas City is growing at about 2 percent per year in its power use. Ms. Brown said the toxic waste left over from the power plants is to be placed in a landfill on the site of the floodplain, and the waste contains arsenic, mercury, lead, and other toxins, with contamination of the ground water possible. Ms. Brown said mercury is a big concern, as is ozone smog, and the worse air quality is in the Northland. In 2003, Platte County was given a "D" and Clay County an "F" grade by the American Lung Associations.

Ms. Brown explained the reason she is involved, is because she first read about this in January, while recovering from the flu, when she had a lot of residual lung problems. She felt totally debilitated from that. Ms. Brown stated when she read about the air quality, she thought if this is causing problems for people on a daily basis, this was a serious concern for her. Ms. Brown concluded by saying she wanted to bring this information to the City Council and be on record with her concerns. Ms. Brown provided a handout to Mayor Smith, who asked copies be made after the meeting.

City Manager Kirk Davis asked if the handout listed the licensing authority.

Mayor Smith replied the handout reads that Great Plains Energy is an unregulated parent company of KCP&L. Mayor Smith thanked Ms. Brown, and asked City Manager Davis if this issue poses a concern to Gladstone's water supply.

City Manager Davis replied Gladstone does get water from the aquifer, and the City analyzes every portion of its water system – the wells and the aquifer. City Manager Davis stated there was a study in the mid 80's that indicated there was plenty of water for the 21<sup>st</sup> century, but if the information is correct, then this issue needs to be investigated.

Mayor Pro Tem Wayne Beer stated if the proposed power plants have water usage equivalent to a quarter of a million people, that is significantly greater water usage than had been previously anticipated. Councilman Beer said, although he is not an expert in this by any means, the Missouri River water levels are down significantly due to widespread drought all along its watershed, and resultant effect of that is that our aquifer levels have

dropped to some degree. Couple that issue with the large amount of water usage projected by these two plants, this could have a significant effect on our water supply in the short term.

Larry Whitton, 3308 NE 70<sup>th</sup> Street, Gladstone, Missouri, stated he had a suggestion as to how to raise the \$10,000 needed for the Veterans Memorial. Mr. Whitton stated some years ago when he was a member of City Council, the City had a contract with an outside sign company for outdoor advertising on a small strip of Gladstone property on the highway. That was taken away a few years ago, and he would ask the City Council to consider asking the City Manager to contact that company to reinstate the contract with them. Mr. Whitton stated he believed that contract for one year would pay for the donation to the Veterans Memorial.

Mayor Smith inquired into the amount of the most recently negotiated contract with the sign company.

City Manager Davis replied the most recently negotiated contract was \$7,500.

Mr. Whitton stated he believed the company was willing to go up to \$11,000 or \$12,000.

City Manager Davis stated the company was willing to go up to \$11,000 after the fact.

Mr. Whitton stated, given the economic times, perhaps the City could look into entering into a contract again for the advertising, and fund Mr. Hall's request.

Mayor Smith thanked Mr. Whitton for his remarks.

Karen Othic, 7105 N. Holly Court, Kansas City, Missouri, stated her child has attended St. Andrew's School for four years, and the speed limit is 35 miles per hour. Ms. Othic stated she supported the reduction of the speed limit to 25 miles per hour, as will be presented for City Council's consideration later on the agenda. Ms. Othic said she has seen several close calls on the road by St. Andrews and does support the reduction in the speed limit.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Joe Evans** stated Mr. Whitton does bring up a good point with regard to creating an innovative source of revenue, and he would like the City to pursue that. Councilman Evans continued by saying Mr. Hall has presented an admirable plan, and the City does need to find the revenues for that, as well as an additional ambulance for Public Safety Director Adamo.

**Councilman Carol Rudi** congratulated Finance Director Cash Sweiven on a successful Cable audit, which brought \$13,614.00 to the City. Councilman Rudi stated in Council's packet was a brochure put out by Public Works that talks about how we rate our streets. It

has some definitions of criteria for street repair and pictures. Councilman Rudi commented she thinks the brochure is very nice and hopes it is available for all to have one. Councilman Rudi congratulated Mr. Hall on his recognition.

**Councilman Bill Cross** stated he would be attending the Missouri Municipal League's Legislative Conference this week and will have an opportunity to be with our state Senator and Representatives, and may have an opportunity to promote the Veterans Memorial on the state level. Councilman Cross stated he has worked with Mr. Hall with young people, and knows the importance of providing positive opportunities for youth, and he is pleased to see Evelyn Mathis remembered with a memorial scholarship.

**Mayor Pro Tem Wayne Beer** had no comments at this time.

**Mayor Les Smith** had no comments at this time.

**Item 7a. on the Agenda.** Appointment of Caitlin Nichols, Freshman from Winnetonka High School, as Student Member to the Sister City Commission.

Mayor Pro Tem Wayne Beer moved to appoint Caitlin Nichols as student member to the Sister City Commission. 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** advised there would be a Special Road District #3 meeting tomorrow at 2:00 PM in his office. Mr. Davis reported that on March 8<sup>th</sup>, Gladstone will be working with the City of Kansas City, Missouri in hosting an official from the Republic of Ukraine, who will be with Gladstone staff for a day learning about different aspects of our municipal operation and Staff looks forward to greeting him.

Councilman Beer remarked it came to his attention this evening that Caitlin Nichols is a granddaughter of Freddie Nichols.

Mayor Smith stated Caitlin Nichols has some big shoes to fill to follow in Freddie Nichols's footsteps.

**Item 9. on the Agenda.** SECOND READING BILL 04-5, approving a Site Plan Revision for property at 7117 North Prospect, and specifically relating to construction of a retail and drive-thru canopy.

Councilman Bill Cross moved to accept the First Reading of **Bill 04-5**, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded.

Councilman Wayne Beer stated he was not at the last meeting, but did read the minutes, and he felt this is a project that is an appropriate use of the property. There were several questions raised as to its viability, one of which was the traffic impact. Councilman Beer said he felt the traffic impact has been shown to be not terribly significant, and its location on the property are such that the site lines will be suitable. Councilman Beer stated given the positive sales tax implications, as well, this project should move forward.

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 04-5 and enact the Bill as **Ordinance 3,900**. Councilman Carol Rudi seconded.

Councilman Beer stated he received a hand delivered note at his residence as he was leaving for this meeting, from Eileen Ford, a Gladstone resident, that states she is requesting that Council refuse to let Hy-Vee add a gas station and Shop & Go at Highway 1 and 72<sup>nd</sup> Street. Ms. Ford's note says the intersection already has a lot of traffic, and she believed statistics show there are many accidents at the intersection. Ms. Ford's note further stated this project would further compromise people trying to gain access to the highway from 70<sup>th</sup> Street, thereby increasing the potential for more accidents at that intersection. Councilman Beer asked if the State did some light frequency changes to address the accident rate at this intersection, and if he remembered correctly those changes did have a positive impact on reducing accidents.

Public Safety Director Adamo agreed that was correct.

Councilman Beer asked if the escrows for this project would further reduce the likelihood of accidents at this intersection.

Assistant City Manager Scott Wingerson agreed that is 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.** **SECOND READING BILL 04-6**, 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.

Councilman Bill Cross moved to accept the First Reading of **Bill 04-6**, Waive the Rule and place the Bill on Second and Final Reading. Councilman Joe Evans seconded.

Councilman Beer said for the reasons he previously stated, he feels this project needs to go forward.



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 04-6 and enact the Bill as **Ordinance 3.901** 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.** **SECOND READING BILL 04-7**, approving a Site Plan Revision for property at 7117 North Prospect and specifically relating to construction of a convenience store with petroleum.

Councilman Carol Rudi asked if Item Number 6, regarding the ten-foot right of way dedication, needs to be changed, because of right of way dedication.

Assistant City Manager Wingerson replied the language in the bill is appropriate. The specific tool will be an easement reservation, which in effect provides for the dedication.

Councilman Carol Rudi moved to accept the First Reading of **Bill 04-7**, 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 04-7 and enact the Bill as **Ordinance 3.902**. Councilman Bill Cross seconded.

Councilman Beer commended Staff and Hy-Vee representatives in providing a project that is acceptable and practical for both parties involved, and for all the before stated reasons for Bill 04-5 and Bill 04-6, this project needs to go forward.

Councilman Cross stated regarding the concerns that this may be a very active corner, he hopes the City actually has to face the issue that so many people go to Hy-Vee, because of the service and quality, it becomes a crowded place.

Mayor Smith asked that Hy-Vee continue to be a good corporate neighbor. Concerns heard from residents were in regard to the fence and the noise. Hy-Vee has been a great corporate neighbor and it is hoped that continues.

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 04-9**, 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 25 miles per hour and

designation of a school zone for sections of North Antioch Road and Pleasant Valley Road in the area of St. Andrew's School.

Councilman Bill Cross moved to place **Bill 04-9** on First Reading. Councilman Joe Evans 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 04-9, 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 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 04-9 and enact the Bill as **Ordinance 3.903**. Councilman Joe Evans seconded.

Councilman Rudi thanked Ms. Othick for coming to the meeting and expressing her opinion on this issue.

Councilman Beer stated he would be voting in favor of this Bill, and asked that stricter traffic enforcement be conducted in the school zones, when children are present.

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.**

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 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 Privileged Communications Discussion, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Councilman Bill Cross seconded the motion.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, and Mayor Les Smith (5-0)

Respectfully submitted:

Cathy Swenson  
Cathy Swenson, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

for Smith  
Mayor Les Smith



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MARCH 8, 2004**

**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 FEBRUARY 23, 2004 CITY COUNCIL MEETING MINUTES.**
- 4a. **PROCLAMATION:** recognizing the selection of **BRITTANY SANDERS** as one of the top two youth volunteers in Missouri by the Prudential Spirit of Community Awards Program.
5. **CONSENT AGENDA.**

**RESOLUTION R-04-16**, authorizing acceptance of a proposal from Paving Maintenance Supply, Inc. for the purchase of a Crafcro SS125D Crack Sealing Machine for the purchase amount of \$22,972.00.

**RESOLUTION R-04-17**, authorizing execution of a contract with Miller Paving and Construction, LLC. In the total amount not to exceed \$144,920.80 for the 2003 Arterial Sidewalk and 2004 Curb and Sidewalk Programs. Project 035011-045007.

**APPROVAL OF A BUILDING PERMIT:** for an addition to the south of the existing Hy-Vee Grocery Store at 7117 North Prospect for retail sales and drive-thru pharmacy. Owner/Applicant: Hy-Vee, Inc. (BP 04-0072)

**APPROVAL OF A BUILDING PERMIT:** for a new structure to be constructed at the northwest corner of the Hy-Vee Grocery Store property at 7117 North Prospect. The new structure will operate as a convenience store with gas pumps. Owner/Applicant: Hy-Vee, Inc. (BP 04-0085)

**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 MBW Construction for operation of a Business Office on property at 6615 NE Antioch Road Trafficway. Applicant: MBW Construction, Incorporated. Owners: Keith F. & Alanna K. McConnell. (File # 1218)
- 9A. **FIRST READING BILL 04-10**, granting a Special Use Permit subject to certain conditions to MBW Construction for operation of a Business Office on property at 6615 NE Antioch Road Trafficway.
10. **FIRST READING BILL 04-11**, approving the Final Plat of "Santerra at Shady Lane", a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said plat for recording.
11. **FIRST READING BILL 04-12**, amending schedule VI of the Model Traffic Ordinance (Gladstone Municipal Code Section 18-12) to establish a "Right Turn Only" sign location at North Monroe Avenue and Northeast 64<sup>th</sup> Street.
12. **FIRST READING BILL 04-13**, repealing certain provisions of Chapter 26 of the Gladstone City Code and enacting in lieu thereof new provisions to correct Ordinance 3.878 by including previously omitted provisions in the regulation of Door-To-Door Solicitors and Peddlers.
13. **Other Business.**
14. **Questions from the News Media.**
15. **Adjournment.**



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

**MONDAY MARCH 8, 2004**

**PRESENT:** Mayor Les Smith  
Councilman Bill Cross  
Councilman Carol Rudi

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

**ABSENT:** Mayor Pro Tem Wayne Beer  
Councilman Joe Evans

Mayor Les Smith opened the Regular March 8, 2004, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and asked the City Clerk to note that Councilman Joe Evans was unable to be in attendance due to a family emergency, and Mayor Pro Tem Wayne Beer is attending the National League of Cities Conference in Washington, D.C.

**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 FEBRUARY 23, 2004 CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular February 23, 2004 City Council Meeting Minutes as presented. Councilman Carol Rudi seconded the motion. The vote: All "aye" Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (3-0)

**Item 4a. on the Agenda.** Mayor Smith explained he presented a **PROCLAMATION** to Brittany Sanders at St. Charles Borromeo School. The proclamation recognized Ms. Sanders as one of the top two youth volunteers in Missouri by the Prudential Spirit of Community Awards Program. Ms. Sanders was unable to attend tonight, as she had a 4-H meeting, but will be in attendance at the next City Council meeting.

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

Following the Clerk's reading, Councilman Carol Rudi moved to accept the Consent Agenda as presented. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (3-0)

**CONSENT AGENDA DETAIL**

Councilman Carol Rudi moved to adopt **RESOLUTION NO. R-04-16**, authorizing acceptance of a proposal from Paving Maintenance Supply, Inc. for the purchase of a Crafcro SS125D Crack Sealing Machine for the purchase amount of \$22,972.00. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (3-0)

Councilman Carol Rudi moved to adopt **RESOLUTION NO. R-04-17**, authorizing execution of a contract with Miller Paving and Construction, LLC. in the total amount not to exceed \$144,920.80 for the 2003 Arterial Sidewalk and 2004 Curb and Sidewalk Programs. Project 035011-045007. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (3-0)

Councilman Carol Rudi moved to approve a **BUILDING PERMIT** for an addition to the south of the existing Hy-Vee Grocery Store at 7117 North Prospect for retail sales and drive-thru pharmacy. Owner/Applicant: Hy-Vee, Inc. (BP 04-0072). Councilman Bill Cross seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (3-0)

Councilman Carol Rudi moved to approve a **BUILDING PERMIT** for a new structure to be constructed at the northwest corner of the Hy-Vee Grocery Store property at 7117 North Prospect. The new structure will operate as a convenience store with gas pumps. Owner/Applicant: Hy-Vee, Inc. (BP 04-0085). Councilman Bill Cross seconded. The vote: All "aye" - Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (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 Carol Rudi** congratulated Public Works Director Andy Noll on the two projects that were approved under the Consent Agenda, Resolution R-04-16 and R-04-17. Both projects came in under budget.

**Councilman Bill Cross** thanked Director Noll for his competent oversight of the two projects Councilman Rudi mentioned. Councilman Cross thanked the City for allowing him to attend the Missouri Municipal League Legislative Conference in Jefferson City, and the opportunity to visit with our congressmen and senator. Councilman Cross stated it was very educational and worthwhile.

**Mayor Les Smith** concurred with Councilman Cross's remarks, and asked City Manager Kirk Davis to share the good news he recently received.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

**City Manager Kirk Davis** stated an official letter has not yet been received, but he has been notified that the City of Gladstone is being considered as possibly one of the finalists in the state of Missouri for the Pat Summerall's "Champions of Industry 300 Award", which recognizes cities that are providing services of excellence to their communities. If the City of Gladstone is selected, a short video will be made highlighting our City, which would be aired on CNN. City Manager Davis does not know who nominated our City, but it is an honor, and he will advise Council members as more information becomes available.

City Manager Davis stated Gladstone is privileged to host two gentlemen from the Ukraine, who are visiting the United States through an US/Ukraine Community Partnerships project. City Manager Davis continued by saying it has been a pleasure visiting with these two gentlemen today, and hope they have enjoyed visiting with our City's department directors, employees, and touring the City. Our visitors are Volodymyr Parkhomenko and Oleksandr Lisnychenko. Mr. Parkhomenko's position is the equivalent of a consultant, City Manager, and Mayor, put together. Mr. Parkhomenko was a member of the Kiev City Council, with 300 fellow council members, and has written three books on local government in the Ukraine.

Mayor Smith welcomed Mr. Parkhomenko and Mr. Lisnychenko and introduced Councilman Rudi and Councilman Cross. Group photos were then taken of Mr. Parkhomenko, Mr. Lisnychenko, and Council members.

Mr. Parkhomenko, through the assistance of Interpreter/Translator Mr. Lisnychenko, thanked the Mayor and City Council for their welcome and allowing them to attend the City Council meeting. Mr. Parkhomenko explained he and Mr. Lisnychenko are both employees of the Ukraine Foundation and deal with local governments in the Ukraine, and are here to receive more knowledge of economic development and community services. Mr. Parkhomenko and Mr. Lisnychenko are visiting the City of Kansas City and the greater



Kansas City area, and one of their goals was to visit Gladstone. Mr. Parkhomenko said they enjoyed their meetings today with the City Manager and key Directors of City Hall, and they were shown the beautiful City and the City facilities, which was very useful. Mr. Parkhomenko stated they were very impressed with Gladstone, and found it to be very clean and well managed. Mr. Parkhomenko thanked the Mayor, City Council, City Manager, and employees for such a warm reception.

Mayor Smith welcomed Mr. Parkhomenko and Mr. Lisnychenko, and stated our City is honored to have them as guests of the City. Mayor Smith said he also feels our City is well run and has an excellent staff. Mayor Smith thanked Mr. Parkhomenko and Mr. Lisnychenko for visiting and for their kind remarks.

**Item 9. on the Agenda.** **PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to MBW Construction for operation of a Business Office on property at 6615 NE Antioch Road Trafficway. Applicant: MBW Construction, Incorporated. Owners: Keith F. & Alanna K. McConnell. (File #1218)

Mayor Smith addressed the applicants by saying he would like to give them an opportunity to continue consideration of their Special Use Permit application until the next City Council meeting, March 22, 2004. As there were only three City Council members present, it would take only one vote to defeat their application. Mayor Smith stated City Council would be happy to consider their application tonight, but wanted to give the applicants an opportunity to have their application continued.

Mr. and Mrs. McConnell agreed to postpone consideration of their Special Use Permit until the next City Council meeting, March 22, 2004.

Mayor Smith opened the Public Hearing and immediately continued it to the **Monday, March 22, 2004**, City Council meeting.

**Item 9a. on the Agenda.** **FIRST READING BILL 04-10**, granting a Special Use Permit subject to certain conditions to MBW Construction for operation of a Business Office on property at 6615 NE Antioch Road Trafficway.

There was no action taken at this meeting. The Bill will be considered at the **March 22, 2004**, City Council meeting.

**Item 10. on the Agenda.** **FIRST READING BILL 04-11**, approving the Final Plat of "Santerra at Shady Lane", a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said plat for recording.

Councilman Bill Cross moved to place **Bill 04-11** on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (3-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 04-11, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (3-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 04-11 and enact the Bill as **Ordinance 3.904**. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (3-0)

**Item 11. on the Agenda.** **FIRST READING BILL 04-12**, amending Schedule VI of the Model Traffic Ordinance (Gladstone Municipal Code Section 18-12) to establish a "Right Turn Only" sign location at North Monroe Avenue and Northeast 64<sup>th</sup> Street.

Councilman Carol Rudi moved to place **Bill 04-12** on First Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (3-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 04-12, 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 Les Smith. (3-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of Bill 04-12 and enact the Bill as **Ordinance 3.905**. Councilman Bill Cross seconded.

Roll Call Vote: All "aye" – Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (3-0)

**Item 12. on the Agenda.** **FIRST READING BILL 04-13**, repealing certain provisions of Chapter 26 of the Gladstone City Code and enacting in lieu thereof new provisions to correct Ordinance 3.878 by including previously omitted provisions in the regulation of Door-To-Door Solicitors and Peddlers.

Councilman Bill Cross moved to place **Bill 04-13** on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (3-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 04-13, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (3-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 04-13 and enact the Bill as **Ordinance 3.906**. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (3-0)

**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.**

There being no further business to come before the March 8, 2004, 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, MARCH 22, 2004**

**OPEN STUDY SESSION: 6:15 PM**

**REGULAR MEETING: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **APPROVAL OF REGULAR MARCH 8, 2004 CITY COUNCIL MEETING MINUTES.**
  - 4a. **PROCLAMATION:** recognizing the selection of **BRITTANY SANDERS** as one of the top two youth volunteers in Missouri by the Prudential Spirit of Community Awards Program.
  - 4b. **Presentation of Distinguished Budget Award** to Public Safety Director Cash Sweiven.
  - 4c. **PROCLAMATION:** designating April 2004 as "Gladstone Child Abuse Prevention and Awareness Month" in Gladstone, Missouri, and recognizing the efforts of the National Court Appointed Special Advocate (CASA) Association.
  - 4d. **PROCLAMATION:** designating April 4th - 10th, 2004, as "**BUILDING SAFETY WEEK**" in Gladstone, Missouri. Sponsored by the International Code Council.
  - 4e. **PROCLAMATION:** designating April 2<sup>nd</sup>, 2004 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 R-04-18**, authorizing the City Manager to accept a Bill of Sale from Gary Gabel and Atlas Contracting conveying to the City a Storm Sewer serving 7158 N. Antioch Road.

**RESOLUTION R-04-19**, authorizing execution of a contract with Musselman and Hall Contractors, LLC, in the total amount not to exceed \$268,478.94 for the 2004 Intermediate Maintenance Program. Project 045003.

**RESOLUTION R-04-20**, authorizing the City Manager to accept a Bill of Sale from MapleLane Homeowner's Association, Inc. conveying to the City 8" and 4" Sanitary Sewer Mains, a Sanitary Sewer Lift Station, Holding Tank, Force Main and all appurtenances serving the MapleLane Subdivision, and to accept a Standard Easement from said association in conjunction with the sanitary sewer system.

**APPROVAL OF A BUILDING PERMIT:** for the construction of a new structure, *Sheridan's Frozen Custard*, to be located at the out parcel of Prospect Plaza for the purpose of retail food services. Applicant: Shaw Hofstra & Associates, Inc. Owner: Bradley Operating, LP. (BP File No. 04-0286).

**APPROVAL OF SUNDAY PACKAGE SALES LIQUOR LICENSE**, Aldi, Inc.; 7604 North Oak; Managing Officer: Kristine Curtney (Aldi currently has a six day Package Liquor License).

**APPROVAL OF FINANCIAL REPORT FOR FEBRUARY 2004**

**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 MBW Construction for operation of a Business Office on property at 6615 NE Antioch Road Trafficway. Applicant: MBW Construction, Incorporated. Owners: Keith F. & Alanna K. McConnell. (File # 1218)
- 9a. **FIRST READING BILL 04-10**, granting a Special Use Permit subject to certain conditions to MBW Construction for operation of a Business Office on property at 6615 NE Antioch Road Trafficway.
10. **PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to Gary Howard for purposes of operating a Vehicle Sales Lot in two parking spaces in a CP-1 Zone at 7 NW 72<sup>nd</sup> Street. Applicant: Gary Howard/Howard Realty. Owner: Phyllis Howard Griffey. (File # 1220)

- 10a. **FIRST READING BILL 04-14**, granting a Special Use Permit subject to certain conditions to Gary Howard for purposes of operating a Vehicle Sales Lot in two parking spaces in a CP-1 Zone at 7 NW 72<sup>nd</sup> Street.
11. Other Business.
12. Questions from the News Media.
13. Adjournment.



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

**MONDAY MARCH 22, 2004**

**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 March 22, 2004, 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 MARCH 8, 2004  
CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular March 8, 2004, 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.**      **PROCLAMATION** recognizing the selection of **BRITTANY SANDERS** as one of the top two youth volunteers in Missouri by the Prudential Spirit of Community Awards Program.

Mayor Les Smith noted Ms. Sanders was not present, and pointed out that Ms. Sanders has been recognized as one of only two young people in the state of Missouri to receive a very prestigious award and she will be traveling to Washington, D.C. to compete with others from the State. The award recognizes young people who give to their community. It is not a pageant of any kind. Mayor Smith stated Ms. Sanders is a wonderful young lady and he was sorry she could not be present this evening.

**Item 4b. on the Agenda.**      **PRESENTATION OF DISTINGUISHED BUDGET AWARD** to Finance Director Cash Sweiven.

Mayor Smith stated the City of Gladstone has received the Distinguished Budget Award continuously since 1986, and again this year. The Government Finance Officers Association presented this award to our City for the fiscal year beginning July 1, 2003. Mayor Smith presented the award to Finance Director Cash Sweiven and offered congratulations to him and his staff.

**Item 4c. on the Agenda.**      Mayor Les Smith read a **PROCLAMATION** designating the month of April, 2004, as "**Gladstone Child Abuse Prevention and Awareness Month**" in Gladstone, Missouri, and recognizing the efforts of the National Court Appointed Special Advocate (CASA) Association. Clay County Court Appointed Special Advocate Anita Newsom accepted the proclamation from Mayor Smith. Mayor Smith asked Ms. Newsom to discuss the role of the Court Appointed Special Advocate.

Ms. Newsom stated the Court Appointed Special Advocates are a voice for the child in court. When situations happen when children are taken from the home, there are attorneys provided for the parents and for the Juvenile Officers. The child is not really represented. As trained individuals, the Court Appointed Special Advocates do their own investigations, speak for what they feel is in the best interest of the child, and act as an advocate for the child. The CASA organization is having a celebration called "The Light of Hope" on April 1, 2004 at 5:30 PM at the Courthouse fountain in Liberty, Missouri. Ms. Newsom invited all to attend the "Light of Hope" celebration, where there will be a luminary service. Carolyn Long will be the emcee and Buck O'Neal will be on hand as a guest speaker.

Mayor Smith thanked Ms. Newsom for her work on behalf of young people.

Mayor Pro Tem Wayne Beer stated he had known Ms. Newsom for a number of years. Ms. Newsom is a retired educator, who was not only a classroom teacher, but also a principal. During that time she often served as a zealous advocate for children. Councilman Beer said Ms. Newsom has brought that caring advocacy to the CASA program, and she is to be congratulated and thanked.



Mayor Smith stated that Ms. Newsom has also served as Mayor for Gladstone for three terms.

**Item 4d. on the Agenda.** Mayor Smith read a **PROCLAMATION** designating April 4th - 10th, 2004, as "**BUILDING SAFETY WEEK**" in Gladstone, Missouri. Sponsored by the International Code Council. Construction Coordinator Craig Slaughter was on hand to accept the proclamation.

**Item 4e. on the Agenda.** Mayor Smith read a **PROCLAMATION** designating April 2<sup>nd</sup>, 2004 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 on hand to accept the proclamation.

Parks and Recreation Director Sheila Lillis stated the City of Gladstone earned the Tree City designation two years ago. This designation requires that \$2.00 is spent per capita on trees, which equates to about \$52,000 per year. The designation also requires a special tree ordinance, which was adopted a little over a year ago, as well as an annual Arbor Day celebration. This year's Arbor Day celebration will be 10:00 AM, April 2<sup>nd</sup>, at Flora Park.

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

Following the reading of the Consent Agenda by the City Clerk, Councilman Carol Rudi requested removal of the Building Permit for the construction of a new structure, *Sheridan's Frozen Custard*.

Mayor Smith stated this item would be considered as Item 5a on the agenda.

Mayor Pro Tem Wayne Beer moved to accept the Consent Agenda as modified. 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 adopt **RESOLUTION R-04-18**, authorizing the City Manager to accept a Bill of Sale from Gary Gabel and Atlas Contracting conveying to the City a Storm Sewer serving 7158 N. Antioch Road. 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)

Mayor Pro Tem Wayne Beer moved to adopt **RESOLUTION R-04-19**, authorizing execution of a contract with Musselman and Hall Contractors, LLC, in the total amount not to exceed \$268,478.94 for the 2004 Intermediate Maintenance Program. Project 045003. 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)

Mayor Pro Tem Wayne Beer moved to adopt **RESOLUTION R-04-20**, authorizing the City Manager to accept a Bill of Sale from MapleLane Homeowner's Association, Inc. conveying to the City 8" and 4" Sanitary Sewer Mains, a Sanitary Sewer Lift Station, Holding Tank, Force Main and all appurtenances serving the MapleLane Subdivision, and to accept a Standard Easement from said association in conjunction with the sanitary sewer system. 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)

Mayor Pro Tem Wayne Beer moved to approve a **SUNDAY PACKAGE SALES LIQUOR LICENSE** for Aldi, Inc.; 7604 North Oak; Managing Officer: Kristine Curtney. 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)

Mayor Pro Tem Wayne Beer moved to approve the **FINANCIAL REPORT FOR FEBRUARY 2004**. 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 5a. on the Agenda.** **APPROVAL OF A BUILDING PERMIT** for the construction of a new structure, *Sheridan's Frozen Custard*, to be located at the out parcel of Prospect Plaza for the purpose of retail food services. Applicant: Shaw Hofstra & Associates, Inc. Owner: Bradley Operating, LP. (BP File No. 04-0286).

Councilman Carol Rudi moved to approve a **Building Permit** for the construction of a new structure, *Sheridan's Frozen Custard*, to be located at the out parcel of Prospect Plaza for the purpose of retail food services. Applicant: Shaw Hofstra & Associates, Inc. Owner: Bradley Operating, LP. (BP File No. 04-0286). Councilman Bill Cross seconded.

Councilman Rudi stated she thought there would be a color rendering available at this meeting, and asked the applicant to please describe what the south side of the building would look like.

**Craig Shaw, of Shaw Hofstra & Associates, Inc.; 1717 Oak Street; Kansas City, Missouri**, stated the south side of the proposed *Sheridan's Frozen Custard* will look very much like the front side, only without the sign. Mr. Shaw pointed out the pointed sides will be carried out on the south side, and there is a drive-in window on the south side. The roofline wraps around, and the elevations are fairly consistent, but there is not the big front

porch that is part of the customer approach side. It will not be a blank wall, it will be attractive from all four sides.

Councilman Rudi asked if Staff has seen a rendering of the south side of the building.

Assistant City Manager Scott Wingerson replied the City has full detail elevations in the building permit submittal, and the south side will face NE 64<sup>th</sup> Street. Mr. Wingerson shared the detailed rendering of the south side with Council members.

Councilman Rudi asked if the colors on the Sheridan's Frozen Custard building will be similar to the existing shopping center.

Mr. Shaw replied the colors would be very similar to the color image that was provided to City Council members.

Mayor Smith welcomed Mr. Shaw to Gladstone, and said the City is excited to have their business in Gladstone. Mayor Smith stated that City staff did a great deal of work on this project and he hoped Mr. Shaw found Staff to be cooperative and accommodating. Mayor Smith stated he wished to recognize the efforts of Economic Development Administrator Lynn McClure and Staff who worked on this project.

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** inquired into the block wall located on 72<sup>nd</sup> Street between North Oak and North Broadway and asked when that wall will be addressed.

Assistant City Manager Scott Wingerson asked if he could provide information on the wall in the next Informational Newsletter to City Council members.

Councilman Evans stated that would be fine, and asked about plans to repair existing signage in the City.

Mr. Wingerson replied Staff is currently looking at coordinating the existing entry signs in the City with some of the signs installed in City Hall, as well as existing City signs directing to other locations in town. An example would be the sign at 72<sup>nd</sup> Street and North Holmes, pointing to City Hall, and one at 72<sup>nd</sup> Street and North Antioch Road, pointing to the Public Works Building and Happy Rock Park. Staff is looking at different

scenarios that would be consistent with those signs, and hopefully Staff will be bringing that forward to Council in the very near future.

**Cloren Boor**, 2610 NE 74 Terrace, asked to comment on **Resolution R-04-20**, authorizing the acceptance of a Bill of Sale from MapleLane Homeowners Association. Mr. Boor stated, on behalf of the residents of MapleLane, he wished to thank the Mayor and City Council for the action that was taken tonight on the residents' behalf. Mr. Boor thanked City Manager Kirk Davis, Assistant City Manager Scott Wingerson, City Counselor David Ramsay, Contract Coordinator Lou Oesterle, and the entire Public Works Department for their efforts and cooperation to accomplish this for the MapleLane homeowners. Mr. Boor stated Gladstone is a great place to live, and he really appreciates the approval of City Council in this matter.

Mayor Smith stated he was very happy to get this matter off dead center, and he knows this has been an issue discussed for years and years. Hopefully this has been resolved once and for all and residents of MapleLane can sleep better as a result of this action.

Mr. Boor concluded by saying "God Bless America and the City of Gladstone".

**Councilman Carol Rudi** asked City Manager Kirk Davis if the Gladstone Reporter is always a published piece, or is it possible to send a portion by e-mail, to avoid postage costs.

City Manager Kirk Davis replied the Gladstone Reporter is typically sent out by hard copy in the mail. There may be some opportunities to convert to an e-mail system with some of our scanning capabilities, and we would need to develop a database of e-mail addresses. This is not out of the realm of possibilities.

Councilman Rudi suggested the City work towards this method.

City Manager Davis stated Staff has some ideas relative to all documents that are put out by the City. The City puts out collectively dozens of pieces of information. Economic Development Administrator Lynn McClure has suggested the City look at consolidating some of these pieces and possibly looking at a different way of doing business that can help not only cut costs, but also improves the quality of documents we provide to the community. Staff will be taking a hard look at this issue, and will look at all technology resources that can be utilized.

Councilman Rudi stated she knows there is an opportunity for residents to sign up to receive different types of information from the City via e-mail, and the Gladstone Reporter would be a good source of information to include.

**Councilman Bill Cross** had no comments at this time.

**Mayor Pro Tem Wayne Beer** congratulated Parks and Recreation Director Sheila Lillis and the Amphitheatre Committee for having won the second place finish at the North Kansas City Barbeque Contest on March 12, 2004. Councilman Beer said he knows they earned this prize due to the wonderful leadership of Director Lillis, whose efforts won \$800 for the Amphitheatre Committee.

**Mayor Les Smith** stated he noticed on the Legislative Update from the Missouri Municipal League, that Senate Bill 715 was amended to exclude Kansas City from its provisions. Mayor Smith said it sounds like anyone might request exemption from this bill by one of their Representatives, relative to inspections. Mayor Smith suggested to City Counselor Ramsay that he look into this for Gladstone.

**Item 8. on the Agenda.**      **COMMUNICATIONS FROM THE CITY MANAGER.**

**City Manager Kirk Davis** began by saying Economic Development Administrator Lynn McClure put a lot of effort into working with Sheridan's in finding a site in Gladstone, and the City is proud of his effort. City Manager Davis offered kudos to Mr. McClure.

City Manager Davis reported the City of Gladstone has been nominated for the Pat Summeral Small Business Award. Some publicity would be received through an airing on CNN of a two-minute segment recognizing our city. The down side is the cost of the segment on CNN would be shared with our city and Mr. Summeral. City Manager asked for input from the Mayor and City Council members. The City's cost would be \$28,000.

Mayor Smith stated he visited with people from Pat Summeral's office and they need to know within the next 2 or 3 days. Mayor Smith said many communities use this opportunity as a economic development tool. A one-day shoot would be scheduled and the City would retain the tape that is made. Mayor Smith stated this might be compared to being included in a Who's Who book, where you are asked to buy the book. Our City's share would be \$28,000 and the shoot would be in the summer or fall, with the segment aired in the late fall.

Councilman Carol Rudi stated she felt the cost is too high and she did not feel the economic impact return would be worth that amount of money. Councilman Rudi asked Mr. McClure for his opinion.

City Manager Davis reported the money for this project would come from the General Fund, and not one of the enterprise funds.

Mr. Lynn McClure stated it is difficult to say what kind of impact this project would have. There are a lot of firms that do this type of thing without the award attachment. It might be worthwhile to talk to these types of firms to see what is available for the same cost. Mr. McClure commented he felt two minutes is not much time, and was concerned about how much impact would be achieved in that short of time on CNN. Mr. McClure said he felt the \$28,000 could go a long way towards apparatus for Fire, signage, or another

worthwhile need. Mr. McClure said he did not feel the economic impact to our community would be worth \$28,000.

Mayor Pro Tem Beer stated he agreed with Mr. McClure. It would be nice to see the City of Gladstone on national programming, but he suspects from a national aspect, our City would get very little out of it.

Mayor Smith asked how our City was nominated.

City Manager Davis replied he believed the nomination came from someone in the metro area, and our City met all the criteria for the award.

Mayor Smith said he believes these segments are aired on headline news at 5:22 PM daily, if anyone would like to view a segment. Mayor Smith agreed with Councilman Beer and Councilman Rudi.

Councilman Cross stated he would rather see the money spent on an aquatic center. Councilman Cross said he felt the residents of Gladstone would derive more benefit from money spent on the municipal pool.

Councilman Evans stated he would rather see the money go towards another ambulance.

Mayor Smith asked City Manager Davis to please express appreciation from the City for being considered for this award, however, we will not be participating at this time.

City Manager Davis reported the Mayor, City Council, and he will have an opportunity to sit on a panel, Thursday afternoon at the Gladstone Area Chamber of Commerce luncheon. He asked for confirmation as to who will be able to attend from the City Council.

Mayor Smith replied all of City Council will be in attendance, with the possible exception of Councilman Evans, who may have to be in Springfield at that time.

**Item 9. on the Agenda.** **PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to MBW Construction for operation of a Business Office on property at 6615 NE Antioch Road Trafficway. Applicant: MBW Construction, Incorporated. Owners: Keith F. & Alanna K. McConnell. (File #1218)

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 is requesting a Special Use Permit that would allow the operation of a residential builders construction

office at the home described on the agenda. The Planning Commission debated this issue at some length. One item of their discussion included the fact Staff had recommended a term of five years for this Special Use Permit. The Commission considered and debated a two-year Special Use Permit, but ultimately settled on five years. The Commission changed the number of employees from what was originally requested by the applicant from two to six. Mr. Wingerson said that discussion centered on family and if they are included in the number of employees. A typical Planning definition would not include family, so the number would include employees not related to the applicant. The Commission did change the number of employees from two to six.

Mr. Wingerson reported additional clarification was added that ensures that the proposed second building complies with the Proposed Detached Building Ordinance, which is now an Administrative Policy, pending adoption. At the applicant's request, the Planning Commission proposed a change in the hours of operation from 6:30 AM to 7:00 PM to 6:30 AM to 9:00 PM. The 9:00 PM time will be limited in terms of its frequency. Mr. Wingerson stated the applicant is currently in the process of installing a second driveway to the property and the approach is proposed to be used to construct the secondary building and not damage the existing driveway. It was suggested that driveway would be prohibited, however the existing driveway would be removed within one year. Mr. Wingerson continued by saying a condition was added that would allow a compliant monument sign. In the original report, Staff recommended the installation of a gravity sewer main to serve the property, however it is outside City limits, so an authorized septic tank will be improved in accordance with City specifications and Health Department specifications.

Mr. Wingerson stated the Planning Commission voted to approve the Special Use Permit for a period of five years by a vote of 10-0.

#### **Applicant Presentation**

Mr. McConnell, President of MBW Corporation, 7819 North Chestnut; Kansas City, Missouri, began by saying he believes his company is a positive company for the Gladstone area, and he has lived in Gladstone or the border of Gladstone his entire life, except for five years when he lived in San Antonio, Texas. Mr. McConnell said anyone with children has benefited from the good things his company has done for the community in the high school level, and he does not think his request will impact the neighborhood in a negative manner. Anyone who drives by the project will see it has made a great improvement from what it was. Mr. McConnell said the other building he wishes to add to the property will be similar in material to what the structure is now.

Councilman Cross inquired into the acreage of the property.

Mr. McConnell replied 1.5 acres.

Councilman Rudi asked the size of the building that would house the equipment.

Mr. McConnell replied originally the building was planned to be 40 feet x 80 feet and it was planned to have it run along Antioch Road, but after consideration he is planning to turn it so the 40 feet faces Antioch Road, so it doesn't seem quite as big. The garage will be on the side towards the house, so the garage doors will not be seen from the street.

Mayor Smith asked Mr. McConnell if he owned the house to the north of this property.

Mr. McConnell replied no, he does not. The owner of that property and Mrs. Johnson, another neighbor, seemed agreeable to the improvements Mr. McConnell proposes. Mr. McConnell explained the only people who will generally be at the property during the day will be his wife and sister-in-law. The 9:00 PM time is just for clients who may visit at that time on a Friday or a Saturday.

Mayor Smith asked Mr. McConnell if this is a place he wishes to be forever, or what are his plans for the future.

Mr. McConnell replied that he believes after five years, when City Council sees what low impact his business has to the community, he doesn't think City Council would object to renewing the Special Use Permit. Mr. McConnell stated if the Johnson property is developed, he did not think his business would be an impact. He plans to surround the property with Austrian Pines on a 15-foot boundary around the boundary line. Mr. McConnell stated he hopes to have his business at this location for a long time. He has been in business for 24 years, and he has either operated out of his home in Gladstone or surrounding areas.

Mayor Smith asked Mr. McConnell at what point did he decide to use the building for commercial purposes.

Mr. McConnell replied when they first bought the house, they were going to remodel it; then they decided it would be a good property for his office. Mr. McConnell said he talked to the City early on about changing the zoning, and City staff thought it would be better to apply for a Special Use Permit. When the project began, Mr. McConnell told City staff he was doing demolition, and City staff said a permit was not needed for that. Later on, it was decided he did need a permit, so he got a permit at that time for the demolition and the remodeling. Mr. McConnell said he has met all the state requirements for handicap accessibility.

Councilman Rudi stated normally Special Use Permits in a neighborhood would not have a monument sign, and asked if Mr. McConnell would object to not having a sign.

Mr. McConnell replied he does not necessarily have to have a sign to operate. He asked for a sign because if you stand on his front porch and look down the street, there is another business, BPI, that operates a home building business, Wayne Croy Auto Repair is down



the street, there is a day care center nearby, as well as the commercial property on the corner.

Councilman Evans asked how many cars Mr. McConnell expects to access Antioch Road in a day's time.

Mr. McConnell replied it would probably average three vehicles in and out in addition to his wife and sister-in-law.

Councilman Evans asked if the second building is for storage of construction equipment.

Mr. McConnell replied yes, he has two bobcats and some miscellaneous attachments that go with it. There will be no stored construction equipment outside of the buildings. The only other thing stored in the building would be tools.

Councilman Evans asked if a permit has been requested for the second building.

Mr. Wingerson replied no.

Mr. McConnell stated the second building is part of the proposal.

Councilman Evans asked why Mr. McConnell began to construct the second entryway without a building permit for the second building.

Mr. McConnell replied he was getting ready to submit his building permit and he was preparing to extend the driveway at the back of the house prior to getting the building permit and he did not want the concrete trucks to drive back and forth across that driveway.

Mayor Smith asked if the house that has been refurbished can be used as a residence if the Special Use Permit is not granted.

Mr. McConnell replied yes, anything is possible.

Mayor Smith stated he does not agree with the Planning Commission's recommendation as to the number of years, and asked if three years would be agreeable and would two employees be agreeable.

Mr. McConnell replied he would like to have five years, ten years, or would really like to have the property rezoned commercial. It is a big investment to make for three years. Two employees would be limiting his company's growth. Additional employees would not necessarily be on the property. On Friday, they would be there to pick up their paychecks.

Mayor Smith said he noticed some vehicles parked on the property and asked if the property is being used now.

Mr. McConnell said the vehicles are just parked there. The only people who have been there are his wife and the painter, who is finishing up some work on the bathroom and the kitchen.

Mayor Smith asked what property is being planned for residential development near Mr. McConnell's property.

Mr. McConnell replied the property that sits behind the water tower, owned by Peterson Property, is planned for residential.

Mayor Smith asked how far south that development would go.

Mr. McConnell replied the proposed residential property almost backs up to his property.

Mayor Smith asked Mr. Wingerson what the requirements would be to rezone Mr. McConnell's property as an office and as an office with a storage building.

Mr. Wingerson replied a Commercial Office or "CO" would be just for the office use. When the storage of construction equipment is added, the zoning would be in most cases "C3", however there is some possibilities for "C2". There would need to be a lot more specifics of the operation and what kind and size of the equipment to determine whether the zoning would be "C3" or "C2" for the storage and warehousing of construction equipment.

**There was no one to speak in Favor or Opposition to the application.**

**Mayor Smith closed the Public Hearing.**

**Item 9a. on the Agenda.**      **FIRST READING BILL 04-10**, granting a Special Use Permit subject to certain conditions to MBW Construction for operation of a Business Office on property at 6615 NE Antioch Road Trafficway.

Councilman Bill Cross moved to place Bill 04-10 on First Reading. Councilman Carol Rudi seconded.

Mayor Pro Tem Wayne Beer stated this project's potential for possible intensity of other use is significant. When granting a Special Use Permit, a number of things must be considered. One of those considerations is the character of the neighborhood. In this particular case, there is not much of a neighborhood now, but there are two neighborhoods that are being proposed. One is the Peterson project, which Councilman Beer understands is a high dollar, low-density residential project. To the south and the east is the Johnson Farm, which is now zoned medium density. Councilman Beer said, in his opinion, a construction company in the middle of this area hardly fits the character. Other issues to consider are the zoning and uses of other nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses. Councilman Beer stated he

felt this project would not be harmonious to a residential area as it is proposed, and he feels this Special Use Permit does not meet the test to not be a detriment to nearby properties. This request does not meet the test to not harm property values of other proposed projects that are being developed. Councilman Beer stated another consideration is the extent to which there is a need of the use in the community, and he feels this request fails that test. The need of a construction company with all its facilities in the middle of a "R-1" low density/medium density residential area does not meet the test. Councilman Beer said he feels this request fails to meet the test of being a positive economic impact on the community. The water line is nearby, but the sewer line is not, so a septic tank would need to be used or a very long sewer line installed. During the Planning Commission meeting a long sewer line was determined not to be a viable solution for the applicant.

Councilman Beer said the Department of Natural Resources Clean Water Act discourages the use of septic tanks and so does the City as a general rule. This request does not meet conformance to the City's Comprehensive Plan. Councilman Beer stated he believes this project does not meet any of the tests which he has just described, and he will be voting against this application.

Councilman Rudi stated she agrees with Councilman Beer, and she is concerned with the vision that exists for the area. A very nice residential area is planned, and an office in this location would not be suitable. Councilman Rudi said she has a problem approving a Special Use Permit that might not be renewed, and the owner would have time and money invested. Councilman Rudi stated for these reasons and the reasons recited by Councilman Beer, she would be voting against this application.

Councilman Cross stated he respects the opinions of Mayor Smith, Councilman Beer and Councilman Evans as to construction, and asked one or two of them to express their opinion on this matter.

Mayor Smith replied this is a land use issue to him. The applicant is a good builder and has done a lot of good things for the community. The quality of what they do is not a question. Mayor Smith said when reading the Planning Commission minutes, he sees the Commission agreed with a request for a Special Use Permit, but four Commissioners said they would oppose a permanent rezoning. It is apparent the applicant wishes to be at this site for a long time. Mayor Smith continued by saying this is a request for commercial use and this is a land use issue, and that is what needs to be the focus.

Roll Call Vote: All "nay" - Councilman Joc Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (0-5)

**Item 10. on the Agenda.** **PUBLIC HEARING** for consideration of a Special Use Permit subject to certain conditions to Gary Howard for purposes of operating a Vehicle Sales Lot in two parking spaces in a CP-1 Zone at 7 NW 72<sup>nd</sup> Street. Applicant: Gary Howard/Howard Realty. Owner: Phyllis Howard Griffey. (File #1220).

Mayor Smith opened the Public Hearing and explained the hearing process will be the same as before. 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 is requesting a Special Use Permit that would allow the operation of a limited used car sales facility on 72<sup>nd</sup> Street in an existing office building. The applicant proposes to use two parking spaces in the facility to sell two cars at any one time. The draft conditions are in the proposed Bill and discussion of the request is included in the Staff Report, followed by the code enforcement history, which is included in Council's packets. Mr. Wingerson reported it is Staff's recommendation not to approve this request, which is based on the code enforcement history. The Planning Commission, on a motion to approve, voted 1-10, in effect recommending that the application be denied by City Council.

Mayor Smith asked how many parking spaces are required at this site and is this requirement being met.

Councilman Rudi replied it is her understanding there are four extra parking spaces.

Mr. Wingerson agreed.

#### **Applicant Presentation**

Gary Howard, 2418 NE 79<sup>th</sup> Street, Kansas City, Missouri, said he has been in business in Gladstone for 30 years and at the present site for 15 years. Mr. Howard stated he has maintained a quality office and felt this request would be a low impact on the area. He would just like to sell a couple of cars at a time. His children are beginning college next fall and he is looking for a way to assist them.

Mayor Smith agreed Mr. Howard's property is maintained very nicely, but he does struggle with a place to park when he visits the property.

**There was no one to speak in Favor or Opposition to the application.**

**Mayor Smith closed the Public Hearing.**

**Item 10a. on the Agenda.** **FIRST READING BILL 04-14**, granting a Special Use Permit subject to certain conditions to Gary Howard for purposes of operating a Vehicle Sales Lot in two parking spaces in a CP-1 Zone at 7 NW 72<sup>nd</sup> Street.

Councilman Bill Cross moved to place **Bill 04-14** on First Reading. Councilman Carol Rudi seconded.

Mayor Pro Tem Wayne Beer stated he felt this is an inappropriate use of land, and feels this request is not in conformance with the City's Comprehensive Plan, or the Streetscape Plan. The City has tried very diligently to prevent spot zoning and to prevent two car lots located at various sites in the City and has strived to put like businesses as near together as possible and practical. For this reason, Councilman Beer stated he will not be voting in favor of this application.

Councilman Cross stated based on what he has read and the recommendation of the Planning Commission, he will be voting against this application.

Roll Call Vote: All "nay" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (0-5)

**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.

**Item 13. on the Agenda.      ADJOURNMENT.**

There being no further business to come before the March 22, 2004, 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 Wayne Beer



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, APRIL 12, 2004**

**DEDICATION OF THE CITY HALL  
CONFERENCE AND RECORDS ADDITION: 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 22, 2004, City Council Meeting Minutes.**
- 4a. **SPECIAL PRESENTATION** to Jeff O'Donnell, Gladstone Auto Repair, for his act of service to the community.
- 4b. **PROCLAMATION:** designating April 2004 as "**Public Health Month**" in Gladstone, Missouri.
- 4c. **PROCLAMATION:** designating April 24, 2004 as "**Find Your Best Friend Day**" in Gladstone, Missouri, in support of the animal shelters and rescues in the Northland area.
5. **STATE OF THE CITY ADDRESS**
6. **FIRST READING BILL 04-15**, declaring the results of the Tuesday, April 6, 2004 Gladstone General Election as certified by the Clay County Board of Election Commissioners that City Council Candidate Les Smith has been elected to a Three Year Term on the Gladstone City Council.
7. **CITY COUNCIL OATH OF OFFICE: LES SMITH.**
8. **REMARKS FROM CITY COUNCIL.**
9. **ELECTION OF MAYOR AND OATH OF OFFICE.**
10. **REMARKS FROM CITY COUNCIL.**

11. ELECTION OF MAYOR PRO-TEM.
12. REMARKS FROM THE CITY COUNCIL.
13. RECESS FOR RECEPTION.

You are cordially invited to a Reception  
Honoring the City Council  
Co-Hosted by the City of Gladstone and Gladstone Area  
Chamber of Commerce

14. CITY COUNCIL MEETING RECONVENED.
15. CONSENT AGENDA.

**RESOLUTION 04-21**, adopting a revised "Investment Policy" establishing procedures for investing the financial assets of all funds of the City of Gladstone.

**RESOLUTION 04-22**, accepting Temporary Construction Easements and Standard Easements from Property Owners in conjunction with the 59<sup>th</sup> Terrace Drainage Improvements Project (0209).

**RESOLUTION 04-23**, authorizing execution of a contract with Holiday Contracting, Inc. in the total amount not to exceed \$131,808.50 for the Water Main Replacements Project (0490).

**RESOLUTION 04-24**, authorizing execution of a contract with Metro Asphalt, Inc. in the total amount not to exceed \$420,257.35 for the 2004 Full Depth Replacement and 2004 Overlay Programs and authorizing Change Order No. 1 in the amount of -\$39,065.25. (Project 045002-055001).

**RESOLUTION 04-25**, authorizing execution of a contract with Irvinbilt Company in the total amount not to exceed \$112,600.00 for the Drop Slide at the Municipal Pool Project (046050).

**RESOLUTION 04-26**, authorizing acceptance of work under contract with Layne Christensen Company for the Well #1 Pump Replacement; and authorizing final payment in the amount of \$20,418.00 for Project 034089.

**RESOLUTION 04-27**, authorizing execution of a contract with Wincan America, Inc. in the total amount not to exceed \$28,064.00 for the Sanitary Sewer VHS Conversion Project (044094).

**APPROVAL OF SUNDAY WINE TASTING LIQUOR LICENSE**, American Drug Stores, Inc./Osco Drug; 6129 North Antioch Road; Managing Officer: Dennis VanEmmerick.

**APPROVAL OF FINANCIAL REPORT FOR MARCH 2004.**

**REGULAR AGENDA.**

16. **Communications from the Audience.**
17. **Communications from the City Council.**
18. **Communications from the City Manager.**
19. **PUBLIC HEARING:** for consideration of a request to rezone from R-1, Residential to RCH-1P, Residential Cluster Housing, Planned at property located east of and adjacent to M-1 and north of 72<sup>nd</sup> Street. Applicant: Liggett Construction, Inc. Owners: Daniel Hughes, Daniel Nelson, Francis Nelson. (File #1221)
- 19a. **FIRST READING BILL 04-16,** rezoning property located east of and adjacent to M-1 and north of 72<sup>nd</sup> Street from R-1, Residential to RCH-1P, Residential Cluster Housing, Planned. Applicant: Liggett Construction, Inc. Owners: Daniel Hughes, Daniel Nelson, Francis Nelson. (File #1221)
- 19b. **FIRST READING BILL 04-17,** approving a Site Plan subject to certain conditions at Property located east of and adjacent to M-1 and north of 72<sup>nd</sup> Street. Applicant: Liggett Construction, Inc. Owners: Daniel Hughes, Daniel Nelson, Francis Nelson. (File #1221)
20. **PUBLIC HEARING:** for consideration of a request to rezone from R-1, Residential and CP-0, Commercial Planned Non-Retail, to CP-3, Commercial Planned on property located at 6110 North Oak Trafficway. Owner/Applicant: Larry & Connie Myers. (File #1222).
- 20a. **FIRST READING BILL 04-18,** rezoning property located at 6110 North Oak Trafficway from R-1, Residential and CP-0, Commercial Planned Non-Retail, to CP-3, Commercial Planned. Owner/Applicant: Larry & Connie Myers. (File #1222).
- 20b. **FIRST READING BILL 04-19,** approving a Site Plan Revision subject to certain conditions for Property at 6110 North Oak Trafficway, and specifically relating to construction of an Auto Sales Facility. Owner/Applicant: Larry & Connie Myers. (File #1222).
21. **FIRST READING BILL 04-20,** repealing Ordinance No. 3.863 (Code Section 29-66(A), (B) (1) and (B) (2), and enacting a new ordinance levying Sewer Service Charges and Commodity Rate Charges in the City of Gladstone, Missouri.
22. **Other Business.**
23. **Questions from the News Media.**
24. **Adjournment.**





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

**MONDAY APRIL 12, 2004**

**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 12, 2004, 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 MARCH 22, 2004  
CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular March 22, 2004, 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.** **SPECIAL PRESENTATION** to Jeff O'Donnell, Gladstone Auto Repair, for his act of service to the community in assisting in the return of a lost young child to her family.

Mayor Les Smith invited Mr. O'Donnell, and the child's family to join him at the podium and asked Mr. O'Donnell to explain to the audience what occurred on March 1, 2004.

Mr. Jeff O'Donnell, owner of Gladstone Auto Repair, stated he had just arrived at work, when he noticed a young child walking on the side of Antioch Road. Mr. O'Donnell looked to see if she was accompanied by an adult, seeing none, he visited with her for about 10 minutes and then brought her to his office. Mr. O'Donnell phoned Gladstone Public Safety, and he and the child read books until they arrived. Public Safety officers then returned the child to her family. The child was walking down Antioch Road with the intention of seeing her grandmother at North Kansas City Hospital.

Mayor Smith thanked Mr. O'Donnell and stated this is a wonderful story. Mayor Smith read and presented a certificate of appreciation to Mr. O'Donnell.

**Item 4b. on the Agenda.** Mayor Smith read a **PROCLAMATION** designating April 2004 as "**Public Health Month**" in Gladstone, Missouri. Freddie Nichols, Treasurer of the Clay County Health Department Board of Trustees was on hand to accept the proclamation.

Ms. Nichols stated the Clay County Health Department has come a long way since it was first established in 1953. The Health Department began with three employees and now employs up to 85 people in the summer months, and deals with such issues as the West Nile Virus. Ms. Nichols stated the Clay County Health Department is a well-kept secret and does many good things for the community. Ms. Nichols thanked Mayor Smith and City Council members for the recognition.

**Item 4c. on the Agenda.** Mayor Les Smith read a **PROCLAMATION** designating April 24, 2004, as "**Find Your Best Friend Day**" in Gladstone, Missouri, in support of the animal shelters and rescues in the Northland area. Jennifer Untch, founder of *Project Best Friend*, accepted the proclamation from Mayor Smith.

Ms. Untch thanked Mayor Smith and City Council members for their support, and stated 27 million animals are turned in to animal shelters and rescues each year in the United States. This is a big number. All year long people, like the employees at the Gladstone Animal Shelter, work tirelessly to find homes for animals. Unfortunately there is only so much money for the care of these animals. Ms. Untch stated in September of last year, her organization held their first auction with items contributed by such people as Sean Connery; the band, Train; and Stevie Nicks. Ms. Untch and three volunteers raised \$900 to contribute to the care of animals. Ms. Untch encouraged all in attendance to support the Gladstone Animal Shelter and the good work they do for the community.

**Item 5. on the Agenda.**

**STATE OF THE CITY ADDRESS**

Mayor Les Smith delivered a State of the City Address. **Following is the text of the State of the City Address as provided by Mayor Les Smith:**

*I would like to begin by thanking you for this opportunity to present the first ever State of the City Address, an address that I hope will become an ongoing tradition in our community. It's exciting to be able to share with you the many great things that are happening in the City of Gladstone.*

*Since 2001, public service has received a lot of focus nationally, and public servants have received some long overdue recognition. Both the Northland Regional Chamber of Commerce and the Gladstone Area Chamber of Commerce recognized our employees this past year, with our employees even being named honorary parade marshals for the 24th Annual Gladfest parade.*

*Although I wish we could introduce every single person who works for the City, please allow me to introduce to you the members of our Leadership Team and ask that they take our recognition back to all of those in their respective departments:*

*Kirk Davis, City Manager*

*Scott Wingerson, Assistant City Manager*

*Dave Ramsay, City Counselor*

*Bill Adamo, Public Safety Director*

*Cash Sweiven, Finance Director*

*Andy Noll, Director of Public Works*

*Sheila Lillis, Parks & Recreation Director*

*Charlene Leslie, Human Resources Administrator*

*Cathy Swenson, City Clerk*

*Diane Whitaker, Executive Administrative Assistant*

*And although they might not be here this evening, I would like to recognize the City's most recent "Employees of the Year" -- Stan Dobbins, Madelaine Cockrum, and Danny Shinneman.*

*Please join me in thanking these and all our city employees for the exceptional work they do.*

*The past twelve months have provided the City of Gladstone with many opportunities and a few challenges as well. It was a year in which everyone in our nation had to face the challenge of terrorism and war. It was another year where the economy had a major impact on our city's operation. It was a year in which the City faced the most devastating natural disaster in the City's history. It was a year when staff, Council, and community worked together very closely to address current and future issues.*

*Shortly after this council was seated, we were faced with balancing a budget that reflected revenues equal to 1999 levels and expenditures that grew by inflationary factors. The City was challenged with balancing the budget without cutting essential city services and with continuing to fund planned capital improvements. I'm proud to announce that through a total team effort we have accomplished all of these despite the fact that some revenues have been on a steady decline since mid-2001. We cut positions through attrition, consolidated other positions and responsibilities, and kept a close eye on budgeted expenditures in the General Fund.*

*Just as we were in the process of balancing the budget, a devastating series of tornadoes blew through the metropolitan area, causing damage in Kansas City, Missouri, Kansas City, Kansas, Liberty, and Gladstone. Nearly 400 homes and businesses in our city alone sustained a combined \$30 Million in damage. Thankfully, and miraculously, we did not have any fatalities, due in part to our early warning systems. The City responded immediately. We maintained an emergency operations center for the next two weeks, managed more than 350 volunteers from cities throughout the metropolitan area, and saw a staff exceed any reasonable expectations for public service at any level. In the end, we had expended nearly \$750,000 in the recovery effort.*

*Emergency management experts nationwide heralded the City's response; we have received many letters of appreciation, and have received various commendations from around the country. Today, nearly one year later, although the afflicted areas appear to be returning to normal, many residents of our community are still rebuilding.*

*July marked the dedication of our new amphitheater, which was rebuilt after the arson fire that destroyed it in 2002. Through the efforts of people from around the entire metropolitan area, the facility was rebuilt even bigger and better, and will provide us with more cultural and entertainment opportunities in the future. Not only does this regional amphitheater host the largest Blues festival in the Kansas City area, we have scheduled more than a dozen events for the coming season.*

*With the many wind and ice storms of the past few years, we have been very cognizant of the tree damage our community has sustained. We began the process of repairing, replanting, and trimming trees on city property throughout our community because we recognize their importance to our environment, the aesthetics of our community, and the quality of life we enjoy. This effort resulted in our community being designated a Tree City USA for a second straight year, and last September we received a \$10,000 T.R.I.M. II grant from the Missouri Department of Conservation to evaluate trees and identify planting areas in our public spaces.*

*The City, like every other institution in this country, has had to retrench fiscally since 2001. In 2000, the City began to focus more intently on economic development and implemented several economic development initiatives. One of those initiatives concerned the revitalization of the North Oak corridor, and more specifically the Gladstone Plaza shopping center. Recognizing the economic deficiencies, lack of investment, and economic*

performance of the 210,000 square foot Gladstone Plaza Shopping Center, the Council declared the property blighted. The City then requested proposals from interested developers and ultimately selected a partnership of JP Realty and Walton Construction for the redevelopment of Gladstone Plaza. We are currently negotiating a development agreement that will allow the partnership to acquire, and make the necessary investments, to make this center an economic engine for our city.

As the word spread that Gladstone is serious about redevelopment, we began to see other action in the area. A 134-unit town home project is now underway directly east of Gladstone Plaza that will ultimately connect to North Oak via a planned parkway through the new shopping center. A new Walgreen's Drug Store will be built and approximately 40,000 square feet of additional space renovated on the southwest corner of 64th and N. Oak. Additionally, new commercial structures are being planned near 61st and North Oak, including our new fire station, which is nearing completion, Burnett's Lighthouse Frozen Custards, and a proposal on the Council's agenda this evening for the relocation of one of our long-time local businesses. Last August, during the trek to Sturgis, Worth Harley Davidson hosted more than 10,000 bike enthusiasts at its Oak Street dealership as part of Harley's 100th anniversary celebration.

For many years the City has discussed the need and desire for a downtown area. The North Oak Corridor Study identified this potential district as a vehicle that might encourage reinvestment elsewhere along the corridor. The City enlisted the services of Hugh Zimmer and Associates to complete an economic feasibility study for a mixed use, high density, commercial development near 70th and N. Oak. I'm excited to announce that the City has begun the process of acquiring properties that will encourage such an investment. This is the type of economic initiative the city needs to overcome a stagnant economy and encourage growth. This is the type of activity that encourages economic growth, which provides services and products needed by our citizens. It also provides for a very low cost of living in our community.

The Antioch Road corridor is also realizing renewed commercial interest. Sheridan's Frozen Custard was recently approved for Prospect Plaza, a remodeled Tommy's and McDonalds re-opened following the tornado, and an addition is planned for Hy-Vee at 72nd and N. Prospect. The former gas station and seasonal retail location at 58th and Antioch was demolished and development interests are being pursued for this location. Meadowbrook Shopping Center is full and has several exciting new tenants. We will continue to make economic development a priority and continue to focus on quality redevelopment in Gladstone while at the same time protecting the integrity of our neighborhoods.

Another long-term economic development goal was reached this past year with the creation of the City's first Community Development Corporation. This organization is designed to provide low interest loans to businesses for façade and building renovations, modern signage, landscaping, and other site plan improvements.

*During difficult economic times, just like our local businesses, we must make internal changes that will help the organization remain competitive and continue to provide services. Several internal management steps, or structures, have been altered or initiated this past year. These are not issues the public will have heard about, or even been very interested in, but they do help the organization change and provide a foundation for the provision of public services. Programs such as Positive Performance Management, a new Wellness Program, GASB 34, CiviCall, Fire Staffing analysis, Performance Evaluation Systems, NPDES, and other internal programs and studies were completed this past year. Many new ordinances were enacted to enhance our community, and the City reacted to such issues as Concealed Carry and a possible change in the provision of our emergency medical service.*

*The City continues to focus on capital improvement planning and the implementation of recently developed capital spending plans and bond issues. As promised to the voters, almost \$2.5 Million in sanitary sewer repairs have been made in the past three years. And as mentioned earlier, our new fire station on North Oak will be a tremendous public safety asset for the citizens of our city. Other bond projects have resulted in the just completed addition to City Hall that will provide much needed storage and meeting space. The 2002 Certificates of Participation promised the City Hall project, the expansion of Happy Rock Park, a long overdue rebuilding of 76th Street, and a renovated Public Works site. We are nearing completion of the final design for the new portion of Happy Rock Park and will see this project out for bid this summer. The design of 76th Street from North Oak to North Euclid has been completed and 95% of the easements and rights of way have been obtained. The utility companies have begun their relocation process, which should allow us to be under construction this summer, and the preliminary site plan improvements for the Public Works facility are being designed.*

*The City issued approximately \$6 Million in storm water bonds in 2000. These funds were provided for construction of the top four priority projects from the Stormwater Master Plan, which have been completed or are nearing completion at this time. The 68th Street & North Prospect detention basin is virtually complete as parking, landscaping, and tree maintenance are being completed at this time to allow for passive parkland use. The Rock Creek Channel improvements in Brooktree are also under construction and will result in an aesthetically pleasing new channel that will reduce erosion, flooding, and damage to property along Rock Creek. Over the last 20 years the City has allocated nearly \$10 Million for improvements to the Rock Creek basin, the channel itself running north to south through our city.*

*With the completion of these projects, all of the projects promised with the aforementioned bonds will be completed, and 19 of the top 20 stormwater projects in the Master Plan will have been funded or constructed. All told, the City has managed to have under construction nearly \$15 Million worth of capital projects this past year.*

*As areas north of Gladstone develop, our community will continue to see increases in traffic. Traditional Public Safety crime issues will persist, as will traffic congestion and air*

*quality issues. The City must strive relentlessly for a safer traffic environment, and enhance the safe flow of traffic throughout the city.*

*For the first time in 15 years we are also staring the question of our ambulance service squarely in the eyes. Gladstone provides the finest primary ambulance service available, but we often must rely on M.A.S.T. or other agencies for backup service. The day will soon come that we must decide as a community if we are satisfied with the current arrangement for secondary service or if we wish to find a way to pay for the level of service we have all come to expect - regardless of what time we call for help. Personally, I will support whatever means are necessary for us to be in the full-fledged ambulance business for our residents.*

*The Special Road District has been a tremendous partner for the City in making road improvements and subsequently this Council feels we must assist in making sure the Road District funds are not cut by Clay County and that they are distributed appropriately. A sampling of road projects being designed or constructed are Main Street from 61st Terrace to 64th Street, North Woodland north of 76th Street, 64th and Antioch by St. Andrews Church, the Pleasant Valley Road realignment, and the design of North Holmes from 70th Street to 72nd Street. Last year we spent roughly \$1 Million on overlay, slurry seal, and reconstruction projects alone.*

*The Water System will continue to see the City focus on the replacement of 2-inch lines throughout the city, the replacement of the water line adjacent to North Oak, and the upgrading of antiquated water meters that allow for "free" water. We will also continue to monitor and work to eliminate storm water infiltration of the sanitary sewer system, which will help control the sanitary sewer charges assessed to Gladstone residents by the City of Kansas City.*

*The tornado of 2003 made all of us realize how important, and what a valuable tool, regionalism is for our community. We are privileged to be a part of the Kansas City metropolitan area and we should participate in sustaining its strength. The assistance we received from area cities in the aftermath of both the tornado and the amphitheatre fire was invaluable and truly appreciated by everyone in our community. The fact of the matter is that we participate in that regionalism in many different ways, some of which may not be of knowledge to our residents. The City participates in many Mid-America Regional Council committees and the City has taken a leadership role in MARC's First Tier Suburbs Coalition, Total Transportation Planning, MARC City Managers Roundtable, Long Range Transportation Planning, Operation Green Light (an air quality and transportation initiative), Metro Trails, and the Insurance Trust. We have recently become an active participant in the ongoing Bi-State Tax discussions and the City Manager and I recently facilitated an effort that may result in a meeting of all metropolitan mayors from both sides of the state line to discuss the issue. The City is also active in the Kansas City Chamber of Commerce Regional Alliance, which is analyzing regional assets and funding mechanisms, and we had discussions recently with several area mayors to build interest in establishing*

*a working Northland Mayor's Council. And we have developed and are aggressively promoting a comprehensive legislative agenda at both the state and federal level.*

*Not only are we involved in regional issues, but several staff members and council members are involved in their professional and national associations. I commend each of these individuals for taking leadership roles in their professions, and with the Missouri Municipal League, City Managers Association, and National League of Cities.*

*Finally, I would like to recognize the many citizens who are serving as advisors and commissioners for the city. These people donate countless hours serving our community and are invaluable advisors to the Council. In addition to the boards and commissions, a citizen-based strategic planning effort commenced this past year. In placing recommendations for our future in the hands of our residents and business owners, "Gladstone on the Move" is utilizing the talents of more than 100 stakeholders in developing a long-range plan for our community, a plan that will be the foundation for future decision makers in our city.*

*It has been said, "Facts do not cease to exist because they are ignored." We have challenges at City Hall, but we have addressed them head-on and we will continue to address them head-on. But we also have a wealth of opportunity and it's exciting to think about the potential of our community. We are on the cusp of making things happen that we've been talking about around here for 25 years or more, and we have the people in place to make those things happen, many of whom are in this room tonight.*

*It is truly my honor and privilege to work with a team of such dedicated, professional staff and City Council members - true public servants - as we continue the work of making Gladstone the wonderful community that we all enjoy. Thank you for your time.*

**Note: End of Mayor Les Smith's State of the City Address.**

**Item 6. on the Agenda.** **FIRST READING BILL 04-15**, declaring the results of the Tuesday, April 6, 2004, Gladstone General Election as certified by the Clay County Board of Election Commissioners that City Council Candidate Les Smith has been elected to a Three Year Term on the Gladstone City Council.

Councilman Bill Cross moved to place Bill 04-15 on First Reading. Mayor Pro Tem Wayne Beer seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Wayne Beer, Mayor Les Smith. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 04-15, 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 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 04-15 and enact the Bill as **Ordinance 3.907**. 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 7. on the Agenda.**                      **CITY COUNCIL OATH OF OFFICE: LES SMITH.**

City Clerk Cathy Swenson gave the oath of office to Les Smith for a three year term on the Gladstone City Council.

**Item 8. on the Agenda.**                      **REMARKS FROM THE CITY COUNCIL.**

Mayor Smith thanked City Clerk Cathy Swenson and stated there were a few people he would like to specifically thank tonight. Mayor Smith thanked all present who offered their support this election through contributions, sign locations, encouragement and their vote. Mayor Smith said he felt the re-election of an incumbent reflects the attitude of the electorate towards the services provided by their government. This recent election speaks volumes to the competency and professionalism of City staff as well as this Council.

Mayor Smith continued by thanking Art Hammen, who was his campaign Chairman; Kelli Clayton, Treasurer; Dick Davis and Paul Degenhardt, who were the chief fund raisers; and Councilman Beer and Mayor Smith's son Jason, who were in charge of the signs. Mayor Smith thanked Nancy Thompson, who was the lady of all lists, and who is running for Clay County Assessor this November. Mayor Smith thanked his mother, and stated he knows these nights are bittersweet because of the memories of his father, but knows he set the course of his family giving back to the community, and he would be proud that they continue to do so. Mayor Smith thanked his son Jason, his daughter Jennifer, and his wife Rhonda and stated he appreciated them giving up time with him, during this past year.

**Item 9. on the Agenda.**                      **ELECTION OF MAYOR AND OATH OF OFFICE.**

Mayor Les Smith presided and opened nominations for the office of Mayor of the City of Gladstone. Councilman Carol Rudi nominated **Wayne Beer** for Mayor. Councilman Bill Cross seconded the motion. There being no further nominations, Mayor Smith asked for a vote. The vote: All "aye" – Councilman Joe Evans, Councilman Carol Rudi, Councilman Bill Cross, Mayor Pro Tem Wayne Beer, Mayor Les Smith. (5-0)

The City Clerk administered the Oath of Office for the position of Mayor of the City of Gladstone, Missouri to Mayor Pro Tem Wayne Beer.

**Item 10. on the Agenda.**                      **REMARKS FROM THE CITY COUNCIL.**

Mayor Wayne Beer expressed his thanks to all who supported him and those who have confidence in the City Council. Mayor Beer stated in the past year there have been a

number of activities, and he felt the City had the right person in the right job at the right time. Mayor Beer named a few events that occurred over the last year: the rebuilding of the Gladstone Amphitheatre, handling the issues of the May 4<sup>th</sup> tornado, the Gladstone Plaza redevelopment, and stated Councilman Smith has done an outstanding job in leading the City through these issues. Mayor Beer stated he hoped in this next year that while the City is continuing in its development efforts, there will be fewer problematic issues than last year. Mayor Beer said Councilman Smith has been a good mentor, and Mayor Beer hopes he can continue the good work Councilman Smith has started.

Mayor Beer introduced his wife, Judy, who has been a good deal of support, and his father in law, Jim Huffman, who just celebrated his 90<sup>th</sup> birthday.

Councilman Les Smith congratulated Mayor Wayne Beer on his election as Mayor of our community, and stated he has gotten to know Mayor Beer over the last couple of years. Mayor Beer is a deep thinker, very conscientious, and has only the best interests of Gladstone at heart. Councilman Smith said the Council has done themselves proud in electing Wayne Beer as Mayor, and wished Mayor Beer the best of luck.

Mayor Beer thanked Councilman Smith.

City Manager Kirk Davis invited Judy Beer to step forward to accept a basket of flowers from City staff. City Manager Davis said the flowers are a way of saying thank you for allowing Mayor Beer to spend the necessary time to accomplish all the tasks as Mayor, and Staff appreciates the commitment Mayor Beer has made, and also appreciates the commitment of his wife, Judy.

City Manager Davis invited Rhonda Smith to step forward to accept a basket of flowers from City staff. City Manager Davis stated the flowers are a way of saying thank you for allowing Councilman Smith, this past year, to spend the necessary time to accomplish all the tasks as Mayor, and Staff appreciates the commitment Mayor Smith has made and also appreciates the commitment of his wife, Rhonda.

**Item 11. on the Agenda.**

**ELECTION OF MAYOR PRO-TEM**

Mayor Wayne Beer invited nominations for the office of Mayor Pro-Tem. Councilman Bill Cross nominated **Councilman Carol Rudi** as Mayor Pro Tem of the City of Gladstone; Councilman Les Smith seconded the motion. There being no further nominations, Mayor Beer asked for a vote. The vote: All "aye" - Councilman Joe Evans, Councilman Carol Rudi, Councilman Les Smith, Councilman Bill Cross, Mayor Wayne Beer. (5-0)

**Item 12. on the Agenda.**

**REMARKS FROM THE CITY COUNCIL.**

Mayor Pro Tem Carol Rudi expressed her thanks and stated she wished to introduce two important people in her life, Bonnie Belknap, her mother, and Greg Strasser. Mayor Pro Tem Rudi stated she appreciates their support and the support of everyone in attendance.

**Item 13. on the Agenda.**

Mayor Beer stated the City Council meeting would recess for a reception and would reconvene at 8:30 PM.

**Item 14. on the Agenda.**

Mayor Beer reconvened the City Council meeting and asked the minutes note that all City Council members were in attendance.

**Item 15. on the Agenda.**

**CONSENT AGENDA**

Following the Clerk's reading, Councilman Bill Cross moved to approve the Consent Agenda as presented. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

**CONSENT AGENDA DETAIL**

Councilman Bill Cross moved to approve **RESOLUTION 04-21**, adopting a revised "Investment Policy" establishing procedures for investing the financial assets of all funds of the City of Gladstone. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION 04-22**, accepting Temporary Construction Easements and Standard Easements from Property Owners in conjunction with the 59<sup>th</sup> Terrace Drainage Improvements Project (0209). Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION 04-23**, authorizing execution of a contract with Holiday Contracting, Inc. in the total amount not to exceed \$131,808.50 for the Water Main Replacements Project (0490). Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION 04-24**, authorizing execution of a contract with Metro Asphalt, Inc. in the total amount not to exceed \$420,257.35 for the 2004 Full Depth Replacement and 2004 Overlay Programs and authorizing Change Order No. 1 in the amount of -\$39,065.25. (Project 045002-055001). Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION 04-25**, authorizing execution of a contract with Irvinbilt Company in the total amount not to exceed \$112,600.00 for the Drop Slide at the Municipal Pool Project (046050). Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION 04-26**, authorizing acceptance of work under contract with Layne Christensen Company for the Well #1 Pump Replacement; and authorizing final payment in the amount of \$20,418.00 for Project 034089. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION 04-27**, authorizing execution of a contract with Wincan America, Inc. in the total amount not to exceed \$28,064.00 for the Sanitary Sewer VHS Conversion Project (044094). Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve a **WINE TASTING LIQUOR LICENSE** for American Drug Stores, Inc.; dba Osco Drug; 6129 North Antioch Road; Managing Officer: Dennis VanEmmerick. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve the **FINANCIAL REPORT FOR MARCH 2004**. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

#### **REGULAR AGENDA**

##### **Item 16. on the Agenda.**

##### **COMMUNICATIONS FROM THE AUDIENCE.**

**Lucille Taylor, 7523 North Virginia**, provided to City Council members a copy of a document outlining her concerns. Ms. Taylor began by saying she is requesting a study and an update as soon as possible regarding the replacement and improvement of the storm drainage system from 76<sup>th</sup> Street south on North Virginia, along with sewer lines.

Ms. Taylor stated the City has failed to maintain or make improvements to her area's storm drainage system in a timely fashion even though our tax money has paid for these improvements. Ms. Taylor said she would like the study to include the size of the storm drainage tiles and sewer lines as she believes they do not meet the codes set for the City of Gladstone. Ms. Taylor asked for the time frame for these improvements to be completed,

as the only time she has seen any type of maintenance to the storm drainage system was in 1996, after she and her husband filed a complaint with the City's insurance company for sewer back-up damage to her property located at 7523 North Virginia.

Ms. Taylor stated she will be completing a personal study of her own with her neighbors and citizens of Gladstone to get their input on any problem they have. Ms. Taylor said she understands a study was done by George Butler and Associates, and she would like to have a copy of their findings, and any improvements already completed by the City of Gladstone and what neighborhoods they were in and any studies regarding problems from 1996 to present.

Ms. Taylor said she would have her letter registered and a notarized request by the May 24, 2004, City Council meeting, along with her survey notarized and the study notarized. Ms. Taylor apologized for bringing this issue to City Council on such a wonderful occasion, and thanked Assistant City Manager Scott Wingerson for seeing her this afternoon on such short notice. She asked for an easement from the property line to the street. Ms. Taylor stated she assumed she lived on the wrong side of the street. When one goes down the hill of her street, the houses on the east side of the street back right up to the sewer system. Ms. Taylor said she lives on the wrong side of the street, where her sewer line goes from her house, underneath the street, over to the connection on the sewer line.

Ms. Taylor said she and her husband have had problems since 1996, and every year they have come to City Hall to discuss this issue. In 1996, Duke Services did a survey, and she has copies of that survey. Ms. Taylor said she will have all of this notarized and documented for the May 24, 2004, City Council meeting. Ms. Taylor stated she would like to have a study of the storm drainage system and when these improvements are going to be made. Ms. Taylor said she has talked to City Manager Davis, who has been kind enough to see her before. Ms. Taylor stated she knows people must think she is the "wicked witch of the west", but she is not, and she is getting too old to fight City Hall and the storm drains. Ms. Taylor said her husband is retired and they cannot afford \$8,000 to dig up the street in Gladstone to repair a line under the street, when their neighbors across the street don't have to do that. Ms. Taylor requests the survey by May 24, 2004, or have some information by that time. She does not wish to be passed by any more.

Mayor Beer thanked Ms. Taylor for her attendance and stated City Council members appreciate her concerns. Mayor Beer explained the City is trying to solve problems which have developed over several years in the past, when there was lack of storm water planning.

Ms. Taylor stated developers in the past were allowed to install substandard clay tile in developments they built. This did not occur in this generation of City Council members or City management. Ms. Taylor asked that City Council commit tonight to conducting a study.

Councilman Les Smith asked Ms. Taylor if she lives on the east or west side of the street.

Ms. Taylor replied she is uncertain, but believes she lives on the west side.

Councilman Smith asked for clarification if Ms. Taylor is having storm drainage problems or sanitary sewer problems.

Ms. Taylor replied she is having sanitary sewer back-ups that are coming from the middle of the street and not from her house.

Councilman Smith stated, as he recalls, the issue is Ms. Taylor has a stub that runs from her house to the City main, and because the main is across the street, and her stub runs under the right of way, Ms. Taylor feels it is the City's responsibility to fix her problem.

Ms. Taylor replied that is correct, and stated there are other cities with the same demographics as Gladstone who has that policy. Ms. Taylor stated she will have that information at the May 24, 2004 meeting.

Councilman Smith asked if Ms. Taylor is requesting a study in her area or all of Gladstone.

Ms. Taylor replied she would like a study of all of Gladstone.

Councilman Smith stated he did not think the City could do that, and does understand Ms. Taylor is frustrated with the problem, but this same Council made a policy decision about a year ago that the City cannot be responsible for issues such as this. Councilman Smith said he does not believe all communities assume responsibility for this type of issue. Councilman Smith continued by saying he would defer to Staff as to what can be done, but to do a complete study would cost more money than he believes Ms. Taylor would wish to pay.

Ms. Taylor agreed and stated she also does not wish to pay the \$8,000 to \$11,000 to tear up a street that belongs to Gladstone, when her neighbors across the street do not have to do the same.

Councilman Smith asked City Manager Davis to bring the Council up to date on this issue.

City Manager Kirk Davis replied that Ms. Taylor has brought up two issues. Relative to storm water, Staff will look at the Master Plan that was done approximately two years ago to see what projects are in the area of 76<sup>th</sup> and Virginia and how they may have impacted Ms. Taylor's home. Her real issue is sanitary sewer, and as Councilman Smith pointed out, the main is on the other side of the street. The City's policy has been not to repair private laterals or private water lines between the main and the house. City Manager Davis said Ms. Taylor is correct, the main is on the other side of the street, so there is a longer run than her neighbors across the street. That is really the policy issue before the Council, although City Manager said he does not expect direction tonight. Staff prefers to look into the options as has been requested.

Ms. Taylor said she and her husband offered to pay their portion of tearing up their yard to the street, and have made that offer since 1996. They have never asked the City to pay the entire cost.

City Manager Davis stated Ms. Taylor has been in contact with the City in the past and each of those times Staff has televised the City main, which has been clear. City Manager Davis said he believes the information Ms. Taylor has is there is a disruption in the lateral that is under the street.

Ms. Taylor said that is correct.

City Manager Davis said the question has to do with the policy of private property owners taking care of their laterals.

Ms. Taylor stated she has seen the film City Manager Davis mentioned, and it is not clear, and the City's maintenance department does have a copy of the tape. Ms. Taylor said Steve, a manager, and she looked at the tape, and it is not clear.

City Manager Davis said he would review the report from Public Works, that stated the main was not blocked. He will review that again.

Ms. Taylor asked for information regarding the size of the main.

Mayor Beer stated that is information that can be easily provided to Ms. Taylor in May.

Ms. Taylor asked for a study of even just her street and the condition of that storm drain. Discussion was held this evening about all the storm water improvements; where are they being done – in Brooktree or Northaven Gardens, the new subdivisions?

Mayor Beer replied the improvements being made were established by order as to the complexities and severities of the areas. The City tries to address the biggest problems first, or an area that is affecting a larger part of the City.

City Manager Davis remarked that work begins downstream and work back up to the north. North Virginia and 76<sup>th</sup> Street is north of the basin.

Mayor Beer stated the City has a program for renovating, repairing, and improving the City's storm water system, but this is not something that can be done all at once.

Ms. Taylor replied she would like to know when improvements are going to be made on her street, and she would like to have a date when that will be done.

Mayor Beer stated Ms. Taylor can probably be given an approximate time frame.

Ms. Taylor said that would be great. Ms. Taylor stated she brought a letter to City Hall in 2001, and gave each City Council member a copy of the letter, before speaking with City Manager Davis. The only person who opened up the letter was Councilman Smith, and she thanked him for that. Nothing was done, but Councilman Smith called Ms. Taylor. Ms. Taylor asked for confirmation that this issue will be on the May 24, 2004 meeting.

Mayor Beer replied he believed that would be possible.

Ms. Taylor thanked the Mayor and Council and apologized for bringing this issue forward on such a wonderful occasion.

Mayor Beer thanked Ms. Taylor.

**Donald Harper, 1606 NE 68 Terrace**, stated, as a resident of Gladstone, he wished to say thank you to the Mayor and City Council, and said former Mayor Smith's State of the City address was very meaningful and right to the point. Mr. Harper said he would like to see the address posted on the City website, where potential residents could see it. Mr. Harper thanked the City Council and the hard working City staff members.

Mr. Harper stated he did have a complaint. Recently City Council made an amendment to the ordinance regarding recreational vehicles and motor vehicles that they could not be parked over City sidewalks. Mr. Harper said he applauded that decision. Although in his neighborhood it has resulted in these vehicles being parked in the street, creating some traffic hazards when trying to see around a corner where they are parked. Mr. Harper said he felt City ordinances should preclude parking of recreational vehicles in the street, and asked the City Council to consider this issue.

**Item 17. on the Agenda.**      **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Bill Cross** stated he looked around the audience and noticed there are eight former mayors in attendance this evening. That is tremendous support. There are also many former Council members in attendance, as well as over 20 people that are on Boards and Commissions. This is absolutely fantastic that so many attended the dedication this evening, and continue to support the City. Councilman Cross thanked those in attendance for their support this past year, and stated it has been a good year, and a good past 50 years in Gladstone with the leadership the City has enjoyed.

**Councilman Les Smith** had no comments at this time.

**Councilman Joe Evans** congratulated Mayor Beer and Mayor Pro Tem Carol Rudi.

**Mayor Pro Tem Carol Rudi** had no comments at this time.

**Mayor Wayne Beer** had no comments at this time.



**Item 18. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reported the City-wide Beautification Event in Central Park will be April 23<sup>rd</sup> through April 25<sup>th</sup>. The Brush Disposal event will be April 30<sup>th</sup> through May 2<sup>nd</sup> at Public Works. On April 24<sup>th</sup>, the Department of Conservation will be conducting a seminar on tree planting and care, as part of our Tree City designation. This is scheduled for 10:00 AM at City Hall. City Manager Davis mentioned the banner on display in the lobby was given to the City by Oakwood Manor Elementary School students at the City's Arbor Day celebration held April 2, 2004 in Flora Park. City Manager Davis expressed the City's appreciation for the support of Oakwood Manor School and the students that attend the school.

**Item 19. on the Agenda.**

**A PUBLIC HEARING** for consideration of a request to rezone from R-1, Residential to RCH-1P, Residential Cluster Housing Planned at property located east of and adjacent to M-1 and north of 72<sup>nd</sup> Street. Applicant: Liggett Construction, Inc. Owners: Daniel Hughes, Daniel Nelson, Francis Nelson. (File #1221).

Mayor Beer 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 is requesting two actions from City Council, this evening, a zoning change from R-1, Residential to RCH-1P, Residential Cluster Housing Planned, and a Site Plan approval to allow construction of 87 primarily owner occupied town homes contained within 22 separate buildings. Primary access to the development is North Indiana at its intersection with 72<sup>nd</sup> Street. There is an emergency access provided from M-1 Highway into the development for emergency use only. Mr. Wingerson stated he wished to highlight a few of the conditions. Stormwater plans will be developed as part of the engineering of this project and submitted to the City, meeting all of the current regulations prior to development. Trees shall be marked for removal and inspected by City staff prior to removal. The intent of this condition is to ensure the area around the outside of the development is maintained in its natural state to a degree possible.

Mr. Wingerson reported from the site visit the Planning Commission conducted, they recommend a 20-foot buffer on the south side of this development, adjacent to the Tall Timber subdivision. The developer has agreed to make certain this occurs. A slight change in the draft bill is Condition No. 6, which currently says one tree will be located in the front yard and one tree in the rear yard of each unit. The applicant is requesting that be changed to read two trees per unit. Staff has no objection to that change. Yard lighting shall be installed for each unit or street lights shall be installed by the developer and dedicated to the City is Condition No. 7. Staff maintains this is an appropriate condition. The applicant, tonight, will object slightly to that. Another condition is a walking trail

from the proposed walking trail in Happy Rock Park on the west side of Antioch Road to the bridge at M-1 Highway. The developer has secured the rights to do this from an adjoining property owner, and has agreed to this condition.

### **Applicant Presentation**

**Jim Kraatz, Lutgen and Associates**, began by saying with him were Terry Liggett and Maggie Jones, who are representing the developers. The proposed residential development consists of 87 units, with the maximum of 4 units attached and there are some 3-unit buildings. Mr. Kraatz pointed out the North Indiana access on the plans he had on display. The property would be accessed through an easement by continuing North Indiana through the proposed development property and creating a loop street. Mr. Kraatz pointed out a secondary, emergency only access to Missouri Route 1 Highway. The Missouri Department of Transportation has approved this location, and his firm will work with them with the details and actual construction drawings.

Mr. Kraatz said this is a heavily forested area and it is his intention to save as many trees as possible, and pointed out the areas where the trees are to be removed. It is proposed to save the trees on the south and west property lines, with the exception of where the connection is with Missouri Route 1 Highway. Mr. Kraatz pointed out where the trail will be constructed from the project to Happy Rock Park. Necessary easements will be obtained to construct the trail. Mr. Kraatz ended his report and asked if there were any questions from Council.

Councilman Bill Cross noted that with the removal of the trees and the hilly terrain in part of the project area, a lot of dirt will have to be moved.

Mr. Kraatz agreed a lot of dirt will be moved.

Mayor Beer stated the emergency access is a concern to him, and asked for an approximation of the grade for the emergency access.

Mr. Kraatz replied it is planned to have an approximate 9 percent grade and pointed out that after meeting with Fire Department personnel, it was decided this will be a grass access with gravel underneath, designed to support a fire truck. Fire Department personnel were very receptive to this idea. A paved area that no one uses will not need to be maintained, nor will people be encouraged to use the area to park cars or block the emergency access route. The route will be marked by the Fire Department with a couple of markers and they would know the emergency access route was there, and no one else would know of it. Access off of MO Route 1 Highway would be controlled by a locked gate, with what the Fire Department calls a Knox Lock, which the Fire Department can unlock.

Mayor Beer noted when the proposed emergency access route becomes wet, there may be a concern that a fire truck going down this significant grade might unload the rear wheels

and there may be an issue with loss of traction with such unloaded rear wheels. The fire truck may no longer have control. The same issue could be a concern in the winter when there is ice and snow.

Mr. Kraatz replied he discussed with Fire Department personnel the repercussions if the proposed access road became soaked, and it was decided that the design of the grass above the gravel would not be that deep, so the tires would hit the gravel base and not be stuck in the grass and the mud. Fire Department personnel were not concerned with winter weather. The trucks have the capability to put on chains and they did not see that as an issue.

Mayor Beer asked would it be too late to put on chains, when the truck is out of control going down a 9 percent grade.

Mr. Kraatz indicated on the plans how the emergency access road comes off the highway and how the highway is lower in an area and leads up to the grade.

Mayor Beer stated Mr. Kraatz's explanation makes him feel a little more comfortable with the proposal.

Councilman Smith stated he fully supports the development of this property, however this is not a good enough answer for him. We are talking about a 9 percent grade that a vehicle would not only have to get down, but get up as well. What is proposed is one primary paved road in and out of a development that is going to have 78 housing units. If that street becomes blocked, we are not just talking about a fire truck getting onto the property, we are talking about an ambulance responding to a call to a property, or other emergency personnel trying to move someone from the property. Councilman Smith said it is his belief the emergency access route needs to be a paved route of some sort that will be kept clear. It does no good to get an ambulance into the property to save a life, if they cannot get out. Councilman Smith said he does not feel this is being addressed sufficiently.

Councilman Rudi stated the Planning Commission had some goals that they included in their recommendation, and one of those was reforestation and landscaping in the center of the development. Councilman Rudi asked Mr. Kraatz to discuss this issue.

Mr. Kraatz indicated on the plans the area where trees would be removed and where trees would be preserved. Regarding reforestation, two trees per unit will be planted. The reason his firm has requested that every house not have a tree in the front and one in the back is the ability to put more trees in the rear of the houses. Some of the houses will have two trees in the backyard and some will have one.

Councilman Rudi stated another concern of the Planning Commission was that the trees that are 14 inches in diameter are to be replaced with a combined diameter to equal those removed. Is there a plan to do that?

Mr. Kraatz responded there is not such a plan. With the amount of trees to be removed, that would be a lot of trees to replace.

Mayor Beer invited anyone to step forward to speak in **Favor** of the proposal.

**Terry Liggett, 130 The Woodlands**, stated he is the developer of the proposed project, and has been a resident of Gladstone since 1967. Mr. Liggett said he does not have a problem with the paved emergency access road. Mr. Liggett stated he does have a big problem, and will not do the project, if he has to replace all the trees as suggested. Mr. Liggett said he cannot afford to do this, and this property is not an easily developed property because of the hilly terrain.

There was no one **Opposed** to the proposal.

Mayor Beer closed the Public Hearing.

Mayor Pro Tem Rudi stated when the site plan is considered she felt City Council should take into consideration some of the items the Planning Commission requested. Replacing the 14-inch diameter trees may not be something that can be done. Councilman Rudi asked Mr. Wingerson if he felt this would be possible.

Mr. Wingerson replied it is possible to identify all of the 14-inch diameter trees and calculated into a number. From the site visit, his guess would be there are 200, 14-inch diameter trees. The reasonable size of a replacement tree would be 3 inches, so five trees would need to be planted for each 14-inch diameter tree. That is where Mr. Liggett's concern comes in, such a large financial outlay on a piece of property that is already difficult to develop.

Mayor Beer stated this would equate to trees as thick as a lawn, that would probably be stunted. Trying to do an inch for inch is not a likely scenario.

Councilman Rudi stated she would like to see more than two trees per unit. If there are funds available, add more trees where possible. Councilman Rudi said she does not see that as part of the requirement, but would encourage Mr. Liggett to do that.

Mr. Liggett stated he wants the project to be as pretty as possible, and he understands the interest of the people who live in the Tall Timber subdivision. They have had trees for many years at the end of their cul-de-sac, and they would like to have as many preserved as possible. Mr. Liggett said he wants to do the same thing, and wants it to be a pleasant neighborhood, with as many trees as possible. One of the reasons he asked not to be required to have two trees in front of each unit is because some of the units are only 30 feet wide. With a two car garage, there would be only 10 remaining feet, where some of the others are 40 feet wide and two trees would work well. Mr. Liggett said he doesn't object to a few trees, but a thousand trees is something he cannot live with. Mr. Liggett continued

by saying it is Staff's recommendation that he install either streetlights or yard lights. He was involved in a townhouse project at 72<sup>nd</sup> Street and North Brooklyn called Meadowlane. He put in pole lights in the center of each front yard. The people have taken them all out, because when they mow, they break the bulbs. What he would like to see Council approve on this project is dusk to dawn lights on an electronic eye on the house units, themselves. It provides safety and security to the neighborhood and it makes an attractive project.

Mayor Beer asked Mr. Wingerson if this is the intent of the Ordinance.

Mr. Wingerson responded by saying the intent of the Ordinance was to provide street lighting for the project. Some of the City's neighborhoods are dark, and this is one way to address this issue by allowing the developer a choice between streetlights or yard lights. Mr. Liggett has done some nice projects, and Mr. Wingerson said he was sure this project will be no different, so if Council does not object to yard lighting that would be acceptable.

Councilman Smith asked Mr. Wingerson if he is still recommending yard lighting. Mr. Liggett has mentioned building lighting.

Mr. Wingerson replied this is a policy issue for City Council on what is required. In previous developments in the last 9 or 10 years yard lighting or streetlights have been required. Mr. Liggett has a different twist on that. If Mr. Liggett's proposal meets the needs and goals of the City and the Council, this may be the right way to go.

Mayor Beer said in some of the City's previous developments, the building lighting was all that was deemed necessary. Some neighborhoods decide down the road they want streetlights, because their area is dark even with building lighting.

Mr. Liggett stated in his own residential area, the homes were required initially to have soffett lighting. He and some of his neighbors did not like the soffett lights, because they are hard to reach to replace, and his area approved low voltage lighting. To his knowledge, no one in his area has requested streetlights. In Meadowlane, they installed building lights, and it is a well-lit area without yard lights shining into their bedroom windows.

Councilman Smith asked if there will be a Homeowners' Association in his proposed project.

Mr. Liggett replied yes.

Councilman Smith suggested the Homeowners' Association stipulate the lights remain functional at all times, so a homeowner cannot remove the lighting.

Mr. Liggett agreed, and said he would have provisions where the lights could not be removed or rewired. He has not had anyone try to do that, in fact his biggest problem is supplying bulbs. Mr. Liggett said he has installed lighting that shines down and he has

installed longer life light bulbs, which has been a big help compared to what is bought at the store. His favorite lights are floodlights that shine up and light up the exterior of the building, which is attractive.

Councilman Cross stated based on what he has heard and based on Mr. Liggett's reputation he will be voting in favor of this proposal. Councilman Cross said he appreciates the longevity Mr. Liggett has in Gladstone and willing to invest even more money in our City. Councilman Cross wished Mr. Liggett good luck.

Mr. Liggett thanked Councilman Cross, and said he would have proposed a project earlier, but has not been able to find Gladstone property to develop.

**Item 19a. on the Agenda.** **FIRST READING BILL 04-16**, rezoning property located east of and adjacent to M-1 and north of 72<sup>nd</sup> Street from R-1, Residential to RCH-1P, Residential and Cluster Housing, Planned. Applicant: Liggett Construction, Inc. Owners: Daniel Hughes, Daniel Nelson, Francis Nelson. (File #1221).

Councilman Bill Cross moved to place Bill 04-16 on First Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 04-16, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 04-16 and enact the Bill as **Ordinance 3.908**. Mayor Pro Tem Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer.

**Item 19b. on the Agenda.** **FIRST READING BILL 04-17**, approving a Site Plan subject to certain conditions at property located east of and adjacent to M-1 north of 72<sup>nd</sup> Street. Applicant: Liggett Construction, Inc. Owners: Daniel Hughes, Daniel Nelson, Francis Nelson. (File #1221).

Councilman Les Smith moved to place Bill 04-17 on First Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to amend Bill 04-17 to change Condition No. 6 to state two trees in each lot, Condition No. 11 to state a paved access road will be in place prior to the

construction of any units, and Condition No. 7 stating yard lighting shall be installed for each unit or street lights shall be installed by the developer or an alternative method of lighting as approved by City staff, and dedicated to the City. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 04-17 as amended, Waive the Rule and place the Bill as amended on Second and Final Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 04-17 as amended, and enact the Bill as **Ordinance 3.909**. Mayor Pro Tem Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer.

**Item 20. on the Agenda.** **PUBLIC HEARING** for consideration of a request to rezone from R-1, Residential and CP-O, Commercial Planned Non-Retail, to CP-3, Commercial Planned on property located at 6110 North Oak Trafficway. Owner/Applicant: Larry & Connie Myers. (File #1222).

Mayor Beer opened the Public Hearing and explained the hearing process will be the same as before, 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 is requesting two actions, one is a zoning change from the current classification of R-1, Residential and CP-O, Commercial Planned Non-Retail to CP-3, Commercial Planned, and Site Plan approval to allow development of an automobile sales facility in the vicinity of 61<sup>st</sup> Street and North Oak. The surrounding land uses appear appropriate to support this type of development. To the west is Bircaim Apartments, multi-family; to the north is the City's Fire Station that is under construction, and a self-serve car wash to the south. Across the street is retail and residential in the Village. The developer will show a plan tonight and in City Council packets there is included some future planned areas. The Planning Commission's recommendation is that those areas be excluded from Council's consideration and focus be primarily on the main development, which is a building, customer and employee parking, and vehicle display.

Mr. Wingerson said he would like to highlight three recommended conditions in the draft ordinance relating to the site plan. Condition No. 4. states in compliance with the

Comprehensive Plan, one car deep display area is permitted. This area shall be separated from the general sales area. Mr. Wingerson stated in this application, this is accomplished through a series of retaining walls and existing topography. Condition No. 5 states the building signage is compliant and a monument sign should be utilized. Condition No. 6 states a 15 foot green space shall be provided on private property adjacent to North Oak. Mr. Wingerson reported these conditions are consistent with previous automobile dealership approvals. Planning Commission is recommending to City Council approval of both requests with removal of the future planned areas in a unanimous fashion.

**Mayor Beer recessed the City Council meeting for five minutes.**

**Mayor Beer reconvened the City Council meeting.**

Mayor Pro Tem Rudi inquired into the possibility of a right of way dedication, so a center left turn lane could be constructed.

Mr. Wingerson replied he felt that is an excellent suggestion, and if City Council would support this, a plat would come forward in the future to ensure the right of way can be dedicated or considered by the Planning Commission and City Council.

Mayor Pro Tem Rudi asked if this needs to be done at this point.

Mr. Wingerson replied no.

#### **Applicant Presentation**

**Michael Schneider, Hoefer Wysocki Architects**, stated he was present to represent the owner/applicant Larry and Connie Myers. Mr. Schneider stated he believed the development that is being proposed is the kind of development that Gladstone has or is moving towards. The development is reflective of the adjacent Fire Station in the quality of design and the materials that are proposed. Mr. Schneider pointed out the Site Plan includes the landscaping buffer along North Oak Trafficway.

Mayor Pro Tem Carol Rudi asked if there is a problem removing the future sites for the storage and the drive from the site plan for consideration tonight.

Mr. Schneider replied he would have to defer to the applicant.

**Larry Myers, 71 The Woodlands**, stated he does object to removing these future sites, but does not oppose removal, as he needs to move this project forward. He would love to have this in the future, but it is not part of the current project.

Mayor Beer invited anyone to step forward to speak in **Favor** of the proposal.



**Lee Bussinger, 3209 NE 59<sup>th</sup> Terrace**, stated he felt City Council is considering two good proposals this evening. One proposal was Mr. Leggett's, and it was approved, and the proposal of Mr. Myers. Mr. Bussinger said he knows Mr. Myers and knows he runs a good business and he worked very hard to keep his business in the City of Gladstone. Mr. Bussinger said he thinks Mr. Myers is proposing a nice facility that will add to and enhance North Oak Trafficway, which is what the City has been working towards for many years. As a resident, Mr. Bussinger said he supports this proposal and hopes the City Council will approve it.

Mayor Beer invited anyone to step forward to speak in **Opposition** of the proposal.

**Galen Neill, 6010 North Wyandotte**, stated he is not completely opposed to this proposal of a car lot, but is opposed to the proposal progressing to this point if certain things are not done. Mr. Neill said he liked what Councilman Rudi said about a left hand turning lane. Mr. Neill stated he had an accident and was rear-ended making a left hand turn on North Oak Trafficway on February 29, 2000. As a result of that accident, he had an injury, and he has never forgotten about that turn. This is a very dangerous location. Mr. Neil said he feels there needs to be a left hand turn lane. Mr. Neil continued by saying if one is southbound on North Oak Trafficway and make a right hand turn onto 61<sup>st</sup> Street, there is traffic that comes out of Priscilla's. There have been many times he has made a turn there, going westbound and would have to wait, partially blocking the traffic on North Oak Trafficway, in order to get around the people waiting to exit 61<sup>st</sup> Street turning left onto North Oak. Mr. Neill said he would appreciate consideration of preventing a left hand turn out of Priscilla's.

Councilman Smith asked Mr. Wingerson if the possibility has been considered to getting the parties involved to cooperate in what is shown on Mr. Myers's plan as a proposed future drive. Perhaps this would accommodate him and better a situation that Mr. Neil just spoke about. Mr. Smith asked if it would be feasible to create that proposed future drive, closing Priscilla's current drive, and Mr. Myers and Priscilla's would share the proposed future drive.

Mr. Wingerson replied there was some consideration given as to how to improve the intersection in a sort of "stop gap" approach. Mr. Smith's suggestion was considered, but did not go any further based on the Planning Commission's recommendation of eliminating the proposed future areas. There was not an opportunity to refine that for discussion tonight.

Councilman Smith asked if there was discussion that the Planning Commission might be willing to visit this suggestion if it would mean closing the Priscilla's drive and would eliminate that dangerous situation.

Mr. Wingerson replied, without speaking for the Commission, it would be his guess they would support anything that would improve the situation and allow both businesses to co-exist.

Councilman Smith asked, in order to not hold up Mr. Myers, would it be possible to have this discussion when the plat is considered, and then perhaps it would accommodate Mr. Myers and would alleviate a bad situation as well.

Mr. Wingerson replied yes.

Councilman Smith stated there was some discussion regarding stormwater detention and what that might do to the thick woods in the area.

Mr. Wingerson replied Mr. Eiler of Aylett Flowers Survey & Engineering Company was present and would be better able to address the stormwater detention and the removal of some of the trees of the low area of the southwest corner of the property. Mr. Wingerson said he believed the damage would be generally minimal and just enough to get the necessary storage.

Mayor Pro Tem Rudi stated she had also wondered about combining the drives with the existing retail, and would really like to see the retail drives combined into one that would exit at the proposed drive of the auto sales.

Councilman Smith suggested Mr. Wingerson look at that and bring a recommendation back to City Council. That might even warrant traffic control in the future.

**Larry Myers, 4635 N. Holly Court; Kansas City, MO**, who is the applicant, stated that his business sharing a drive with Priscilla's cannot happen. There is too much of an elevation difference between the two properties and the driveway he proposed leading to 61<sup>st</sup> Street would not connect to property belonging to Priscilla's. Priscilla's property line stops at the back of their building, and then the elevation drops off about 20 feet or better. Mr. Myers said he does not see any way he would want to share a driveway with Priscilla's on that piece of property, when they would have to go on his property to get off of their property. Mr. Myers said he wanted an additional exit for possible emergency vehicles but was told "no" by the City.

Mr. Myers's said his traffic would exit on 61<sup>st</sup> Street, which is behind Priscilla's. Mr. Myers said this was a proposal for the future for City services and so forth, but he can get by with the one exit onto North Oak Trafficway. The 61<sup>st</sup> Street drive would not help with Priscilla's, because all their business is in the front. They do not own any of the property behind, and cannot enter or exit that way.

Mayor Pro Tem Rudi said the Council has encouraged shared drives along North Oak Trafficway when possible.

Mr. Myers said all of Priscilla's parking is in the front.

Mayor Beer stated part of North Oak's problem is there is a multitude of curb cuts all along that street that are located too close together.

Mr. Myers said he would love to have a traffic signal in that area, but not at his expense. Mr. Myers stated, it is sad, but Priscilla's puts a lot more traffic onto North Oak than he ever will. There is a lot of traffic at Priscilla's. His traffic will be minimal, but there is no physical way to share the property.

Councilman Smith stated he thought perhaps Priscilla's could have a shared exit on the north side of their building and the south side of Mr. Myer's property.

Mr. Myers replied there will be a retaining wall on the south side of his property that will be about two feet higher than Priscilla's, and he does not want to be on the same parking lot as Priscilla's. He wants to be slightly elevated.

Councilman Smith said he was trying to find a way to get Mr. Myers his future drive.

Mr. Myers expressed his appreciation, but said it is not necessary. He included the drive in his proposal for the future in case he ever needed it. He was once told if you ever want anything in Gladstone, put it down now, in the event you might want it later.

Mayor Beer commented the issue here has partially to do with the safety of the 61<sup>st</sup> Street intersection, but traffic warrants do not permit any significant changes to that intersection at this point. It appears this proposal will have little impact on this intersection, so Council needs to consider the merits of this site without discussion of the intersection having an effect upon the proposal.

**Mayor Beer closed the Public Hearing.**

Mayor Pro Tem Rudi remarked she felt the direction Council is trying to go with this proposal is to work out the best solution for all involved. When the plat comes forward, City staff is asked to consider what was discussed tonight.

**Item 20a. on the Agenda. FIRST READING BILL 04-18**, rezoning property located at 6110 North Oak Trafficway from R-1, Residential and CP-O, Commercial Planned Non-Retail, to CP-3, Commercial Planned. Owner/Applicant: Larry & Connie Myers. (File #1222).

Councilman Bill Cross moved to place Bill 04-18 on First Reading. Councilman Les Smith seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Becr. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 04-18, Waive the Rule and place the Bill on Second and Final Reading. Councilman Les Smith seconded.

The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 04-18 and enact the Bill as **Ordinance 3.910**. Councilman Les Smith seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer.

**Item 20b.on the Agenda.** **FIRST READING BILL 04-19**, approving a Site Plan Revision subject to certain conditions for property at 6110 North Oak Trafficway, and specifically relating to construction of an Auto Sales Facility. Owner/Applicant: Larry & Connie Myers. (File #1222).

Mayor Pro Tem Carol Rudi moved to place Bill 04-19 on First Reading with the amendment that added to the list of conditions would be Condition No. 12, that areas labeled "future vehicle storage areas" and "future drive" are removed from the Site Plan. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Mayor Pro Tem Carol Rudi moved to accept the First Reading of Bill 04-19 as amended, Waive the Rule and place the Bill on Second and Final Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Mayor Pro Tem Carol Rudi moved to accept the Second and Final Reading of Bill 04-19 as amended, and enact the Bill as **Ordinance 3.911**. Councilman Les Smith seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer.

**Item 21. on the Agenda.** **FIRST READING BILL 04-20**, repealing Ordinance No. 3.863 (Code Section 29-66 (A), (B) (1) and (B) (2), and enacting a new ordinance levying Sewer Service Charges and Commodity Rate Charges in the City of Gladstone, Missouri.

Councilman Les Smith moved to place Bill 04-20 on First Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 04-20, Waive the Rule and place the Bill on Second and Final Reading. Councilman Bill Cross seconded.

The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 04-20 and enact the Bill as **Ordinance 3.912**. Councilman Bill Cross seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer.

Councilman Smith stated it might be appropriate to explain to the audience the changes are only reflective of the increase in the rates charged to us by the City of Kansas City, Missouri for treatment of our sewer.

Mayor Beer agreed and explained this is just a "pass through" charge. Our City contracts with Kansas City, Missouri for sanitary sewer treatment, and when they raise their rates, it becomes incumbent for Gladstone to raise rates in a like amount, which is what was done tonight.

**Item 22. on the Agenda.      OTHER BUSINESS.**

There was no other business.

**Item 23. on the Agenda.      QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.


**Item 24. on the Agenda.      ADJOURNMENT.**

There being no further business to come before the April 12, 2004, Gladstone City Council Meeting, Mayor Beer asked for a motion to adjourn the Regular Meeting.

Councilman Bill Cross moved to adjourn the Regular April 12, 2004, City Council Meeting. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

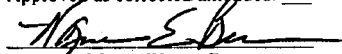
Mayor Beer adjourned the Regular April 12, 2004 City Council Meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

  
Mayor Wayne Beer



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, APRIL 26, 2004**

**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 April 12, 2004 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** recognizing and supporting the **Northland Ethnic Festival**, which was held April 17, 2004 at Park Hill High School.
- 4b. **SPECIAL RECOGNITION AND OATH OF OFFICE** to GEMA (Gladstone Emergency Management Agency) volunteers.
5. **CONSENT AGENDA**

**RESOLUTION NO. R-04-28**, authorizing acceptance of work under contract with Mid-America Sign Contractors, Inc. for the Gladstone Master Signage Plan; and authorizing final payment in the amount of \$9,990.64 for Project 026010.

**RESOLUTION NO. R-04-29**, authorizing Change Order No. 2 in the amount of \$22,609.27 to the contract with Pyramid Excavation & Construction, Inc. for the 59<sup>th</sup> Terrace Drainage Improvements Project 0209.

**RESOLUTION NO. R-04-30**, accepting a Permanent Easement from 64<sup>th</sup> and N. Oak-Gladstone, L.L.C. in conjunction with the Walgreens Store at NE 64<sup>th</sup> Street and North Oak Trafficway.

**RESOLUTION NO. R-04-31**, authorizing execution of a contract with Larkin Excavating, Inc. in the total amount not to exceed \$415,314.02 for the reconstruction of North Main Street; Project 025015.

**APPROVAL OF LIMITED ONE-DAY LIQUOR LICENSE** to the Assistance League of Kansas City, 6101 North Chestnut, for an event on Saturday, April 30, 2004. Hours: 7:00 PM - 10:00 PM. Managing Officer: Ms. Geraldine Rhodes.

**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 request to rezone from R-1, Residential to CP-O, Commercial Planned Non-Retail, at property generally described as 1900 NE Englewood Road. Applicant: Creative Arts Academy. Owner: Englewood Baptist Church (File #1223)
- 9a. **FIRST READING BILL 04-21**, rezoning property from R-1, Residential to CP-O, Commercial Planned Non-Retail at property generally described as 1900 NE Englewood Road. Applicant: Creative Arts Academy. Owner: Englewood Baptist Church. (File #1223).
- 9b. **FIRST READING BILL 04-22**, granting a Special Use Permit subject to certain conditions to Creative Arts Academy for purposes of operating a Gymnastics Center in an R-1 Zone at 1900 NE Englewood Road. Applicant: Creative Arts Academy. Owner: Englewood Baptist Church. (File #1223).
10. **Other Business.**
11. **Questions from the News Media.**
12. **Adjournment.**



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

**MONDAY APRIL 26, 2004**

**PRESENT:** Mayor Wayne Beer  
Mayor Pro Tem Carol Rudi  
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 Les Smith

Mayor Wayne Beer opened the Regular April 26, 2004, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR APRIL 12, 2004  
CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular April 12, 2004, 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 Carol Rudi, Mayor Wayne Beer. (4-0)



**Item 4a. on the Agenda.** Mayor Wayne Beer made brief comments before reading a proclamation recognizing and supporting the "Northland Ethnic Festival", which was held April 17, 2004, at Park Hill High School.

Mayor Beer stated he has been involved in construction in one form or another all of his life, and he feels the efforts toward recognizing diversity as being similar to mixing and pouring concrete. Every component of concrete is just a single element, whether it is sand or cement. They are of no consequence until they are mixed together. Once mixed, then they become a monolithic whole. If any one of the components is missing, then there is a weakened structure. Diversity is something in our society that is of extreme importance.

Mayor Beer invited Michael Hernandez, Northland Ethnic Festival Planning Committee Chairman, to step forward to accept the proclamation, and explained this proclamation was presented to Mr. Hernandez at Park Hill High School during the Northland Ethnic Festival. Mayor Beer invited Mr. Hernandez to attend tonight's City Council meeting, so this event could be recognized. Mayor Beer stated not only is the Northland Ethnic Festival pertinent to Gladstone residents, but he is a member of the Northland Diversity Council, which is one of the sponsors of the Northland Ethnic Festival, and was once a Board member and Vice President of this organization.

**Item 4b. on the Agenda.** **SPECIAL RECOGNITION AND OATH OF OFFICE** to Gladstone Emergency Management Agency (GEMA) volunteers.

Mayor Beer invited Fire Marshall and Emergency Management Director Chuck Duddy to comment on the services GEMA volunteers provide to the community. Mr. Duddy thanked the Mayor and City Council members for the opportunity to recognize GEMA members and to provide the Oath of Office to new members. Mr. Duddy stated he became the GEMA Director in October of 2003, and reported last year GEMA members responded to the May 4<sup>th</sup> tornado, various fire and police scenes, and different emergencies throughout the community. GEMA members also assisted at civic events sponsored by the City. Mr. Duddy stated last year there were seven GEMA members, who have volunteered countless hours in assisting the City.

Mr. Duddy reported two months ago it was decided to increase the GEMA staff, and as a result, membership is now 15 members strong. Mr. Duddy stated he would like to recognize the current members and conduct an Oath of Office for the new members. Mr. Duddy introduced the current members: Dennis Daly, Volunteer Coordinator; Marc Wachter, Assistant Volunteer Coordinator; Mike Webb; Becky Daly; and Marc Kamphefner. Mr. Duddy said some of these members have been with GEMA since it started in September 1990, and the others have been members for 3 years and more. New members present were: Carl Queisert; Janet McCloud; and Tim Kamphefner. Members not present at the Council meeting were: Jim Olshefski; David Sour; Wyman Horn; Karen Fraley; Jack Folsum; and Phil Snell.

Mr. Duddy stated GEMA volunteers will work the 15 event scheduled this year at Oak Grove Park.

Mayor Wayne Beer stated the GEMA volunteers are an extremely valuable part of the City organization and he and City Council members are very pleased they are able to donate so much time to the City. GEMA volunteers can always be counted on for assistance, and this is very much appreciated. Mayor Beer gave City pins to Mr. Duddy to distribute to all GEMA volunteers.

Mr. Duddy invited Carl Quicisert; Janet McCloud; and Tim Kamphefner to step forward to receive the Oath of Office from City Clerk Cathy Swenson.

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

Following the Clerk's reading, Councilman Bill Cross moved to accept the Consent Agenda as presented. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0).

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-04-28**, authorizing acceptance of work under contract with Mid-America Sign Contractors, Inc. for the Gladstone Master Signage Plan; and authorizing final payment in the amount of \$9,990.64 for Project 026010. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-04-29**, authorizing Change Order No. 2 in the amount of \$22,609.27 to the contract with Pyramid Excavation & Construction, Inc. for the 59th Terrace Drainage Improvements Project 0209. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-04-30**, accepting a Permanent Easement from 64th and N. Oak-Gladstone, L.L.C. in conjunction with the Walgreens Store at NE 64th Street and North Oak Trafficway. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-04-31**, authorizing execution of a contract with Larkin Excavating, Inc. in the total amount not to exceed \$415,314.02 for the reconstruction of North Main Street; Project 025015. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

Councilman Bill Cross moved to **APPROVE A LIMITED ONE-DAY LIQUOR LICENSE** for the Assistance League of Kansas City, 6101 North Chestnut, for an event on

April 30, 2004. Hours: 7:00 PM - 10:00 PM. Managing Officer: Ms. Geraldine Rhodes. Councilman Joe Evans seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE.**

**LeRoy Gunselman, 5700 North Main**, stated he was representing the residents of Englewood Vista, who would like a stoplight installed at Englewood and North Main.

Mayor Beer stated he would like to mention that communications from the audience are limited to five minutes, and because of the Sunshine Law, anything stated from the audience may be brought to the attention of City Council as information only. City Council is not permitted to take any type of action or discussion until the issue is publicly advertised or posted for an upcoming meeting.

Mayor Beer advised Mr. Gunselman that City Staff would investigate his request and have an answer at a later date.

**Jan Delamano, Department of Conservation, 66 NE 61<sup>st</sup> Street**, stated he was present at the meeting as an agency representative. The Department of Conservation has been assisting on a project at Twin Lakes, which gets into a larger issue of utilizing native plants and landscaping, and how they fit into the City's Weed Ordinance. Mr. Delamano thought he was proceeding properly on the Twin Lakes project by having a formal landscape plan for the project and consensus of the local residents. Mr. Delamano stated he does not understand City operation, but wanted to bring this to the City's attention. Mr. Delamano provided the formal management plan for Twin Lakes. This project has been in the works for about a year. Mr. Delamano's job with the Department of Conservation is as a private land conservationist, and he works with private land owners in developing conservation management plans for their property.

The Department of Conservation was asked to provide a management plan for the Twin Lakes Homeowners Association to address stormwater management, erosion, nuisance, geese, and other improvements to the property. A total comprehensive management plan has been developed, and the driving force behind the design has been landscape quality. Mr. Delamano said he found out today there may be some objection from the City to planting native plants where they have recommended on five acres at the Twin Lakes site. A short native grass prairie is proposed with lots of wild flowers, which would cut down on maintenance requirements. This would save the Homeowners Association a lot of money, and in the Department of Conservation's opinion, would be a quality landscaping improvement for the property. There currently exists typical fescue bluegrass lawn on steep thin soiled slopes that are eroding rapidly. The Department developed an alternative that they feel will be an improvement, and questions if there is a need for a variance or official sanction from the City.

Mayor Beer stated the issue of native plants has increased in importance in the last ten years, and has raised the question in his mind as to whether they violate the City's Weed Ordinance.

Mr. Delamano asked with whom he should work with in the City.

Mayor Beer introduced Assistant Manager Scott Wingerson and stated City codes fall under Mr. Wingerson. Mayor Beer suggested working with Mr. Wingerson on this issue.

**Item 7. on the Agenda.**      **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Joe Evans** had no comments at this time.

**Councilman Bill Cross** had no comments at this time.

**Mayor Pro Tem Carol Rudi** stated she had the privilege of attending the Ethnic Festival last weekend, and it was a very well-run event. Mayor Pro Tem Rudi encouraged all to attend the event next year. Mayor Pro Tem Rudi continued by saying GEMA is a very important part of the City's Public Safety Department and thanked them for their many hours of public service to the City.

**Mayor Wayne Beer** stated GEMA volunteers provide an extremely valuable service to the citizens of Gladstone. They are not only at routine events, such as Gladfest and Bluesfest, but at emergency situations as well. Mayor Beer thanked GEMA members for their valuable contribution to the City.

**Item 8. on the Agenda.**      **COMMUNICATIONS FROM THE CITY MANAGER.**

**City Manager Kirk Davis** reported the Spring Brush Disposal is 8:00 AM to 5:00 PM, April 30<sup>th</sup> through May 2<sup>nd</sup> at the Public Works Facility. There was a very good turn out for the Spring Beautification, with 82 dumpsters hauled away. This equates to approximately 311 tons of debris. Many people volunteered their time and worked hard over the weekend to make this a successful event. City Manager Davis stated they all did a good job.

City Manager Davis reported the City received a \$34,000 grant to help pay for the cost of expanding the Happy Rock trail. This grant came from the Department of Natural Resources.

Mayor Beer stated he volunteered at the Spring Beautification Event, from 10:00 AM to 12:00 Noon on Sunday. Although it may not be expected to have many people at that time of day on a Sunday, the line of people was constant. Deffenbaugh provided trash service, and there was a constant exchange of dumpsters as they became full. This was a very successful event.

Councilman Bill Cross asked when funds may be expended from the \$34,000 grant.

City Manager Davis replied funds may be expended immediately.

**Item 9. on the Agenda.** **PUBLIC HEARING** for consideration of a request to rezone from R-1, Residential to CP-O Commercial Planned Non-Retail, at property generally described as 1900 NE Englewood Road. Applicant: Creative Arts Academy. Owner: Englewood Baptist Church. (File #1223).

Mayor Beer 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**

**Lynn McClure, Economic Development Administrator** began by saying the applicant, Pam Raisher, with Creative Arts Academy, is currently a tenant at Antioch Shopping Center, and has been there for 27 years, and in the Northland since 1972.

Mr. McClure pointed out the aerial photo included in Council members' packets, and noted the parcel to be discussed is on the far east of the Englewood Baptist Church location. The intersections that might be pertinent are North Woodland Avenue and Englewood Road. The approximate dimensions of the new parcel are 450 feet by 225 feet. The parcel of interest includes the gym, the education rooms, the Fellowship Hall, and the adjacent green space. Mr. McClure reported Ms. Raisher has requested a rezoning of this location from R-1 to CP-O, and a Special Use Permit to allow operation of a dance and gymnastic school. The Planning Commission voted 0-12 in regard to the rezoning, and 9-3 in regard to the 15 year Special Use Permit.

Mr. McClure stated he wished to bring attention to some of the recommended conditions for the Special Use Permit. Mr. McClure pointed out Condition No. 8., regarding the negotiation of a purchase contract or agreement for shared parking in perpetuity; Condition No. 9., regarding parking requirements in accordance with the City's Parking Ordinances, which also states the applicant and the Church shall coordinate event schedules in an effort to avoid parking issues; No. 10., regarding the applicant working with surrounding neighbors to ensure a level of residential privacy; and No. 11., regarding signage at this location, which shall be on the owner occupied property only. Mr. McClure pointed out Conditions No. 12., 13., and 14., which deal with the parking arrangement, the entry from Englewood Road, as well as a privacy fence or buffer from the residents on the north side of the property, and the parking lot that is shown on the aerial map. Mr. McClure stated the applicant would discuss these conditions in her presentation.

### **Applicant Presentation**

**Pam Raisher, Owner and Director of Creative Arts Academy**, stated she has been the owner and director of Creative Arts Academy since 1971. In 1974 she opened a branch in Gladstone, and in 1977 moved to Antioch Shopping Center. Antioch Shopping Center was sold over a year ago, and since that time Ms. Raisher has been actively pursuing space that would house her 15,000 square foot school. Ms. Raisher pointed out Creative Arts Academy is a children's business, and she shared with City Council members a flyer regarding the academy. Her goal was to open a school that deals with creative arts, such as dance, tumbling, cheerleading, drama, music, piano and so forth. Ms. Raisher said she is close to her goal in that they offer dance, gymnastics, tumbling, cheerleading, pointe, jazz, and adult classes. Music is something she hopes to get into as the school expands.

Ms. Raisher stated she would very much like to be back in Gladstone, and loved the time she was in Gladstone. Ms. Raisher thanked the Planning Commission for their time, and stated Mr. McClure and Mr. Wingerson have been fabulous to work with during this process. Ms. Raisher stated she is requesting a zoning change. The Planning Commission felt strongly this is not in the best interest of the City, and she understands if that is the direction she must go. Ms. Raisher said she had dealt with the minor conflicts with zoning that she was facing, and stated she would like to discuss the solutions to these conflicts.

Ms. Raisher said the points Mr. McClure mentioned regarding the parking have been resolved. The Church will sell to Ms. Raisher a portion of the parking lot. This eliminates the problem of having adequate parking and easy in and out access. The Church and Ms. Raisher have agreed to erect a privacy fence to provide a buffer between the church parking lot and the northern neighbors. The access in and out of the drive along Englewood Baptist Church was a concern in terms of traffic flow, but it was never Ms. Raisher's intent to use this as a main drive. This drive will be signed as Employee Entrance only, and she will strongly suggest to her patrons to use the Woodland entrance, which is a far better entrance for traffic. Ms. Raisher stated the reason she requested the zoning change was to ensure the longevity of her business; she would like to not be out of business in 15 years. If the zoning request is not approved, she would entertain approval of a Special Use Permit, knowing that if it can be long term, there will be restrictions and guidelines. Ms. Raisher said she will be a very good neighbor. People in Antioch Shopping Center certainly think she is a good neighbor. Ms. Raisher stated she hopes she has addressed the issues raised by the Planning Commission. Ms. Raisher introduced John Ellis, a representative of Englewood Baptist Church.

**John Ellis, 5116 North Washington; Gladstone**, stated he is the Chairman of the Trustees of the Englewood Baptist Church. Mr. Ellis began by saying about three years ago the church found themselves in a financial crunch. When deciding what to do, they found they had a lot of land assets. They decided to go forward with trying to sell part of their property to an appropriate neighbor. Mr. Ellis said the church searched and searched, and found Pam Raisher and the Creative Arts Academy as not just the right neighbor, but

the perfect neighbor for the church and the surrounding neighborhood. Mr. Ellis stated, on behalf of the church, they would like to see this happen, and would like to have Ms. Raisher as a neighbor. The church is willing to do anything reasonable to make this happen.

Mr. Ellis shared a picture of the proposed white fencing that is non-maintenance. There would be approximately 300 feet of fencing to separate the parking lot from the neighbors to the north. This will be a beautiful addition to the neighborhood and the church. Mr. Ellis said the church uses the parking lot on Sundays from 9:00 AM to 12:00 Noon. On a good Sunday there may be 50 cars. Generally there are only 20 to 30 cars, as the church is not that large. On Wednesday night there may be 10 or 15 cars. The church does not really use the parking lot that much, except for these two events. Mr. Ellis stated he does not see a conflict in parking in terms of the church and Creative Arts Academy.

Mr. Ellis continued by saying the church currently has a lease with the Northland Lutheran School Association, and that has not been a problem as far as parking or traffic. Mr. Ellis said he is not worried about the parking situation, as there are plenty of parking spaces. Mr. Ellis said he visited with Mrs. Norton, a neighbor to the north of the church, who was delighted with the proposed fencing. Mr. Ellis stated he feels this proposal is the right thing to do for the City of Gladstone, Englewood Baptist Church, and for the neighborhood. Mr. Ellis pointed out there were 20 or so people from the church supporting this proposal tonight. When the church voted on this proposal, it was 100 percent unanimous approval, which is unusual for a Baptist Church.

Councilman Bill Cross asked if the Lutheran School will continue to rent space from the Englewood Baptist Church.

Mr. Ellis replied the church hopes they will continue to rent space, but it looks like they will not be able to. The church would like the Lutheran School to stay another year until their new school is built, but it looks as though that may not happen. The Lutheran School uses the facility during the day hours, from 7:00 AM to 4:00 PM, and would be gone by the time Creative Arts Academy's students would arrive in the evening.

#### **Comments from those in Favor**

**Janet McKinney, 4122 North Campbell; Kansas City, MO.,** stated she has been a life long member of Englewood Baptist Church and is currently serving on the Trustees Committee. Ms. McKinney said she has a daughter who has been a student of the Creative Arts Academy for 4 years, and her observation of Ms. Raisher's business is that she is extremely savvy in her ability to help children develop creatively at their own pace. Ms. Raisher is also a smart businesswoman, and is very good at combining the two abilities. A lot of Ms. Raisher's business comes to her by word of mouth. Ms. McKinney asked this proposal not be considered as a business, but as a school. It is not like putting a restaurant or an Old Navy store in the space. Ms. Raisher plans to do some beautification to the

buildings she hopes to occupy, so this might not be as jarring as some people might think when they hear commercial zoning.

**Jim Butler, 4105 NE Shady Lane Drive; Gladstone,** began by saying he serves on a recreation committee and has facilitated a lot of activities at the church. Mr. Butler said the Planning Commission was concerned with the land usage, as far as the number of people who would be on site. Mr. Ellis noted some of the official activities occur from a church perspective on Sunday and Wednesday night, but from a recreational perspective, the buildings have been utilized on evenings for volleyball leagues, and other recreational activities. Mr. Butler stated many have been concerned about a dramatic increase in usage through the week, which might create a disturbance for the neighbors. Activities at the church are not just on Sunday and Wednesday nights; there are other activities that occur throughout the week, so the land usage would not be a dramatic change.

#### **Comments from those in Opposition**

**Jean Greathouse, 1910 Englewood Road; Gladstone,** stated she is not against this proposal, but she does have some questions. Ms. Greathouse said she has lived in her house for 48 years, and the area was farm field when she bought her house. One half of her yard borders the Englewood Church property, and she is concerned with the commercial zoning, and the possibility of a retail sales business moving in the property in the future. Her property is to the east, and she realizes the north area is getting fences, but her home is right next to the church. The road on the east is used a lot, and people park on the east side on the grassy area. Ms. Greathouse said she is concerned with the east side and how this will affect her property.

Mayor Beer stated in terms of use of the driveway, City staff's recommendations are that this area would be used for Staff parking only, and there would be no other general traffic on that road. In that respect, it probably will be less intrusive than it is now.

**Lee Shones, 1908 Englewood Road; Gladstone,** stated she lives right next door to Ms. Greathouse, and she sees the traffic going up and down to the church all day long. Ms. Shones said it is hard for her to understand how the church is going to divide its property for the Creative Arts Academy, and how Gladstone can let a business move into this property. Ms. Shones stated she does not understand how Gladstone can allow a business to take over her back yard. Ms. Shones said she felt if this business moves in, her back yard will belong to the Performing Arts Academy, and it can be turned into a parking lot in later years. Ms. Shones stated she felt the north parking lot would not be big enough for this business, and Ms. Raisher would eventually take the trees out of the north parking lot and turn that area into a parking lot which is right next to Ms. Shones's back yard. Ms. Shones said this business would bring her home value down, and she has worked very hard to improve her home. People are going to wonder how there can be a church with a dance studio located in it. Ms. Shones stated she does not trust Englewood Baptist Church, and she does not understand how the church can be divided, when part of the chapel would be in the school building.



**Dan Tanen, 4501 Sunnybrook Road; Kansas City, MO,** stated he is Ms. Shones's son and he is concerned with the possibility of five years down the road, the Creative Arts Academy might enlarge the parking lot, which would then be right at his mother's back yard. This would affect her property values if she would wish to sell her property.

Mayor Beer stated he believes the crux of Mr. Tanen and Ms. Shones's concern is that the Academy would convert some of the land on the east of the property into a parking area. If this is approved by the City Council tonight, it would be approved in the form of an ordinance, which is a City law. Ms. Raisher would not be permitted to make any changes in the property, as this is a planned zoning question. If Ms. Raisher violates any part of the plan, as presented tonight, she could stand to lose her permit to operate her business.

**Mayor Beer closed the Public Hearing.**

Mayor Pro Tem Carol Rudi asked Mr. McClure if he would briefly explain how the Special Use Permit could be revoked.

Mr. McClure replied a Special Use Permit is approved by ordinance, and the applicant must follow the conditions of the ordinance as passed down by the Planning Commission and as approved by City Council. There are also certain issues with code enforcement that could bring an application back for review, or cause the Special Use Permit to be revoked.

Mayor Pro Tem Rudi stated there has been conversation about the building being attached, and she did not understand that.

**Mayor Beer stated as more facts are being gathered, he would reopen the Public Hearing. Mayor Beer reopened the Public Hearing.**

Mr. McClure pointed out on the aerial photo the gym, fellowship hall, and educational rooms. There is actually a separation between the educational rooms and the church and church office. There is a separation between the gym and fellowship hall, and Mr. McClure pointed out a small house that is used for classes. Ms. Raisher is asking for a lot split, which is how the church is selling a part of their property. It is a lot split, and there will not be buildings split. Mr. McClure pointed out on the aerial map the area Ms. Raisher wishes to buy.

Mayor Beer asked if the retail part of this business would be minimal.

Mr. McClure replied the proposal is for very low impact retail sales, and it is his understanding the sales would be for specific clientele and not for customers coming off the street.

Ms. Raisher stated she has over 15,000 square feet at the Antioch Shopping Center. Her retail sales are strictly for the convenience of her students' parents, and as it will be for this

proposed location, not open to the general public. If someone stops in at her Antioch business, it is only because they have checked in the Yellow Pages. Ms. Raisher almost always refers them to the Dance Shoppe on Englewood Road. Ms. Raisher said she does not carry everything, she just stocks tap shoes, ballet shoes, and leotards.

Councilman Cross asked how many square feet this proposed area would entail.

Ms. Raisher replied the proposed area would be 18,400 square feet with the education center, as well. Ms. Raisher said she would enjoy the Lutheran School staying, and is trying to reconfigure her own business so they can stay housed where they have been, if they so choose. If they don't choose to stay, then she will occupy the education center, which would probably remain an education center with her tumbling classes and so forth.

Councilman Cross asked what her business hours would be.

Ms. Raisher replied the regular business hours are 10:00 AM to 2:00 PM, Monday through Thursday, and back each evening from 4:30 PM to 8:30 PM. There are limited classes on Friday evening, which are usually the competitive dance students and the competitive gym team. There might be 50 students for two or two and one half hours. Saturday activities are limited, and there are no activities on Sunday, which works out beautifully with the church. Ms. Raisher did a study of her own clientele, and almost 80 percent of her students are from Gladstone. She has considered Liberty and Riverside. There is not much left in Gladstone, anymore. There are no gymnastic centers; everyone has moved. Dance studios are limited. Ms. Raisher said she would like to have her business in Gladstone, and feels it would be good for the community.

Mayor Beer said one of the issues discussed with the Planning Commission was parking lot leasing, and as he understands the conversation tonight, that has gone away with Ms. Raisher's purchase of the parking lot.

Ms. Raisher replied yes.

Mayor Beer stated on Sunday and Wednesday nights, with church activities, the church visitors might spill over onto Ms. Raisher's parking lot. Is there an issue with that?

Ms. Raisher replied there is no problem at all. The church and she are very amicable to sharing. The church and she will take care of beautification and maintenance together. At Antioch Shopping Center she has 52 spaces right in front of her business, and that is plenty, and although she is trying to meet the standards of the City, she does not need 150 parking spaces. Ms. Raisher stated she has purchased 72 parking spaces.

Mayor Beer said another issue with the Planning Commission was the traffic lights at night shining into the neighbor's windows. It appears that issue has been addressed.

Ms. Raisher stated her intent is to paint the building, put in new sidewalks and landscaping. She cannot do this up front, but this is her plan and she will ensure the lovely facility stays the way it is.

Mayor Beer stated both sides of the fence will look the same, and the neighbors will not have to look at the wrong side of the fence.

Ms. Raisher agreed that is correct.

Mayor Beer asked if anyone in the audience would like to speak in **Favor or Opposition** of this proposal.

There being none, Mayor Beer **closed the Public Hearing.**

**Item 9a. on the Agenda. FIRST READING BILL 04-21**, rezoning property from R-1, Residential to CP-O, Commercial Planned Non-Retail at property generally described as 1900 NE Englewood Road. Applicant: Creative Arts Academy. Owner: Englewood Baptist Church. (File #1223).

Councilman Joe Evans moved to place Bill 04-21 on First Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the First Reading of Bill 04-21, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Carol Rudi seconded.

Mayor Pro Tem Rudi stated she does not feel this property needs to be rezoned. The Special Use Permit does not necessarily have to be rezoned, and she does not feel a CP-O zoning belongs in this neighborhood. Councilman Rudi said she would be voting against this Bill.

Mayor Beer explained if Bill 04-21 fails, it simply means the property is not rezoned. Even if the Bill were passed, it would be a CPO Planned, and would require a Special Use Permit to operate a business on the property. If the rezoning is denied, Council can still move on to Bill 04-22 and consider the Special Use Permit on the property as it is now zoned, which is Residential. Mayor Beer agreed with Councilman Rudi, in that he feels commercial zoning in this area would be inappropriate use of the property. Mayor Beer does not have opposition to the use of the property for the proposed purpose, except to put such a small spot of Commercial in a Residential area, he believes would be intrusive in the neighborhood, and in his opinion could drive down surrounding neighbors' property values. Mayor Beer stated he would be voting against this proposition.

The vote: All "aye" - Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the Second and Final Reading of Bill 04-21, and enact the Bill as **Ordinance 3.913**. Mayor Pro Tem Carol Rudi seconded.

Roll Call Vote: "Aye" – Councilman Bill Cross. "Naye" – Councilman Joe Evans, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer.

Mayor Beer stated the rezoning request has failed and Council members will now consider Bill 04-22 as it appears on the agenda.

**Item 9b. on the Agenda.**      **FIRST READING BILL 04-22**, granting a Special Use Permit subject to certain conditions to Creative Arts Academy for purposes of operating a Gymnastics Center in an R-1 Zone at 1900 NE Englewood Road. Applicant: Creative Arts Academy. Owner: Englewood Baptist Church. (File #1223).

Mayor Pro Tem Carol Rudi moved to place Bill 04-22 on First Reading, with the amendment from a 15 year expiration date to a 2 year expiration date.

Mayor Beer stated there was no second to the motion, and asked if there was another motion to be brought forward.

Councilman Joe Evans moved to place Bill 04-22 on First Reading, with the conditions as noted with a 15 year Special Use Permit. Councilman Bill Cross seconded. The vote: "Aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Wayne Beer. "Naye" – Mayor Pro Tem Carol Rudi. (3-1). The Clerk read the Bill.

Councilman Joe Evans moved to accept the First Reading of Bill 04-22, Waive the Rule and place the Bill on Second and Final Reading. Councilman Bill Cross seconded. The vote: "Aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Wayne Beer. "Naye" – Mayor Pro Tem Carol Rudi. (3-1).

Mayor Beer stated as the option to Waive the Rule requires a unanimous vote, the second reading of the Bill will be rescheduled to the next City Council meeting. This Bill will be on the May 10, 2004, City Council meeting agenda.

**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 comments from the News Media.

**Item 12. on the Agenda.**      **ADJOURNMENT.**


Councilman Bill Cross moved to adjourn the Regular April 26, 2004, City Council meeting. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

  
Mayor Wayne Beer



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MAY 10, 2004**

**OPEN STUDY SESSION: 6:00 PM**

**REGULAR MEETING: 7:30 PM**

**AMENDED A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular April 26, 2004 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION NO. R-04-33**, accepting additional Temporary Construction Easements and Permanent Easements from property owners in conjunction with the Northeast 76<sup>th</sup> Street Reconstruction Project (985014).

**RESOLUTION NO. R-04-34**, accepting Temporary Construction Easements from property owners in conjunction with the Northeast 76<sup>th</sup> Street, North Woodland to City Limits, Reconstruction Project (035035).

**RESOLUTION NO. R-04-35**, authorizing the City Manager to enter into a Memorandum of Understanding with WCP Gladstone Plaza, LLC, evidencing the preliminary terms for redevelopment of Gladstone Plaza.

**RESOLUTION NO. R-04-36**, authorizing the City Manager to enter into a Funding Agreement with WCP Gladstone Plaza, LLC, for the payment of certain costs associated with the redevelopment of Gladstone Plaza.

**APPROVAL OF PARK FESTIVAL USE PERMITS** for the 8<sup>th</sup> Annual Gladstone Summertime Bluesfest in Oak Grove Park, 76<sup>th</sup> & North Troost, Friday and Saturday, June 11-12, 2004, and the 25<sup>th</sup> Annual Gladfest Celebration on Friday, Saturday and Sunday, October

1-3, 2004 in Gladstone Central Park, 69<sup>th</sup> & N. Holmes under the sponsorship of the Gladstone Area Chamber of Commerce and City of Gladstone.

**APPROVAL OF BEER LICENSE** for Gladstone Summertime Bluesfest in Oak Grove Park, 76<sup>th</sup> & North Troost, (2-day license), June 11-12, 2004, Managing Officer: Amy Harlin; and **Gladfest Celebration** in Gladstone Central Park, 69<sup>th</sup> & N Holmes, (3-day license), October 1-3, 2004. Managing Officer: Amy Harlin.

## REGULAR AGENDA

- 5a. **RESOLUTION NO. R-04-32**, authorizing the sale of a tract of real estate owned by the City located at the Northwest corner of 55<sup>th</sup> Terrace and Old Pike Road, to Affordable Homes, Inc., as surplus property.
6. **Communications from the Audience.**
7. **Communications from the City Council.**
- 7a. Tax Increment Financing (TIF) Commission Appointment.
8. **Communications from the City Manager.**
9. **SECOND READING BILL 04-22**, granting a Special Use Permit subject to certain conditions to Creative Arts Academy for purposes of operating a Gymnastics Center in an R-1 Zone at 1900 NE Englewood Road. Applicant: Creative Arts Academy. Owner: Englewood Baptist Church. (File #1223).
10. **FIRST READING BILL 04-23**, amending Schedule VIII of the Model Traffic Ordinance (Gladstone Municipal Code Section 18-12) to establish a "Stop" sign location at Northeast 75<sup>th</sup> Street and North Baltimore.
11. **FIRST READING BILL 04-24**, creating Chapter 26A and providing regulations concerning the licensing of Day Labor Businesses.
12. **FIRST READING Bill 04-25**, prohibiting the feeding of migratory waterfowl in City parks and on other City property.
13. Other Business.
14. Questions from the News Media.
15. Adjournment.



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

**MONDAY MAY 10, 2004**

**PRESENT:** Mayor Wayne Beer  
Mayor Pro Tem Carol Rudi  
Councilman Bill Cross  
Councilman Les Smith  
Councilman Joe Evans  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Wayne Beer opened the Regular May 10, 2004, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR APRIL 26, 2004  
CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular April 26, 2004, City Council Meeting Minutes as presented. Mayor Pro Tem Carol Rudi seconded the motion. The vote: "Aye" - Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. "Abstain" - Councilman Les Smith (4-0-1)



**Item 5. on the Agenda.**

**CONSENT AGENDA**

Councilman Les Smith asked that Resolutions R-04-35 and R-04-36 be removed from the Consent Agenda and placed on the Regular Agenda as Items 5b. and 5c. for discussion.

Following the Clerk's reading, Councilman Bill Cross moved to accept the Consent Agenda as amended. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-04-33**, accepting additional Temporary Construction Easements and Permanent Easements from property owners in conjunction with the Northeast 76th Street Reconstruction Project (985014). Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-04-34**, accepting Temporary Construction Easements from property owners in conjunction with the Northeast 76th Street, North Woodland to City Limits, Reconstruction Project (035035). Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve **PARK FESTIVAL USE PERMITS** for the 8th Annual Gladstone Summertime Bluesfest in Oak Grove Park, 76th & North Troost, Friday and Saturday, June 11-12, 2004, and the 25th Annual Gladfest Celebration on Friday, Saturday and Sunday, October 1-3, 2004 in Gladstone Central Park, 69th & N. Holmes under the sponsorship of the Gladstone Area Chamber of Commerce and City of Gladstone. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve a temporary **BEER LICENSE** for the Gladstone Summertime Bluesfest in Oak Grove Park, 76th & North Troost, (2-day license), June 11-12, 2004, Managing Officer: Amy Harlin; and the Gladfest Celebration in Gladstone Central Park, 69th & N Holmes, (3-day license), October 1-3, 2004. Managing Officer: Amy Harlin. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

**REGULAR AGENDA**

**Item 5a. on the Agenda.**

**RESOLUTION NO. R-04-32**, authorizing the sale of a tract of real estate owned by the City located at the Northwest corner of 55<sup>th</sup> Terrace and Old Pike Road, to Affordable Homes, Inc., as surplus property.

Councilman Les Smith stated he had requested Resolution No. R-04-32 be placed on the Regular Agenda for discussion. Councilman Smith stated he is a business partner of Art Hammen, who is owner of Affordable Homes, and he could become a future owner of the property outlined in Resolution R-04-32. The bid for the property from Affordable Homes exceeds other bids received by the City. Councilman Smith said he would be abstaining from this vote and other votes in any future public processes regarding this property.

Mayor Pro Tem Carol Rudi moved to accept **RESOLUTION NO. R-04-32**, authorizing the sale of a tract of real estate owned by the City located at the Northwest corner of 55<sup>th</sup> Terrace and Old Pike Road, to Affordable Homes, Inc., as surplus property. Councilman Bill Cross seconded. The vote: "Aye" - Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. "Abstain" - Councilman Les Smith. (4-0-1)

**Item 5b. on the Agenda.** **RESOLUTION NO. R-04-35**, authorizing the City Manager to enter into a Memorandum of Understanding with WCP Gladstone Plaza, LLC. evidencing the preliminary terms for redevelopment of Gladstone Plaza.

Councilman Smith stated he wished to keep the public advised as to the progress of the Gladstone Plaza Redevelopment project, and asked City Manager Kirk Davis to discuss Resolution No. R-04-35.

City Manager Kirk Davis explained the Memorandum of Understanding outlines the redevelopment partnership relative to acquisition and rebuilding of Gladstone Plaza. The Memorandum of Understanding helps the developer as he pursues tenants for this potentially 216,000 to 240,000 square feet development.

Councilman Smith stated this redevelopment may utilize a Transportation Development District (TDD), which allows a business to charge  $\frac{1}{4}$  to  $\frac{1}{2}$  percent higher sales tax to pay for road improvements, and Tax Increment Financing, which supports redevelopment efforts. The owner of Gladstone Plaza recently sold a section of adjoining property. This property, along with the redevelopment of Gladstone Plaza and a new retail drug store being built on the southwest corner of North Oak and Northeast 64<sup>th</sup> Street will generate more revenue for the North Kansas City School District through Tax Increment Financing.

Councilman Carol Rudi moved to adopt **RESOLUTION NO. R-04-35**, authorizing the City Manager to enter into a Memorandum of Understanding with WCP Gladstone Plaza, LLC., evidencing the preliminary terms for redevelopment of Gladstone Plaza. Councilman Les Smith seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

**Item 5c. on the Agenda.** **RESOLUTION NO. R-04-36**, authorizing the City Manager to enter into a Funding Agreement with WCP Gladstone Plaza, LLC, for the payment of certain costs associated with the redevelopment of Gladstone Plaza.

Councilman Les Smith moved to adopt **RESOLUTION NO. R-04-36**, authorizing the City Manager to enter into a Funding Agreement with WCP Gladstone Plaza, LLC, for the payment of certain costs associated with the redevelopment of Gladstone Plaza. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (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** stated he stopped by the new Fire Station and it appears construction will soon be completed. Councilman Evans said he has seen significant progress on the Santerra project. It seems to be progressing as promised.

**Councilman Les Smith** stated there have been concerns raised by neighboring residents of The Groove. The main concerns are regarding noise and parking. Councilman Smith asked what has been done to mitigate complaints of the neighborhood.

City Manager Davis replied he believes the legal issues have been remediated. Public Safety has made no arrests as of this date. To the best of City Manager Davis's knowledge, the Missouri State Liquor Control has not issued citations at this establishment. The City has asked the establishment to tone down its activities, and there are issues still pending as a part of the Liquor License renewal. The neighborhood issues are not yet resolved to the satisfaction of City staff.

Councilman Smith asked if "No Parking" signs could be posted in front of the neighboring homes, where there is a narrow street with no curbs or gutters. When patrons of the Groove go to their cars, they often cause quite a commotion.

Councilman Smith stated the Kansas City water line in the northbound lane of North Oak and NE 74<sup>th</sup> Terrace area has been closed a month, and asked if the City has had conversation with the City of Kansas City. This is a safety issue and people are circumventing the area's business district.

Public Works Director Andy Noll reported his staff has been working with the City of Kansas City to get repairs completed as quickly as possible, and it is hoped these efforts have spurred a movement to make the necessary repairs. Contractors working for Kansas City should begin working by May 14<sup>th</sup>.

Councilman Smith suggested City staff brainstorm as to how the City may control the roadway we drive on each day. The City needs to be proactive. Councilman Smith then asked for an update on the Brush and Clean-Up events.

Public Works Director Andy Noll stated he is anxious to see how many people take advantage of the additional Brush Clean-Up to be held May 29<sup>th</sup> for a cost of \$2.00 per car. The Spring Brush Disposal Event was held May 1<sup>st</sup> and 2<sup>nd</sup>, and was a very successful event, with 82 dumpsters hauled off during the event.

Councilman Smith reported he, City Manager Davis, Finance Director Cash Sweiven, and City Clerk Cathy Swenson attended the Bi-State II meeting in North Kansas City, which was very successful. A summary report on where the Bi-State issue stands was very informative. Councilman Smith will be providing copies of the hand-out materials he received to fellow Council members.

Mayor Wayne Beer thanked Councilman Smith for continuing to serve on this important committee, where he provides valuable input for our City.

Councilman Bill Cross commended City Manager Davis on his work on the projects he has been given. City Manager Davis has done a fantastic job. Councilman Cross thanked City employees for their good work in assisting citizens, and commended Finance Director Cash Sweiven and his staff on an excellent budget report. Councilman Cross stated the food and activities were outstanding at the recent City employee picnic.

Mayor Pro Tem Carol Rudi stated there have been some exciting events scheduled at Oak Grove Park recently and asked Parks and Recreation Director Sheila Lillis to give a review of recent activities and activities planned for next week.

Parks and Recreation Director Sheila Lillis reported the North Kansas City School District's Jazz Bands and Choirs performed at the Gladstone Amphitheatre last Saturday, May 8<sup>th</sup>. The groups were from the three District high schools, Oak Park, North Kansas City, and Winnetonka. The North Kansas City School District's Middle School Orchestras will perform Saturday, May 16<sup>th</sup>, and the movie *Pirates of the Caribbean* will be screened as part of the event, "Movie in the Park", on Friday, June 4<sup>th</sup>. The Summertime Blues Festival is Friday, June 11<sup>th</sup> and Saturday, June 12<sup>th</sup>. Director Lillis concluded by saying the Arts Council is sponsoring a five-minute amateur film festival prior to the screening of *Pirates of the Caribbean*. The Arts Council will judge submitted amateur films and select two to be shown prior to the movie.

Mayor Wayne Beer stated he attended the North Kansas City School District's Jazz Bands and Choirs Concert and the event was outstanding. The music was great, and he is confident attendance will increase as word gets out about this event.

**Item 7a. on the Agenda.      TAX      INCREMENT      FINANCING      (TIF)**  
**COMMISSION APPOINTMENT.**

Councilman Les Smith moved to appoint Jenny Scott to the Tax Increment Financing (TIF) Commission, as recommended by Mayor Wayne Beer. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

**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.      SECOND READING BILL 04-22**, granting a Special Use Permit subject to certain conditions to Creative Arts Academy for purposes of operating a Gymnastics Center in an R-1 Zone at 1900 NE Englewood Road. Applicant: Creative Arts Academy. Owner: Englewood Baptist Church. (File #1223).

Following the Clerk's reading of Bill 04-22, Councilman Joe Evans moved to accept the Second and Final Reading of Bill 04-22 and enact the Bill as **Ordinance 3.913**. Councilman Les Smith seconded.

Councilman Les Smith stated he has read the Planning Commission and City Council meeting minutes regarding this Special Use Permit. Councilman Smith has also visited the property, and feels well informed to vote on this proposal.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer.

**Item 10. on the Agenda.      FIRST READING BILL 04-23**, amending Schedule VIII of the Model Traffic Ordinance (Gladstone Municipal Code Section 18-12) to establish a "Stop" sign location at Northeast 75th Street and North Baltimore.

Councilman Les Smith moved to place Bill 04-23 on First Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 04-23, Waive the Rule and place the Bill on Second and Final Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 04-23 and enact the Bill as **Ordinance 3.914**. Councilman Bill Cross seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer.

**Item 11. on the Agenda.**      **FIRST READING BILL 04-24**, creating Chapter 26A and providing regulations concerning the licensing of Day Labor Businesses.

Councilman Les Smith moved to place Bill 04-24 on First Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 04-24, Waive the Rule and place the Bill on Second and Final Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 04-24 and enact the Bill as **Ordinance 3.915**. Councilman Les Smith seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer.

**Item 12. on the Agenda.**      **FIRST READING BILL 04-25**, prohibiting the feeding of migratory waterfowl in City parks and other City property.

Councilman Bill Cross moved to place Bill 04-25 on First Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 04-25, Waive the Rule and place the Bill on Second and Final Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 04-25 and enact the Bill as **Ordinance 3.916**. Councilman Joe Evans seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer.

**Item 13. on the Agenda.**      **OTHER BUSINESS.**

There was no other business.

**Item 14. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**

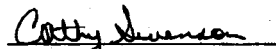
There were no comments from the News Media.

**Item 15. on the Agenda.**      **ADJOURNMENT.**

There being no further business to come before the May 10, 2004, Gladstone City Council Meeting, Mayor Wayne Beer adjourned the Regular Meeting.

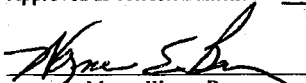
**PLEASE NOTE: THESE MINUTES ARE SUMMARIZED AS THE RECORDING SYSTEM DID NOT PRESERVE VERBATIM MINUTES.**

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Wayne Beer



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MAY 24, 2004**

**OPEN STUDY SESSION: 6:30 PM**

**REGULAR MEETING: 7:30 PM**

**AMENDED A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular May 10, 2004 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating the month of May 2004 as "National Public Works Month" in Gladstone, Missouri, as sponsored by The American Public Works Association.
5. **CONSENT AGENDA**

**RESOLUTION R-04-37**, adopting a Code of Conduct for members of various Boards and Commissions, and Committees of the City of Gladstone.

**RESOLUTION R-04-38**, authorizing the City Manager to execute an antenna site lease agreement with the Mid-America Regional Council for location of communications equipment on the Linden Water Tower to facilitate the "Operation Green Light" area traffic control management system.

**RESOLUTION R-04-39**, accepting Temporary Construction Easements from property owners in conjunction with the North Main Street Reconstruction Project (0215).

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:**

- Bubbles Wines & Spirits, 7407 N. Oak, 7 Day Package Liquor License

**APPROVAL OF FINANCIAL REPORT FOR APRIL 2004.**



**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **PUBLIC HEARING:** on the proposed 2004-2005 Annual Operating Budget for the City of Gladstone, Missouri.
10. **FIRST READING BILL 04-26,** an Ordinance amending Ordinance Number 3.396 relating to rules and regulations for city parks, to provide revised hours of operation.
11. **Other Business.**
12. **Questions from the News Media.**
13. **Adjournment.**



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

**MONDAY MAY 24, 2004**

**PRESENT:** Mayor Wayne Beer  
Mayor Pro Tem Carol Rudi  
Councilman Bill Cross  
Councilman Les Smith  
Councilman Joe Evans

City Manager Kirk Davis  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Wayne Beer opened the Regular May 24, 2004, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR MAY 10, 2004 CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular May 10, 2004, City Council Meeting Minutes as presented. Councilman Joe Evans seconded the motion. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

**Item 4a. on the Agenda.** Mayor Wayne Beer read a **PROCLAMATION** designating the month of May 2004, as "**National Public Works Month**" in Gladstone, Missouri, as sponsored by The American Public Works Association. Public Works Director Andy Noll was on hand to accept the proclamation.

**Item 5. on the Agenda.**

**CONSENT AGENDA**

Councilman Les Smith asked that Resolutions R-04-37 be removed from the Consent Agenda and placed on the Regular Agenda as Item 5a.

Following the Clerk's reading, Councilman Bill Cross moved to accept the Consent Agenda as amended. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-04-38**, authorizing the City Manager to execute an antenna site lease agreement with the Mid-America Regional Council for location of communications equipment on the Linden Water Tower to facilitate the "Operation Green Light" area traffic control management system. Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-04-39**, accepting Temporary Construction Easements from property owners in conjunction with the North Main Street Reconstruction Project (0215). Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve the Annual Liquor License renewal for **Bubbles Wines & Spirits, 7407 North Oak Trafficway**. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve the **Financial Report for April 2004**.

**REGULAR AGENDA**

**Item 5a. on the Agenda.**

**RESOLUTION NO. R-04-37**, adopting a Code of Conduct for members of various Boards and Commissions, and Committees of the City of Gladstone.

Councilman Les Smith moved to table **RESOLUTION NO. R-04-37**, adopting a Code of Conduct for members of various Boards and Commissions, and Committees of the City of Gladstone until the June 14, 2004 City Council meeting. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (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** pointed out to Parks and Recreation Director Sheila Lillis that Happy Rock Park looks great. Councilman Evans walks in the park each morning and the Parks crew does an impeccable job of maintaining the park. Councilman Evans asked Public Works Director Andy Noll if he has received phone calls showing interest in the upcoming brush drop-off event to be held May 29, 2004 for a cost of \$2.00 per load. Councilman Evans said the Council as a whole are interested in how this brush drop-off opportunity is viewed by the public.

Public Works Director Andy Noll replied a few calls have been received indicating interest in this event.

**Councilman Bill Cross** made note that the Municipal Pool will be open Saturday, May 29, 2004, weather permitting, and asked Parks and Recreation Director Lillis how progress is going towards opening the pool and the installation of the new improvements.

Parks and Recreation Director Sheila Lillis replied the three shade structures are in place. The new slide is expected to be delivered in mid-July. The pool will be clean and ready for opening day, and is already filled with water.

**Councilman Les Smith** stated he has received two phone calls from people who have received tickets in the St. Andrew School zone that was recently adopted. The complaint was similar in both calls; they did not see the sign. It may be as people are going northbound around the corner, they are looking at so many things, and they do not see the sign. Perhaps the City could, as it has in other school zones in the City, make the reduced speed applicable from 7:30 AM to 9:30 AM and 3:30 PM to 5:30 PM, instead of an all day long reduced speed limit. The sign visibility is a key issue.

City Manager Kirk Davis stated he has heard similar comments regarding the sign visibility. There has been discussion to move the sign. However, if the hours will be changed, this could be done at the same time.

Mayor Wayne Beer said he is in agreement with the hours change; there is not really a need at an elementary school site for a 15 miles per hour speed zone all day long. There may be children on the street before and after school; otherwise they are not permitted anywhere except the playground between school hours.

Councilman Smith remarked that with the elevation change in the roadway in this area, one looks right under the sign.

City Council members agreed with Councilman Smith's suggestions.

City Manager Davis said this will be brought forward on the next City Council meeting agenda.

Councilman Smith stated he is confident City staff is keeping an eye on the progress of the McConnell property a little further north on Antioch Road, and asked City Manager Davis how the development is progressing.

City Manager Davis reported there is a building being constructed that does comply with City codes and the owner did get a permit for construction. The limit on the size of the building is 1,000 square feet, and it is slightly under that.

Councilman Smith noted that in the mornings there are a number of people visiting the residents of the house, but he is confident City staff will monitor this activity.

Councilman Smith stated he had asked Public Works Director Andy Noll for a timeline on the Brooktree Drainage Project and he passed that timeline along to the Homes Association Board. That did not seem to satisfy the person who writes the monthly newsletter, which is sent out to the entire Home Association membership. Councilman Smith asked for a narrative on the Brooktree Drainage Project, including the scope, whether or not it is on schedule, how it is going, and so forth. Councilman Smith will then hand deliver the narrative to the gentleman who produces the newsletter.

Mayor Pro Tem Carol Rudi inquired into the status of the Code Enforcement program where Code Enforcement officers were going neighborhood by neighborhood to address code enforcement issues.

Alan Napoli, Building Official, reported the program ended about one year ago. It took approximately two years for Code Enforcement officers to cover the entire City and look at every house. During this process, the new Neighborhood Task Force Committee began and the City property maintenance codes were updated. There has not been another sweep of the entire City, house by house at this time.

Mayor Pro Tem Carol Rudi stated she would like to see this program continue as an ongoing program, and believes the Neighborhood Preservation Task Force Committee members would also like to see this program continue.

Mayor Pro Tem Carol Rudi thanked Public Works Director Andy Noll for the traffic poles at Northeast 72<sup>nd</sup> Street and North Broadway that separate the merge lane from the other lanes. Councilman Rudi remarked she has received calls regarding the lights at the Water Treatment Plant and inquired into the time frame for the installation of reflectors on the lights.

Public Works Director Andy Noll stated he would report back to Councilman Rudi and Council members when he has a time frame for the installation of the reflectors on the lights.

Councilman Rudi asked Parks and Recreation Director Sheila Lillis for an update on the Gladstone Amphitheatre activities over the next couple of weeks.

Parks and Recreation Director Sheila Lillis reported on June 4<sup>th</sup> at 8:30 PM will be the *Movie in the Park*, which will be *Pirates of the Caribbean*; on June 11 and 12, the *Summertime Blues Festival* is scheduled, along with the City wide *Sidewalk Sale* event.

Mayor Wayne Beer had no comments at this time.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis stated the carnival at Gladstone Plaza sponsored by the Amphitheatre Committee continues through May 30<sup>th</sup>. City Manager Davis reported a letter of interest has been received by the City for a billboard on the City's Water Treatment Plant property.

Councilman Smith asked if this issue would be presented to City Council members for policy discussion.

City Manager Davis replied, yes, the letter was just received, and at this time he only had an opportunity to review the letter. This issue will be presented to City Council members for their consideration.

**Item 9. on the Agenda.**

**PUBLIC HEARING on the proposed 2004-2005 Annual Operating Budget for the City of Gladstone, Missouri.**

Mayor Wayne Beer opened the Public Hearing, and invited City Manager Davis to provide a report regarding the City's 2004-2005 Annual Operating Budget.

City Manager Davis began by saying he was pleased to present the 2004-2005 Budget for the City of Gladstone. The annual budget represents the strategic, administrative, and financial plan for the City next year. The budget, in addition to representing the financial plan for the City, also is a fiscal operations guide and a communication tool that reflects service levels that are planned for the benefit of the citizens of Gladstone.

The proposed budget is the result of a lengthy and comprehensive process that involved dozens of City employees in each department, all Directors, members of the Leadership Team, and the City Council. It is based upon several key principles, including meeting our financial obligations, maintaining a competitive employee benefit package, adhering to current financial policies, utilizing a capital equipment replacement process, and achieving Council and organizational goals.

The Public Hearing follows the preparation of the budget document, two Study Sessions with the City Council, and numerous Staff budget meetings. Subsequent to this evening, City staff will prepare an adoption resolution for the June 14, 2004, Council meeting. The

past few years have been very tight budget years for the City. We have reacted to the economic declines and 9-11 events. We have enlisted budget-balancing strategies to ensure the continued viability of our organization, meeting Council goals, and maintaining services to the citizens of Gladstone. At the same time, we have recognized that to have continued financial health, we must invest in our future. We have done so by controlling costs, yet investing in economic development. While we have not seen all of the fruits of this effort, we do have a plan and we continue to strive toward achieving the objectives of that plan.

City Manager Davis continued by saying we must stay the course in our redevelopment efforts and our corridor revitalization efforts, and continue to identify and encourage development of commercial properties. We must continue to seek new commercial development where it currently is not envisioned. Our financial health depends upon the vitality of our business community. We must encourage revenue-producing businesses to locate in our community. We can do this through aggressive economic development policies, but also continue to improve the quality of life in our community, and continue to adequately fund capital improvements and infrastructure needs.

The budgeted revenues are projected to be \$12,723,343. This reflects no growth in sales tax, which continues to hover at 1999 sales tax receipt levels, and is \$528,476 lower than FY 2004 expected revenues. This represents a 3.9 percent reduction in revenues. This reduction primarily consists of grant non-renewals in the amount of \$255,000 and a reduction in Road District receipts in the amount of \$38,000. The equity adjustment revenue is \$217,000. There is approximately \$610,000 of one time only revenues in this budget. We will need to be equally frugal next year, and we will have to be innovative in replacing these one time only revenues that are utilized in this budget. This revenue picture does not anticipate any tax rate increases, but does include a fee schedule increase.

City Manager Davis said expenditures in the General Fund are recommended to be \$12,604,117, representing a 4.2 percent decrease or a \$564,863 decrease in expenditures. The only expenditure classification that is increasing is personnel. The budget includes a 3 percent raise, \$61,000 for LAGERS maintenance (to stay at the current LT-8 employee retirement benefit level), two firefighters, \$50,000 property insurance increase, and one police officer. It also includes a reduction in staffing by three positions in other departments.

The budget addresses several Council objectives including fire staffing increases, the temporary staffing of a second ambulance, right-of-way maintenance funding, and a municipal pool facility upgrade, which will be addressed mid-year, when the pool season is completed.

The budget contains in the supplemental expenditures: continuation of the Spring Beautification Program; patrol vehicles in the amount of \$34,000; two Harley Davidson motorcycles in the amount of \$27,000; ballistic vests in the amount of \$34,000; an annual street light lease in the amount of \$5,600 for 16 new street lights; \$11,000 for brush

disposal removal; a Public Works dump truck for \$80,000; Community Development building permit software upgrade for \$33,000; replacement of a light switch box in Central Park for \$5,500; and a pick-up truck for Parks and Recreation for \$38,000. This is far less than the City has typically spent over the last 10 years for supplemental expenditures.

City Manager Davis reported the Combined Water and Sewerage System Fund, which is an Enterprise Fund, revenues and expenses are based on the estimated sale of 906 million gallons of water. The estimated production amounts were not increased this year. The rate for the production and distribution of water is \$2.79 per 1,000 gallons of water and collection and treatment of sewerage is \$3.04 per 1,000 gallons, which includes the Kansas City, Missouri sewer treatment rate increase. Total revenues and expenses are estimated at \$5.7 million. The budget is balanced, with proposed operating revenues of \$5,627,000 for fiscal year 2005, which is a decrease of \$121,000 from fiscal year 2004 expected operating revenues. The proposed fiscal year 2005 operating expenses decreased \$548,000 over fiscal year 2004 expected operating expenses. This decrease is mainly due to a water line replacement fund transfer in fiscal year 2004, and also due to corresponding lower sewer commodity expenses than were experienced in early fiscal year 2004 from drought conditions.

City Manager Davis continued by saying Bond requirements decreased \$371,250 due to the final 1994 Revenue Bond payment in fiscal year 2004. The fiscal year 2005 budget does not provide funding for the Water Line Replacement Program. However, funding is requested to begin the design phase of the North Oak Water Main Replacement. In fiscal year 2003, the City implemented a 20-cent water rate increase to replace deteriorated 2-inch water mains. In the fiscal year 2004 budget, the increase addressed three water main projects: 67<sup>th</sup> Terrace from North Campbell to North Forest; 58<sup>th</sup> Street from North Flora to North Tracy; and the cul-de-sac at 67<sup>th</sup> and Bellefontaine Circle. In fiscal year 2005, the previously adopted 20-cent increase will fund water main replacements on Kansas, 67<sup>th</sup> Place, 68<sup>th</sup> Street, and North Agnes.

Although not fully funded in this budget, the City must replace the water line under North Oak. The total estimated amount of this project is \$500,000 and should be completed before North Oak is resurfaced in two or three years. As a result, \$75,000 is proposed in this budget to begin designing the project. Supplemental and Capital requests from the Combined Water and Sewerage System Fund include: exit signs and emergency lighting at the Water Plant; a water pipe locator for \$4,000; replace commercial meters for \$30,000; and a Vactor Truck for \$225,000, which is important for all the sewer work the City is doing.

City Manager Davis reported the Municipal Swimming Pool Fund budget balanced at \$173,729.00. Expenditures will be minimal with no anticipation of great revenue increases this year. The Pool Master Plan will be revisited with the mid-year budget, after review of a full year's revenues.



City Manager Davis began his report of the Capital Improvement Program by saying the revenues from the ½ cent Capital Improvement Sales Tax and the ½ cent Transportation Sales Tax fund are expected to generate \$3.2 million in fiscal year 2005, which is virtually no growth. City Manager Davis highlighted the projects as follows: *Stormwater Projects* – the plan proposes to construct \$200,000 for a stormwater project at 67<sup>th</sup> and Indiana. This funding will be combined with stormwater bond proceeds for a total estimated project cost of \$700,000. That is the bond proceeds from the 2000 Certificates of Participation and the balance that is left after the four priority projects as promised in that bond are completed. *Parks Projects* – total \$118,000 and include park trail replacement at Happy Rock Park, Phase 2 of the Central Park tennis court renovation, Happy Rock Park dugouts, and sets aside some money for the Arts Council. *Building/Facilities Projects* – the only funding that is recommended is the design phase of Station II improvements.

The Transportation Sales Tax Fund, which is in its 9<sup>th</sup> year of the Street Maintenance Plan, proposes an expenditure of \$805,000 for street maintenance. The companion to the Street Maintenance project is the Intermediate Maintenance project, which will be funded in the amount of \$160,000; the Arterial Sidewalk Program is funded in the amount of \$75,000; the Curb, Gutter and Sidewalk Program is funded at \$270,000. In addition to the annual programs just mentioned, the fiscal year 2005 budget includes \$312,000 for the intersection of 72<sup>nd</sup> Street and M-1, and \$5,000 for Phase 2 of Operation Green Light.

City Manager Davis concluded by saying he believes with this budget, the City will realize some rewards from past efforts, while enhancing a positive vision for the City's future. Through continued leadership, a goal-oriented strategic budgeting process, citizen and employee involvement, City Manager Davis said he believes the City can meet its long-range goals. This budget reflects an emphasis on planning and financial trend analysis and utilization of City Council policies and the utilization of Council goals. City Manager Davis stated the Leadership Team and staff would like to thank City Council members for reviewing all the documentation submitted, and for working with Staff through Council Study Sessions, answering questions, providing feed-back, and providing policy direction.

City Manager Davis thanked Finance Director Cash Sweiven, Assistant City Manager Scott Wingerson, Financial Analyst Beth Saluzzi, Public Works Director Andy Noll, and all the Department Heads who participated in the budget process, and who are trying to control costs and yet provide the same level of services to the citizens. They have done a great job. City Manager Davis stated adoption of the budget is scheduled for the June 14, 2004, City Council meeting, and asked if City Council members had any questions.

Councilman Bill Cross inquired into the reduction of City staff by three employees.

City Manager Davis replied that reduction was through attrition. These are vacant positions that will not be funded.

Councilman Cross asked for confirmation that no employee will be layed off work at this time.

City Manager Davis confirmed that is correct.

Councilman Cross asked if the 3 percent salary increase would be "across the board".

City Manager Davis replied the increase would be an average of 3 percent, similar to what has been done in the past, but unlike last year.

Councilman Cross inquired into health insurance costs.

City Manager Davis said based on the numbers recently received, the costs may be less than was budgeted.

Mayor Wayne Beer stated City Manager Davis mentioned aggressive economic development efforts. The fruit from economic development efforts are sometimes slow to ripen, and it is often easy to look at those costs as not providing instant results, and it might be easy for some folks to say those expenses need to be reduced. Mayor Beer stated he feels economic development is vital to a community, and while results may be slow to develop, not to provide funding to economic development efforts would be disastrous to a community. Economic development is essential to increase the economy of our community.

Mayor Beer stated some of the decisions that City Council has had to make up to this point have seemed difficult, but future decisions may make decisions up to this point seem easy in comparison. The next budget year may hold even more difficult decisions. The one-time revenues may become history in the future. The City needs to be thinking ahead about these difficult issues and how they will be dealt with in the future. City Manager Davis and previous City Councils have had the foresight to provide for fund balances that have been available when necessary. The Capital Equipment Replacement Fund made available funding that provided services and capital expenditures. These funds will not have the available balances to use in the future. Mayor Beer thanked City Manager Davis and City staff for all their efforts in preparing the budget and knows they are up to the challenges of next year.

City Manager Davis stated Councilman Smith mentioned the fund balance in Capital Equipment has gone from \$930,000 to \$570,000. We need that fund and a savings account for difficult times and we are currently going the wrong direction in this fund, and need to be watchful this next year.

Councilman Rudi stated this budget comes forward without a tax increase, and asked City Manager Davis to discuss the effect of the Hancock Amendment on the City's property tax.

City Manager Davis said historically the City's property tax was 84 cents per \$100 assessed property valuation when the Hancock Amendment took affect, and it is now 53 cents per \$100 assessed valuation. For the past 20 years as growth has taken place in our

property assessments and valuations, the City has been forced to roll back the property tax to stay within the limitations of the Hancock Amendment. As a consequence, the levy has gone from 84 cents to 53 cents per \$100 assessed valuation. The Hancock Amendment limits the City's growth by 5 percent per year in assessed valuation, and the City is forced to roll back its levy, when nice neighborhoods develop and property assessments and valuations increase.

Councilman Rudi stated we are in fact doing more with less.

City Manager Davis agreed and said especially if any kind of inflation factor is incorporated in the 1983 numbers.

Councilman Smith asked if it is possible to gauge what effect the Homestead Act might have on the City.

City Manager Davis replied he understands the act limits any property tax increases more than 5 percent on anyone over 65 years of age with a household income of less than \$75,000 per year. There has not yet been an opportunity to assess the impact on the City.

Counselor Dave Ramsay stated the theory of this legislation is that it will have no impact because the State is to make up the difference between the tax that would be assessed and the 5 percent limitation. Also the Homestead Act exemption would only apply in the years in which the State legislature has appropriated sufficient funds to fund those overages. It is a year-by-year determination by the General Assembly as to whether they will fund the shortfall to the cities.

Councilman Smith noted the net cost for the Harley Davidson motorcycles is only \$100 per year. There are no funds budgeted for a contract with MAST, and the City will continue to handle its ambulance service for now as we have been.

City Manager Davis stated in the past the City has been the primary ambulance provider in our community for emergency and life threatening transports. The City has used MAST for backup in case our first ambulance was on a call. Since MAST has had their limitations and financial issues, they have cut back that service. City firefighter/paramedics have staffed the second ambulance as a backup, with both ambulances operating out of Station 2. In order to receive the same services from MAST that were received before, the City would have to pay MAST \$42,000 annually to become what they call a Primary Customer. As a Primary Customer, the City would be guaranteed a 12-minute response time, which does not seem adequate, as our policy is 5 1/2 minutes. The City has not funded the \$42,000 in this budget, and will continue to provide primary and secondary ambulance service out of the City's two stations. The backup ambulance will be moved to the new North Oak station and continue to provide that service utilizing firefighters that are on staff until the City comes to a long term solution as to what type of ambulance service the City wants to provide.

Councilman Smith stated this only a stopgap measure and asked how long the City could continue in this manner.

City Manager Davis replied this is not a long-term solution, and he hopes the City will come to some resolution as to implementation of a plan within in the next 18 months.

Councilman Smith noted the City has decided not to opt out of the Sales Tax Holiday.

City Manager Davis replied that is correct.

City Manager thanked the Mayor and City Council members for the time they spent on the budget documents and for their guidance in regard to policy issues. City Manager Davis said he and City staff wish to express their appreciation to the Mayor and City Council.

Mayor Beer invited anyone who wished to speak in **Favor** of adoption of the Annual Operating Budget for the City of Gladstone to please step forward.

**There was no one who spoke in Favor of adoption of the Annual Operating Budget.**

Mayor Beer invited anyone who wished to speak in **Opposition** to adoption of the Annual Operating Budget for the City of Gladstone to please step forward.

**There was no one who spoke in Opposition to adoption of the Annual Operating Budget.**

**Mayor Beer closed the Public Hearing.**

**Item 10. on the Agenda.** **FIRST READING BILL 04-26**, an Ordinance amending Ordinance Number 3.396 relating to rules and regulations for City parks, to provide revised hours of operation.

Councilman Les Smith moved to place Bill 04-26 on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 04-26 Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 04-26 and enact the Bill as **Ordinance 3.917**. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer.

**Item 11. on the Agenda.      OTHER BUSINESS.**

City Manager Davis introduced Emergency Operations Director Chuck Duddy, who is also the City's Fire Marshall. Director Duddy had a weather update for the evening.

Director Duddy reported a storm was tracking in an eastward direction from Topeka and was just outside Lawrence, Kansas, and heading our direction. Tornadoes have hit the Topeka area. The storm is predicted to hit our area by 9:15 PM or 9:30 PM at the latest, and possibly earlier. The storm has produced up to 4-inch size hail, high winds, and 1 to 3 inches of rainfall in a very short time period. People are being told to prepare for the storm as it is coming to our area if it stays on track. A second storm cell is heading toward the northern part of the state, in the Maryville area. This area was hit by a similar storm approximately 2 hours ago. The storm is building in intensity and people are being told to take cover and be prepared. Storm watchers are out in strategic points of our City.

Mayor Beer thanked Director Duddy for his report.

**Item 12. on the Agenda.      QUESTIONS FROM THE NEWS MEDIA.**

There were no comments from the News Media.

**Item 13. on the Agenda.      ADJOURNMENT.**

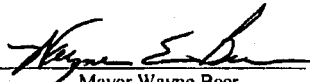
There being no further business to come before the May 24, 2004, Gladstone City Council Meeting, Mayor Wayne Beer adjourned the Regular Meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Wayne Beer



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JUNE 14, 2004**

**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 24, 2004 City Council Meeting Minutes.**
- 4a. **SPECIAL PRESENTATION OF FUNDS TO CITY** – by Gladstone seventh-grader, Brittany Sanders, who was recently honored during the "*Prudential Spirit of Community Awards*" for volunteerism at the national award ceremony in Washington, D.C. Presentation of funds will be made for the purchase of hearing-impaired smoke detectors for Clay County citizens.
5. **CONSENT AGENDA**

**RESOLUTION R-04-40**, accepting a Standard Easement from property owners in conjunction with the 64<sup>th</sup> and North Oak-Gladstone, L.L.C. Project at the southwest corner of North Oak and NE 64<sup>th</sup> Street (Walgreens).

**RESOLUTION R-04-41**, accepting a Temporary Construction Easement, Permanent Easement, and Right-Of-Way Parcel from a property owner in conjunction with the Northeast 76<sup>th</sup> Street Reconstruction Project # 985014.

**APPROVAL OF BUILDING PERMIT:** for the interior and exterior remodel of Salon Jubils, 6704 N. Oak Trafficway. Applicant/Owner: William M. Shepherd. (BP 04-0544)

**APPROVAL OF BUILDING PERMIT:** for construction of a new building for auto sales located at 6110 N. Oak Trafficway. Applicant: Hoefer Wysocki Architects, LLC. Owner: Larry Myers. (BP 04-0510)

**APPROVAL OF BUILDING PERMIT:** for exterior store elevation changes at Hy-Vee, 7117 N. Prospect. Applicant/Owner: Hy-Vee, Inc. (BP 04-0072 Addendum)

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:**

- Quik Trip, 2590 NE 72 Street, 7 Day Package Liquor License
- Quik Trip, 6309 NE Antioch Road, 7 Day Package Liquor License
- Wasahi, LLC, 328 NE 72<sup>nd</sup> Street, Class A&B Liquor by the Drink License
- Hen House, 6475 N Prospect, Package Liquor License
- Smokehouse BBQ, 6304 N. Oak, Class A&B Liquor by the Drink License
- Northland Elks, 7010 North Cherry, Class A&B Liquor by the Drink License

**APPROVAL OF FINANCIAL REPORT FOR MAY 2004**

**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 6402-B North Antioch Road, Meadowbrook Shopping Center. Applicant: Meadowbrook Village, LLC. Owner: Meadow Village Shopping Center. (File #1224).

**AUDIENCE NOTE:** This Public Hearing will be opened and immediately continued to the Monday, June 28, 2004, City Council Meeting at the request of Staff.

10. **PUBLIC HEARING** for consideration of a request to rezone from CP-O, Commercial Planned, Non-Retail RP-3 Garden Apartment (RCHP-1, Residential Cluster Housing Planned recommended) and a Site Plan Revision for property located at NW 55<sup>th</sup> Terrace & Old Pike Road. Applicant/Owner: Affordable Homes, Inc. (File #1225).
- 10a. **FIRST READING BILL 04-27**, rezoning property legally described as Lots 3 and 4, Old Pike Ridge Subdivision (NW 55<sup>th</sup> Terrace & Old Pike Road) from CP-O, Commercial Planned Non-Retail to RCHP-1, Residential Cluster Housing Planned. Owner/Applicant: Affordable Homes, Inc. (File #1225).
- 10b. **FIRST READING BILL 04-28**, approving a Site Plan revision subject to certain conditions for property located at NW 55<sup>th</sup> Terrace & Old Pike Road. Owner/Applicant: Affordable Homes, Inc. (File #1225).
- 10c. **FIRST READING BILL 04-29**, approving the Final Replat of "**Old Pike Ridge Subdivision**," NW 55<sup>th</sup> Terrace and Old Pike Road. Owner/Applicant: Affordable Homes, Inc. (File #1226).
11. **RESOLUTION NO. R-04-42**, adopting the 2005 Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July 1, 2004 and ending

June 30, 2005, authorizing the expenditure of funds, and approving the Position Classification and Compensation Plan.

12. **FIRST READING BILL 04-30**, amending City Code Section 2.31 to update the list of authorized Boards, Commissions, and Committees, and to establish certain general qualifications and limitations for membership on Boards, Commissions, and Committees.
13. **FIRST READING BILL 04-31**, amending Schedule IX of the Model Traffic Ordinance, Section 18-12 designating speed limits in the City to establish a new time limit for the school zones located at section of North Antioch Road, Pleasant Valley Road, and North Englewood Road.
14. Other Business.
15. Questions from the News Media.
16. Adjournment.





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

**MONDAY JUNE 14, 2004**

**PRESENT:** Mayor Wayne Beer  
Mayor Pro Tem Carol Rudi  
Councilman Bill Cross  
Councilman Les Smith  
Councilman Joe Evans

Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** City Manager Kirk Davis

Mayor Wayne Beer opened the Regular June 14, 2004, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR MAY 24, 2004 CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular May 24, 2004, City Council Meeting Minutes as presented. Councilman Les Smith seconded the motion. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

**Item 4a. on the Agenda. SPECIAL PRESENTATION OF FUNDS TO CITY** by Gladstone seventh-grader, Brittany Sanders, who was recently honored during the "Prudential Spirit of Community Awards" for volunteerism at the national award ceremony

in Washington, D.C. Presentation of funds will be made for the purchase of hearing-impaired smoke detectors for Clay County citizens.

Mayor Wayne Beer invited Brittany Sanders, Clay County Commissioner Craig Porter, and Fire Bureau Commander Doug Scheffner to step forward. Mayor Beer explained Commissioner Porter and Fire Bureau Commander Scheffner have been working for some time with Ms. Sanders on the purchase of hearing-impaired smoke detectors, and asked Commissioner Porter and Commander Scheffner to talk a little about their involvement.

Fire Bureau Commander Scheffner began by saying Ms. Sanders contacted his department several years ago expressing interest in providing smoke detectors for the hearing impaired. Smoke detectors do not traditionally have the ability to aid the hearing impaired. Commander Scheffner met with his department and the City's Fire Inspector in setting up a program to provide this service. There are few outlets that provide smoke detectors for the hearing impaired, which made the process difficult.

Commissioner Porter stated he met Ms. Sanders at a veterans function after being in office for six months. Ms. Sanders was 7 or 8 years old at the time, and he was very impressed with her, and thought he had better be nice to her, as he probably would be working for her some day. Ms. Sanders, who is very active in veterans issues, mentioned to Mr. Porter her interest in hearing-impaired smoke detectors. Mr. Porter asked her at that time what he could do to help. Mr. Porter assisted with funding and with Ms. Sanders *Kristin's Kids* website. Mr. Porter said it is refreshing to him to find young people with the attitude that Ms. Sanders has not only in volunteering, but also the gumption to get a job done. Nothing will stand in this lady's way when she is determined to get something done. Mr. Porter stated it has been his pleasure to assist her and he hopes to continue to assist her through *Kristin's Kids Club* and other worthwhile projects for the community.

Ms. Sanders began by saying she has two service organizations for kids, *Kristin's Kids Club* and *Youth With Clear Vision*. *Kristin's Kids Club* provides service for kids in need, and *Youth With Clear Vision* assists veterans with their causes. Ms. Sanders stated she was recently honored with the *Prudential Spirit of Community Award* for volunteerism. Ms. Sanders received a four-day expense paid trip to Washington, D.C. for her mother and her, a \$1,000 award to use however she chose, and a medallion. Ms. Sanders said in thinking about the \$1,000 award and what she could spend it on, she thought of shoes, clothes, and jewelry, but then she thought of Mr. Porter, who inspired her to donate the money to the Fire Department for the hearing-impaired smoke detectors. Ms. Sanders stated Mr. Porter has inspired her and has set a good example for her as to how to get involved with the community.

Ms. Sanders presented to Fire Bureau Commander Scheffner a \$1,000 check for the Gladstone Fire Division to be used for hearing-impaired smoke detectors. Ms. Sanders stated she also had a contribution from *Kristin's Kids Club* and *Youth With Clear Vision*, which was made possible by a contribution of over \$200 from Commissioner Porter, and contributions from an anonymous donor and the *Knights of Columbus*. Ms. Sanders said

these funds total \$265.00, and presented a check in that amount to Fire Bureau Commander Scheffner.

Mayor Beer thanked Ms. Sanders and said because of young people like Ms. Sanders, our cities, counties, states, and the entire nation are in good hands.

Ms. Sanders thanked Fire Bureau Commander Scheffner for the information on the hearing-impaired smoke detectors and for his assistance with this project.

Fire Bureau Commander Scheffner replied it has been a pleasure working with Ms. Sanders and he looks forward to working with Ms. Sanders in the future.

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

Following the Clerk's reading, Councilman Les Smith asked that the Building Permit requested by Hy-Vee, Inc. be removed from the Consent Agenda and placed on the Regular Agenda as Item 5a.

Councilman Bill Cross moved to accept the Consent Agenda as amended. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

**CONSENT AGENDA DETAIL:**

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-04-40**, accepting a Standard Easement from property owners in conjunction with the 64<sup>th</sup> and North Oak-Gladstone L.L.C. Project at the southwest corner of North Oak and NE 64<sup>th</sup> Street (Walgreens). Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION NO. R-04-41**, accepting a Temporary Construction Easement, Permanent Easement, and Right-Of-Way Parcel from a property owner in conjunction with the Northeast 76<sup>th</sup> Street Reconstruction Project (985014). Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve a **BUILDING PERMIT** for the interior and exterior remodel of Salon Jubils, 6704 N. Oak Trafficway. Applicant/Owner: William M. Shepherd. (BP 04-0544). Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve a **BUILDING PERMIT** for construction of a new building for auto sales located at 6110 N. Oak Trafficway. Applicant: Hoefer Wysocki Architects, LLC. Owner: Larry Myers. (BP 04-0510). Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve the **ANNUAL LIQUOR LICENSE RENEWALS** for Quik Trip, 2590 NE 72<sup>nd</sup> Street; Quik Trip, 6309 NE Antioch Road; Wasahi, LLC., 328 NE 72<sup>nd</sup> Street; Hen House, 6475 N. Prospect; Smokehouse BBQ, 6304 N. Oak; and Northland Elks, 7010 North Cherry. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve the **FINANCIAL REPORT** for May 2004. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

## **REGULAR AGENDA**

**Item 5a. on the Agenda.** **APPROVAL OF BUILDING PERMIT** for exterior store elevation changes at Hy-Vee, 7117 N. Prospect. Applicant/Owner: Hy-Vee, Inc. (BP 04-0072 Addendum).

Councilman Les Smith moved to approve a **BUILDING PERMIT** for exterior store elevation changes at Hy-Vee, 7117 N. Prospect. Applicant/Owner: Hy-Vee, Inc. (BP 04-0072 Addendum). Mayor Pro Tem Carol Rudi seconded.

Councilman Smith stated that perhaps as due diligence may not have been done when approving the building at Antioch and Pleasant Valley Road, he would like to ask what the back side of the proposal from Hy-Vee is going to look like.

Assistant City Manager Scott Wingerson replied he believes the color scheme will be very similar to the store at Englewood and North Oak Street Trafficway.

Councilman Smith stated the building he referenced at Antioch and Pleasant Valley Road, which is by St. Andrews Church, has three very nice sides, but the back side facing the homeowners looks like the backside of a building. Councilman Smith said someday the property east of Hy-Vee will be developed and those residents will be looking at the back of the building. Councilman Smith stated he would like to make it a practice of the City to address the backside of buildings by being certain that side is attractive for residents.

Mayor Beer suggested that any development that might occur on the east side of Hy-Vee is probably going to be back yards that back up to the back of Hy-Vee. Mayor Beer invited the architect for Hy-Vee to step forward.

Galen Birkman, 6408 Millbrook, Shawnee, Kansas, stated he is an employee of Bolce-Raidl-Rhea Architects, Inc., and his company is the architect for the proposed improvements for Hy-Vee. Mr. Birkman said it is proposed to paint the back side of the store to match the color scheme of the front side. The color scheme will match closest to the Hy-Vee store at Highway 40 and Noland Road in Independence, which is not too different from the one at North Oak and Englewood Road. Mr. Birkman said he understands there has been a noise situation at the Gladstone store that his company proposes to deal with in this project. It was thought to take a vent through the roof, but there is a lot of equipment up there right now. There is concern there will not be space to do that, so instead he is proposing to use a sound buffer screen in front of the noise, which will be the color of the wall adjacent to it.

Mayor Beer stated an expectation of Council is that whatever is proposed will be aesthetically pleasing to any future development near the store.

Mr. Birkman stated it is his intent to make the improvements blend into the building and not stand out in an unattractive manner.

Councilman Smith asked what the terminology is for the proposed improvement that will be above the roofline.

Mr. Birkman replied the terminology for the proposed improvement is a parapet.

Councilman Smith stated he wants to be sure the back has an aesthetically pleasing appearance from the backside when seen from that level.

Mr. Birkman said, knowing Council's concerns, he would take measures to be certain the proposed improvements meet the expectations of Council. Mr. Birkman stated he was not certain whether it was an effice back or membrane roofing going on the back, but knowing the concern, he will be certain to address the appearance as discussed.

Councilman Smith asked Mr. Birkman to work with Mr. Wingerson and his department in an effort to dress up the back of the proposed improvements.

Mr. Birkman stated he is certain Hy-Vee would have no problem with that.

The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

**Item 6. on the Agenda.**

**COMMUNICATIONS FROM THE AUDIENCE.**

Anita Newsom, 7401 North Wabash, stated this last weekend was the Blues Festival and it was great to see everyone enjoying the event. Ms. Newsom said she has been involved with the Blues Festival since the beginning and has always volunteered in some capacity, but has never spent as much time at the park as a volunteer as she did this past weekend. Ms. Newsom commended the City staff who were at the park providing services. The Parks and Recreation Staff, including Parks and Recreation Director Sheila Lillis and Parks Supervisor Matt Hoops were very accommodating and helpful. The Public Safety support was wonderful and was very professional. The officers also had a soft caring side if there was some sort of a need with a child or a medical injury. The officers maintained a sense of humor when performing such duties as inspecting coolers coming into the park, putting people at ease, and promoting the festival atmosphere.

Ms. Newsom said when push came to shove and the festival had to be shut down due to the weather, the officers became in charge for the health and safety of all present. The Parks and Recreation staff also showed great support in the Sunday morning clean up. Ms. Newsom concluded by saying she wanted it on the record the great work and support of City staff during the Blues Festival and she is proud to be a member of this community.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

Councilman Joe Evans stated he wished to echo Ms. Newsom's sentiments. It was a fantastic Blues Festival this weekend and Parks and Recreation Director Lillis and her department did a great job as always. Public Safety was outstanding and the clean up on Sunday was also outstanding. It is hard to believe the park can be cleaned up so quickly. A great time was had by all who attended the Blues Festival.

Councilman Bill Cross agreed with Councilman Evans. Councilman Cross attended only one night as he was representing the City in Seattle on the first night. Saturday was fantastic. Law Enforcement officers did a great job patrolling the area and supervising thousands of people. Art Hammen, Matt Hoops and their groups did a very good job with the parking. Councilman Cross thanked Ms. Newsom for coordinating the volunteers for the Blues Festival this year.

Councilman Les Smith stated the Blues Festival is a co-sponsored event with the Gladstone Area Chamber of Commerce, and Rhonda Dugan and Chad Nichols were the designated Chairs from the Chamber. They did a fabulous job. Parks and Recreation Director Sheila Lillis was at the festival and working very hard along with her staff. Councilman Smith thanked Ms. Newsom for coming forward and expressing her appreciation to City staff members. Councilman Smith stated the citywide sale seems to have had quite an impact; there were garage sales everywhere. Councilman Smith said it is uncertain how many members of the business community participated, but hats off to Economic Development Administrator Lynn McClure and the Gladstone marketing team for thinking of this event. Councilman Smith continued by saying he thought the event

would fall on its face, but it appears to have been a rousing success for at least the first year.

Councilman Smith asked Assistant City Manager Scott Wingerson for an update on the annexation/de-annexation issue with Renaissance North, as he is receiving questions on this issue. Councilman Smith stated he would like for a no parking ordinance to be brought forward for North Walnut by the Groove. There has been discussion to look at this, and he does not wish to look at it anymore, but would like to have an ordinance for Council's consideration. Councilman Smith stated he asked the City Manager for a timeline on the Brooktree/Rock Creek drainage way improvements, and has not yet received that information, and would like to have the information by the end of the week if possible. Councilman Smith stated Council tabled a Board and Commission Code of Conduct at the last City Council meeting and wondered since it was tabled to this meeting, if Council needs to take some sort of action.

City Counselor Dave Ramsay replied anything tabled indefinitely or not taken up again is considered to be defeated and can be brought up later when Council would like to take action.

Councilman Smith remarked to Mr. Wingerson he noticed some retaining walls for the auto dealership on North Oak Trafficway and stated hopefully those retaining walls will be of castle block or some aesthetically pleasing retaining walls unlike what is at the old Gladstone Economic Betterment Council (GEBC) property.

**Mayor Pro Tem Carol Rudi** thanked everyone involved with the Blues Festival and the Citywide garage sales and business sales. It was an excellent event. Councilman Rudi said she attended the Movie in the Park and it was a great event, and asked Parks and Recreation Director Sheila Lillis to discuss what events are coming up in the future.

Parks and Recreation Director Sheila Lillis reported the movie *Pirates of the Caribbean* was shown a week ago at the Gladstone Amphitheatre, with about 300 in attendance. There was also shown the first and second place winning movies in the movies festival, which had a great interest with the young market of 14 to 17 year olds. This weekend the Northland Symphony will be in the Gladstone Amphitheatre on June 19<sup>th</sup> at 7:00 PM, along with a ballet performance. The other big event prior to the next City Council meeting will be the July 4<sup>th</sup> celebration, with the North Star Community Band concert performing at 8:30 PM, presentation of the colors by our own City Color Guard at about 9:45 PM, with fireworks at 9:50 PM. Ms. Lillis stated Theatre in the Park is just around the corner.

Mayor Pro Tem Carol Rudi stated it has been brought to her attention there are other theatre groups in the Northland who might be interested in doing some kind of a trade. If they have a production in their community, perhaps they would want to bring it over a day or so and perform at our amphitheatre and we might do the same. This might be like a

circle theatre where performances go from one theatre to another. Councilman Rudi said she knows there is the consideration of props and sets.

Director Lillis agreed that props and sets are an issue to work around, but Staff is willing to work with any group. The only stipulation is that the event is sponsored by the City. Any agency that wants to work with the City should contact the Parks and Recreation Department and Staff will work with them.

Councilman Rudi stated the Arts Council might want to consider contacting some of the other area theatres.

Director Lillis said Staff has been in contact with the Shakespeare Festival and others. Scheduling is usually about two to three years out. Due to budgetary restraints this year, City staff did what they could for the 11 events scheduled.

Councilman Rudi stated this might be an opportunity for a "trade-off" where our City does not have costs, because another theatre would bring a production here and we would take ours there.

Director Lillis stated an issue with our city is that we are not as portable as we would like to be. It takes manpower if another entity does not have their own sound and technician people. That is where our problem exists. The Blues Festival is independent of our operation and they do not need the City for sound or lights. Director Lillis asked that if anyone knows of someone who is interested in performing at our Amphitheatre to please ask them to contact the Parks and Recreation Department.

Councilman Rudi asked if there was a report for the May 29, 2004, brush drop-off event.

Public Works Director Andy Noll reported there were approximately 143 people who took advantage of the event and the City pretty well broke even with the expenses that day. People seemed excited about the event. Some people seemed surprised it cost \$2 and some people said they would have paid \$5 to bring their brush in for disposal.

Councilman Rudi asked if the Water Plant light shields have arrived.

Director Noll replied he would check on the status of the light shields.

Councilman Rudi stated after the storm Saturday night, she spent a good part of Sunday cleaning up branches and tree debris. It occurred to her that if there was some way the City could establish a "turn in your neighbor" program, it would be a nice way to recognize those people who provide assistance to those in need. There were people who hauled things away or helped pull trees from the street in the middle of the night following the storm. It would be nice to be able to call the City and report a person who had performed a good deed and have them recognized in the City's newsletter, or a press release or something similar whereby they could receive recognition. Councilman Rudi said she



believes such a program would encourage neighbors to get to know each other. Councilman Rudi asked that no money or huge amounts of time be spent on this program, and that Staff consider this and put something together.

Councilman Rudi stated to Mayor Beer it is her understanding that Council needs to appoint someone to the Board of Zoning Adjustment (BZA) in order to correct a duplication of membership on the Planning Commission and BZA.

Mayor Pro Tem Carol Rudi moved to appoint Terry Hoppenthaler to the Board of Zoning Adjustment. Councilman Joe Evans seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Mayor Wayne Beer reported Public Works is accepting brush through Friday of this week.

Assistant City Manager Scott Wingerson reported brush may be dropped off at the Public Works building Saturday from 8:00 AM to 3:00 PM.

Mayor Beer stated he is pleased to be a resident of Gladstone that is able to provide such services on such short notice.

Councilman Cross suggested the dates and times of brush disposal be announced for the benefit of the Press present, so this may be published in the newspapers.

Assistant City Manager Wingerson reported brush drop off times are 7:00 AM to 5:00 PM, Tuesday through Friday, and 8:00 AM to 3:00 PM on Saturday.

Mayor Beer stated there are some City entrance signs that are in disrepair and he knows there are some plans for correcting this. However, we need to make the signs more presentable as an interim measure. Mayor Beer said one sign that comes to mind is the one on M-1 Highway, north of 73<sup>rd</sup> Terrace. If nothing else, perhaps that sign could be straightened and some wood or something placed around it to hold it in place, maintaining an aesthetic appearance. Mayor Beer reported he would be narrating the Northland Symphony this Saturday at 7:00 PM at the Gladstone Amphitheatre. Mayor Beer continued by saying on October 3<sup>rd</sup>, the National Conference for Community and Justice is sponsoring a 5K walk-a-thon that Mayor Beer will be co-chairing along with Mayor Peggy Dunn of the City of Leawood, and Mayor Pro Tem Alvin Brooks of Kansas City. Mayor Beer stated the mission of the National Conference for Community and Justice is to fight bias, bigotry and racism. It has a mission of promoting respect and understanding for all people, which is of great importance. Mayor Beer said he mentions this event because he will be requesting sponsorships and teams for this event.

Councilman Smith reported he would like to provide an update on the Bi-State Tax issue. This issue is still changing. The most recent change is that the tax will now require

passage in Clay County for it to be metropolitan wide. Councilman Smith said he believes there are some people who will be looking to Gladstone for leadership. After Friday, Councilman Smith should be able to report on exactly what the ballot issue will look like.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

Assistant City Manager Scott Wingerson reported the brush drop off is 7:00 AM to 5:00 PM Tuesday through Friday and 8:00 to 3:00 PM on Saturday. There will be no curbside brush pick-up. So far Neighbors Helping Neighbors have been able to accommodate those people who have called for assistance. Mr. Wingerson thanked the Chamber of Commerce, all the volunteers, City staff, and City Council for a very successful Blues Festival. Mr. Wingerson reported on an average weekend in June there are about 30 permitted garage sales. This last weekend there were over 150 garage sales, and 44 businesses participated in the sidewalk sales. Thanks go to Economic Development Administrator Lynn McClure who orchestrated the City wide sales event. Mr. Wingerson said he felt this was a successful weekend overall.

**Item 9. on the Agenda.**

**PUBLIC HEARING** on a request for a Site Plan Revision on property located at 6024 NE Antioch Road, Meadowbrook Shopping Center. Applicant Meadowbrook Village, LLC. Owner: Meadow Village Shopping Center. (File #1224).

Mayor Wayne Beer opened the Public Hearing, and immediately continued it to the Monday, June 28, 2004 City Council Meeting at the request of Staff.

**Item 10. on the Agenda.**

**PUBLIC HEARING** for consideration of a request to rezone from CP-O, Commercial Planned, Non-Retail to RP-3 Garden Apartment (RCHP-1, Residential Cluster Housing Planned recommended) and a Site Plan Revision for property located at NW 55th Terrace & Old Pike Road. Applicant/Owner: Affordable Homes, Inc. (File #1225).

Councilman Les Smith stated because he may have a financial interest in this project in the future should it be approved, he asked to be excused from Items 10. through 10c, and stated he would step down from the Council dais to take a seat in the audience so as to have no appearance of a conflict of interest.

Mayor Beer 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 reported the applicant is requesting three separate actions from the City Council. The first is a zoning change, the second is a site plan approval, and the third is a final plat. Overall the request would provide the development approval to allow 10 residential units to be constructed in a single building.

The zoning change as published on the agenda tonight is a request from CP-O, Commercial Planned Office to RP-3, Garden Apartments. The recommendation coming to City Council from the Planning Commission is a zoning change from CP-O to RCHP-1. The difference between the two is a slight variation in the density standards from 8 to 10. The second request is for a site plan approval with several conditions recommended in the Staff Report and the Bill. Mr. Wingerson said he would like to point out three of the conditions. Condition No. 2 in the Staff Report states air conditioning mechanical equipment shall be screened. The applicant proposes to do this through berming and landscaping. Condition No. 6 is a freestanding, monument style sign, with subdivision identification. The third condition Mr. Wingerson discussed was condition No. 8, stating a sidewalk shall be installed on 55<sup>th</sup> Terrace.

Mr. Wingerson reported in regard to the final plat, the lot is currently composed of two lots. In order for this development to move forward it would have to be one lot, which is the purpose of the final plat. The Planning Commission is forwarding to City Council in a split vote recommendation for approval from CP-O to RCHP-1, site plan approval, and final plat approval. Mr. Wingerson stated Affordable Homes representation is present at this meeting.

Councilman Bill Cross stated his first thought was to question the density for this project, but after visiting Seattle, he saw high-density homes could be successfully put on small acreage. This proposal has plenty of space for the density, and he plans to vote in favor of this proposal.

#### Applicant Presentation

Art Hammen, 7117 North North Avenue, began by saying he was representing Affordable Homes, Inc., and has been in business in Gladstone over 25 years. Mr. Hammen stated with him at this meeting was his chief project engineer, Dana Bowles of Kaw Valley Engineering.

Mr. Hammen reported on May 10, 2004, City Council approved a contract to sell the property we're discussing tonight to Affordable Homes contingent on a site plan approval and re-zoning. The request before City Council tonight is to reduce the zoning from commercial to residential and to approve the site plan. The final plat approval is a formality to combine two lots into one for development purposes. An office building, apartments and houses surround the property. Townhomes, which are residential in nature, provide excellent transition between these diverse uses and are consistent with the currently approved land use plan. This design concept is fairly new to the building industry and would be the first of its kind in Gladstone. The design will not only benefit the City on this property, but can also fill a need for future in-fill and redevelopment projects in Gladstone.

Mr. Hammen stated while the building contains 10 townhomes, which is the minimum required to make a community feasible, the length of the building is about the same as 2 1/2

typical duplex buildings set end to end. The building would be set back 68 feet from the front property line, which is almost twice the normal setback. Mr. Hammen said the appeal of the proposed upscale community would be to young professionals – both singles and couples. Luxury items, which will be included in each townhome, will include such things as a microwave, glass-top range, icemaker, garage door opener, fireplace, three ceiling fans, a high-tech telephone and cable TV wiring. Additionally, all exterior maintenance will be provided. Each townhome will include two master suites, 2 ½ baths, an attached garage, and a full basement.

Mr. Hammen continued by saying to ensure maximum traffic safety, the site is designed with only one entrance from 55<sup>th</sup> Terrace. In addition to the garages and private drives on site, there will be 7 visitor parking spaces provided on site. The drive into the property will be graded in such a manner as to be sloped to 55<sup>th</sup> Terrace to direct headlights down and away from any windows across the street. A special emphasis will be placed on landscaping to provide the most attractive community possible. To compliment the existing trees, it is proposed to plant 28 evergreens and deciduous trees. That is almost three trees per townhome. These plantings will include red and white flowering ornamental trees for spring color and hard maple trees, whose leaves will turn bright colors in the fall.

Mr. Hammen reported a large berm will be created along the south side of the property with bushes and trees to obscure the view of the building. To help it blend in with the landscaping, the building's exterior colors will be in earth tones. Mr. Hammen concluded by saying there are ten recommended conditions contained in the Staff Report, and he is in agreement with all ten of those items. Last Monday night the Planning Commission was split on what zoning would be best for this community. The RCHP-1 zoning that they recommended was with the condition that it include a density of ten units. The Planning Commission's support of this community was certainly evidenced by a unanimous vote in both the site plan and the plat. Mr. Hammen asked if there were any questions from City Council members.

Councilman Rudi asked how many cars would fit into each proposed garage.

Mr. Hammen replied each garage would hold one car. Each driveway will hold a second car, and there are seven additional onsite traffic spaces. There being no further questions, Mr. Hammen thanked City Council members and respectfully requested approval for this proposal this evening.

#### **Comments from those in Favor**

There was no one to speak in favor of the proposal.

#### **Comments from those in Opposition**

Dan Houston, 401 NW 55<sup>th</sup> Terrace, stated he had several concerns with this project, because his house sits directly across from the property to be developed. Mr. Houston said

every morning he has a great deal of traffic in the grassy area in front of his house, especially during the school year. There are probably 50 to 70 school children walking through the area. When it is raining, the area becomes muddy, which causes problems for Mr. Houston, because the children track across his driveway. Mr. Houston said he feels if sidewalks are being installed, and most of the traffic is coming from the apartments on the south side of 55<sup>th</sup> Terrace, the sidewalks need to be on that side. There is also a terrific traffic problem with many speeders coming off of Old Pike Road, turning onto 55<sup>th</sup> Terrace, and speeding down the street with children playing in the area. Mr. Houston stated he has two small children of his own, who are four and seven years old. They have bikes and skateboards and play in the driveway. Mr. Houston would like to see the sidewalks on his side of the street, and he is sure the parents of small children who live in the apartments would like to see sidewalks on the south side.

Mr. Houston said he is also concerned with the heavy flow of traffic that will flow out of the condominiums. Twenty- six cars will cause quite a traffic problem, and there is already quite a traffic problem in this area. In the mornings it is almost impossible to get onto Old Pike Road from his street or to get to Englewood Road through the bank area. Mr. Houston requested a traffic signal to slow down and control the traffic. A ten-unit condominium is going to cause a hazardous situation. Mr. Houston stated this area is a protected migratory site and for a while there were some nesting mallards at the site. There is an area where the water collects to form a pond. When the survey was conducted, the ducks disappeared, and he wondered if the Department of Conservation had any say in the property and if it is a protected migratory site.

Mayor Beer replied there is no information from the Department of Conservation at this time regarding the site being a protected migratory site. It could be an item to check.

Assistant City Manager Scott Wingerson stated because of the size and location, he does not believe this is a protected site, but will be happy to make the phone call to the Department of Conservation.

Mayor Beer said the pond area may have developed when the City removed the dirt from the hill for other purposes; therefore it would not be a wetland area in that regard and would not be a Department of Conservation protected area.

Mr. Houston asked when the City removed the dirt. He has lived in his house two years and was not aware of this.

Mr. Wingerson replied the City removed thousands of yards of dirt approximately six years ago during the reconstruction of Hamilton Heights Park.

Mr. Houston stated he would like sidewalks on his side of the street, and some sort of study conducted to determine the traffic entering and exiting the proposed drive site off of 55<sup>th</sup> Terrace is not going to substantially impact his house.

Mayor Beer asked Assistant City Manager Scott Wingerson if there has been a traffic study.

Mr. Wingerson replied there is reference in the Staff Report of the driveway and traffic issue. City Council previously approved development of a one or two story office building on this property. During that time, Staff considered the traffic issue, and based on that, proposed the driveway to be located on Old Pike Road. This development represents a fundamentally different traffic pattern than you would see in a typical office building. The volume is less, and more importantly the peak times are different than one would see with an office building. Mr. Wingerson said in regard to this request, it makes sense that the driveway be located on 55<sup>th</sup> Terrace in order to preserve the flow of traffic on Old Pike Road. It may result in queues at 55<sup>th</sup> Terrace and Old Pike Road from the apartment complex on to Old Pike Road. However, there is a secondary access to Englewood Road through the apartment complex in Kansas City, Missouri, and then to the south accessing Englewood Road. A southbound turn should not be a problem for 55<sup>th</sup> Terrace onto Old Pike Road; there may be a wait turning north onto Old Pike Road. There is another way to do that by going west through Kansas City, Missouri, and accessing Englewood Road to then go either east or west.

Mr. Houston said he would like to have some information on the drive that is going to be into the condominiums off of 55<sup>th</sup> Terrace in front of his house. The drive is directly across from the bedrooms of his house. Mr. Houston inquired into the slope of the drive, and asked what assurance does he have it will not impose a problem to his house, and can the drive be relocated 100 feet to the other side of the lot.

Mayor Beer replied looking at the grade contours on the plan, it appears there is two feet of elevation change down towards the street, rather than up towards Mr. Howard's house. From street level, Mr. Howard's house is about six feet higher at the foundation than the street. Mayor Beer stated his guess is any lights coming off the proposed project's drive are probably going to be pointing down rather than up into Mr. Houston's house.

Mr. Houston disagreed and said he feels any lights coming out the drive will shine directly into his house. The cars will be coming from an upper level and drop down to the street causing the lights to come into his windows.

**Art Hammen, Affordable Homes**, stated all but one of Mr. Houston's concerns deal with existing issues, and nothing that would be exacerbated by the proposed community. In terms of traffic coming from ten homesites, who may be singles as well as couples, it is realistic to expect that there will be 15 to 16 cars in the community on a given day. Most importantly he has tried to be extremely concerned with the issue of headlights. This is one of the early items discussed in trying to locate the drive. From Mr. Hammen's survey of the area, he knows from the existing street elevation to the bottom of the windows of Mr. Houston's home, it is at least eight feet. If cars are aimed down toward the street, it is realistic to expect the headlights of those cars, while they may be three feet above the street, are going to be aimed down, and will more likely hit the retaining wall that exists in

front of Mr. Houston's home. Mr. Hammen said this issue was considered early on and he feels it has been appropriately addressed.

Dana Bowles, Kaw Valley Engineering, 1333 NE Barry Road, Kansas City, Missouri, said he wished to reiterate what Mr. Hammen said. The headlight issue was considered at the beginning of the project, and every effort has been made to minimize whatever impacts the headlights would have on the property to the south. The drive is about a 2 percent grade down to 55<sup>th</sup> Street.

Councilman Rudi inquired into the possibility of changing the sidewalk to Mr. Houston's side of the street. Councilman Rudi said she knew there would not then be continuous sidewalk, but asked if this is possible. Councilman Rudi asked if there are future plans in the Sidewalk Program to add sidewalks to the south side.

Mr. Wingerson replied without knowing the topography of the south side, he cannot address the ability to physically and efficiently install a sidewalk on the south side of the street. City Council could suggest the sidewalk is not required on the north side and require it on the south side, and the north side segment of sidewalk could be programmed the 4<sup>th</sup> or 5<sup>th</sup> year from now in the Capital Plan. There are some options for City Council to consider.

Mayor Beer asked if the contractor would consider putting a sidewalk on the south side in lieu of putting a sidewalk on the north side

Mr. Hammen stated he would be willing to entertain that option along with City staff, but would reserve a final decision on that until the situation could be studied a little further as long as there is sidewalks only on one side of the street or the other.

Mayor Beer asked Mr. Wingerson with this stipulation could the north side sidewalk be considered as a part of the Capital Improvement Plan in the near future?

Mr. Wingerson replied the north side sidewalk could be worked into the Capital Improvement Plan to meet the time frame of City Council

Mr. Hammen stated he wondered if there were sidewalks on the north side of the street, if that would encourage the traffic to use the hard surface rather than walk through the potentially wet or muddy area on the south side. Mr. Hammen noted the community immediately west of his proposed development, the Sycamore Hills Apartments, has as many if not more apartment units on the north side off 55<sup>th</sup> Terrace than on the south side.

Mr. Houston stated looking at the Cypress Hills Apartment complex, most of the apartments are on the south side of 55<sup>th</sup> Terrace. There is only one building of apartments on the north side. There are a lot of children walking in the area to catch their school bus. If the sidewalk is on the north side of 55<sup>th</sup> Terrace, that means children will have to walk

past the driveway of the new condominiums in the morning, when traffic is going in and out of the condominiums.

**Mayor Beer closed the Public Hearing.**

**Item 10a. on the Agenda.** **FIRST READING BILL 04-27**, rezoning property legally described as Lots 3 and 4, Old Pike Ridge Subdivision (NW 55th Terrace & Old Pike Road) from CP-O, Commercial Planned Non-Retail to RCHP-1, Residential Cluster Housing Planned. Owner/Applicant: Affordable Homes, Inc. (File #1225).

Councilman Bill Cross moved to place Bill 04-27 on First Reading. Councilman Joe Evans seconded.

Councilman Cross stated although he sympathizes with Mr. Houston, he has lived in Carriage Hill for 27 years where there are no sidewalks and there are more than 10 homes. The children manage because the residents recognize the situation.

Councilman Rudi stated she very much likes "down zoning" in the fact the property is being rezoned from commercial to residential, and with only 10 units, she likes the cluster housing very much. Councilman Rudi said she thinks this will be a good use of the property.

The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). (Councilman Les Smith had previously excused himself from the City Council dais.) The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 04-27 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 Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 04-27 and enact the Bill as **Ordinance 3.918**. Councilman Joe Evans seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0).

**Item 10b. on the Agenda.** **FIRST READING BILL 04-28**, approving a Site Plan revision subject to certain conditions for property located at NW 55th Terrace & Old Pike Road. Owner/Applicant: Affordable Homes, Inc. (File #1225).

Councilman Bill Cross moved to place Bill 04-28 on First Reading. Councilman Joe Evans seconded.



Councilman Evans stated Mr. Hammen's project impacts the north side of 55<sup>th</sup> Terrace, and he feels it steps outside of the City's boundaries as to what the City can require Mr. Hammen, as a developer, to do on another piece of private ground. Councilman Evans continued by saying although he finds it admirable that Mr. Hammen is willing to work with City staff, he believes Mr. Hammen's project's impact is on the north side of 55<sup>th</sup> Terrace.

Councilman Rudi asked that City staff study the sidewalk issue and come up with the best solution for everyone concerned. That would include the effects of timing and cost, as well as the population distribution. Councilman Rudi said she does not feel this is outside of Affordable Homes' duty, as only one sidewalk on one side of the street is being requested.

The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). (Councilman Les Smith had previously excused himself from the City Council dais.) The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 04-28 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 Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 04-28 and enact the Bill as **Ordinance 3.919**. Councilman Joe Evans seconded.

Councilman Rudi stated she likes the proposed plan. It is unique and very attractive and it will be a good addition, with less intensive traffic than a commercial development would be in this area. Councilman Rudi expressed her appreciation to Mr. Hammen for working with staff on this proposal, and asked that the slope of the driveway be revisited along with the potential lights in the neighbor's bedroom windows.

Mayor Beer stated the intensity of use for this project is significantly less than it would be if it were developed as a commercial property. Mayor Beer said, as he sees the site plan, the lights will have negligible effect upon Mr. Houston's property. This property is destined to be developed and the development that is being proposed is probably the best use of this property. While concerns have been raised, Mayor Beer said he feels they have either been addressed satisfactorily or will be addressed in a cooperative manner between the developer and Staff to the satisfaction of the neighbors.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0).

**Item 10c. on the Agenda.** **FIRST READING BILL 04-29**, approving the Final Replat of "Old Pike Ridge Subdivision", NW 55<sup>th</sup> Terrace and Old Pike Road. Owner/Applicant: Affordable Homes, Inc. (File #1226).

Mayor Pro Tem Carol Rudi moved to place Bill 04-29 on First Reading. Councilman Bill Cross seconded.

Councilman Rudi stated this replat is simply combining two lots into one lot.

Mayor Beer confirmed that is correct.

The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). (Councilman Les Smith had previously excused himself from the City Council dais.) The Clerk read the Bill.

Mayor Pro Tem Carol Rudi moved to accept the First Reading of Bill 04-29 Waive the Rule and place the Bill on Second and Final Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Mayor Pro Tem Carol Rudi moved to accept the Second and Final Reading of Bill 04-29 and enact the Bill as **Ordinance 3.920**. Councilman Bill Cross seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0).

**Note: Councilman Les Smith returned to his seat at the City Council dais.**

**Item 11. on the Agenda.** **RESOLUTION NO. R-04-42**, adopting the 2005 Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July 1, 2004 and ending June 30, 2005, authorizing the expenditures of funds, and approving the Position Classification and Compensation Plan.

Councilman Bill Cross moved to approve **RESOLUTION 04-42**, adopting the 2005 Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July 1, 2004 and ending June 20, 2005, authorizing the expenditures of funds, and approving the Position Classification and Compensation Plan. Councilman Joe Evans seconded.

Councilman Cross stated he felt Staff did an excellent job in preparing the budget this year.

The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

**Item 12. on the Agenda.** **FIRST READING BILL 04-30**, amending City Code Section 2.31 to update the list of authorized Boards, Commissions, and Committees, and to establish certain general qualifications and limitations for membership on Boards, Commissions, and Committees.

Councilman Les Smith moved to place Bill 04-30 on First Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 04-30 Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 04-30 and enact the Bill as **Ordinance 3.921**. Mayor Pro Tem Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

**Item 13. on the Agenda.** **FIRST READING BILL 04-31**, amending Schedule IX of the Model Traffic Ordinance, Section 18-12 designating speed limits in the City to establish a new time limit for the school zones located at a section of North Antioch Road, Pleasant Valley Road, and North Englewood Road.

Councilman Joe Evans moved to place Bill 04-31 on First Reading. Councilman Les Smith seconded.

Councilman Rudi inquired into the difference between the substitute Bill 04-31 and the original Bill.

Public Works Director Andy Noll replied the change is on the Englewood Road section. All the School Zone sections were at the same time limits, and Staff wanted the Englewood Road section to correspond with what Kansas City has already posted within their City limits, so the Englewood Road School Zone time limit was changed in the bill to correspond with Kansas City's.

The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the First Reading of Bill 04-31 Waive the Rule and place the Bill on Second and Final Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the Second and Final Reading of Bill 04-31 and enact the Bill as **Ordinance 3.922**. Councilman Les Smith seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

**Item 14. on the Agenda.      OTHER BUSINESS.**

Councilman Smith stated a lot of work went into this year's budget, and it was not fun work on Staff's part as there are a lot of wants and needs that cannot be funded. The fact of the matter is that there is an excess of \$600,000 this year in one-time funds that allowed the City to balance this budget. A back up ambulance from MAST was not budgeted, and there is a temporary solution for that. The City provides the citizens and business owners of the community a very high level of service, and the City continues to do that with less and less money. What that means is that a greater burden is on City staff. Fortunately some pay increases will be provided this year. With the increased health care costs last year, many of the City employees went "backwards".

Councilman Smith said he is glad the City could provide pay increases this year, but the City has got to identify some revenue sources for the future and do it very quickly, or the City will be faced with service cuts that this community will not receive well. It is incumbent for the City Council to accept the leadership position in finding those additional revenue sources. The budget has been cut as "bare to the bone" as possible.

Mayor Beer stated, in regard to the ambulance service, the City was finding itself boxed into a corner in trying to provide long-term solutions to our emergency response issues. As of late some of that pressure may have been relieved slightly in that Kansas City did approve a new contract with MAST, which may give our City more breathing room in terms of trying to come up with a funding source to still provide our own medical services. It might be worth our time to take another look at MAST to see if they might have a proposal that might be somewhat different in scope from their first proposal that would be helpful for us to reduce our immediate needs to provide alternate funding sources for our Emergency Medical Services.

Councilman Smith stated he does not disagree with Mayor Beer, but the point he was trying to make was if all things are equal next year, the City is looking at a \$600,000 deficit, and the City is down to its minimum reserves by State Statute. Funds have been expended from the Capital Replacement Fund. MAST has a good record in regard to their clinical response. If they can get their management under control, perhaps the City should continue with them as a back-up service, if we can get some things like guaranteed response times and guaranteed units in our area. Councilman Smith said all that aside, this time next year, the City will be looking at a \$600,000 deficit, with no more reserves or one-time funds available. Councilman Smith continued by saying he is confident under the leadership of our current mayor, additional revenue sources will be identified, and we need to do that aggressively. The citizens will not be happy to see Public Works not open for brush disposal after a storm, or the service level of snow plowing reduced. These are

services our community expects and the City needs to find a way to continue to provide these services.

Mayor Beer agreed Councilman Smith is correct and said he did not intend to minimize the seriousness of the City's budget situation. Mayor Beer said his comment were meant to say there may be a possibility of taking a little pressure off of the City and provide a bit more breathing room. There are some serious problems and the \$600,000 of one-time revenues will not be here next year.

Mayor Pro Tem Carol Rudi stated the City does need to find new revenue sources, but the City has a group of citizens who have been meeting for several months. Some of the things they have been discussing are revenue sources. The group has an entire program put together and have not ignored the possibility there will be costs involved. The group's recommendation will be coming forward and Councilman Rudi says she has great hopes for their recommendation in assisting the City with the budgetary concerns.

Councilman Smith agreed, and stated the timeliness of this program was perfect. The City needed a citizen group to come forward and identify the needs of the City. As part of that, the City needs to project the revenues needed to maintain services and not just commit additional revenues that might be identified. The group has gone to great lengths to understand the budget process and they are to be commended.


**Item 15. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**

There were no comments from the News Media.

**Item 16. on the Agenda.**      **ADJOURNMENT.**

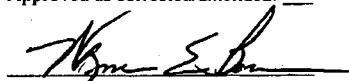
There being no further business to come before the June 14, 2004, Gladstone City Council Meeting, Mayor Wayne Beer adjourned the Regular Meeting.

Respectfully submitted:

  
Cathy Swerison, City Clerk

Approved as submitted: 

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

  
Mayor Wayne Beer



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JUNE 28, 2004**

**CLOSED EXECUTIVE SESSION: 6:15 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: 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 14, 2004 City Council Meeting Minutes.**
- 4a. **PROCLAMATION** recognizing **REVEREND ROBERT A. BAIER'S** 25 years of service with Antioch Bible Baptist Church.
- 4b. **PROCLAMATION:** designating the month of July 2004, as "**NATIONAL PARKS AND RECREATION MONTH**".
5. **CONSENT AGENDA**

**RESOLUTION R-04-43**, accepting a Temporary Construction Easement from property owners in conjunction with the Northeast 76<sup>th</sup> Street Reconstruction Project #055014.

**RESOLUTION R-04-44**, accepting Temporary Construction Easements and Permanent Easements from property owners in conjunction with the Northeast 67<sup>th</sup> and Forest Storm Drainage Project # 045033.

**RESOLUTION R-04-45**, authorizing acceptance of work under contract with UHL Engineering for the design of the NE 67<sup>th</sup> and North Forest Storm Water Improvements; and authorizing final payment in the amount of \$702.50 for Project 025008.

**RESOLUTION R-04-46**, authorizing execution of a new retainer agreement between the City of Gladstone, Missouri and the law firm of Korein Tillery, and attorneys John ulligan and Howard Paperner for legal services on behalf of the City in the Cellular Telephone Tax litigation pending in the Circuit Court of St. Louis County.

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:**

Osco Drug, 6129 North Antioch Road, 7 day Package Liquor License  
 Kwik Shoppe, 7603 North Oak Trafficway, 7 day Package Liquor License  
 Aldi's, 7604 North Oak Trafficway, 7 day Package Liquor License  
 Gladstone Mart, 7020 North Oak Trafficway, 7 day Package Liquor License  
 Gasmart, USA, Inc., 7303 North Oak Trafficway, 7 day Package Liquor License  
 Senor Tequila, 6502 North Oak Trafficway, Class A&B Liquor by the Drink License  
 Senor Tequila, 5942 NE Antioch Road, Class A&B Liquor by the Drink License  
 Applebee's, 6069 North Antioch Road, Class A&B Liquor by the Drink License  
 Margarita's, 7013 North Oak Trafficway, 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. **RESOLUTION NO. R-04-47**, authorizing execution of a contract with Kansas City Area Transportation Authority to provide public transportation serving Gladstone residents for the period July 1, 2004 through June 30, 2005 for a total Gladstone Local Share not to exceed \$22,464 from the Transportation Sales Tax Fund.
  10. **PUBLIC HEARING** on a request for a Site Plan Revision on property located at 6402-B North Antioch Road, Meadowbrook Shopping Center. Applicant: Meadowbrook Village, LLC. Owner: Meadow Village Shopping Center. (File #1224).
- AUDIENCE NOTE:** Applicant has withdrawn this request, therefore no Public Hearing will be held.
11. **FIRST READING BILL 04-32**, 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. Other Business.
  13. Questions from the News Media.
  14. Adjournment.



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

**MONDAY JUNE 28, 2004**

**PRESENT:** Mayor Wayne Beer  
Mayor Pro Tem Carol Rudi  
Councilman Les Smith  
Councilman Joe Evans

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Councilman Bill Cross

Mayor Wayne Beer opened the Regular June 28, 2004, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR JUNE 14, 2004  
CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Carol Rudi moved to approve the Regular June 14, 2004, City Council Meeting Minutes as presented. Councilman Joe Evans seconded the motion. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

**Item 4a. on the Agenda.** Mayor Wayne Beer read a **PROCLAMATION** recognizing **REVEREND ROBERT A. BAIER'S** 25 years of service with Antioch Bible Baptist Church. Reverend Baier accepted the proclamation and thanked Mayor Beer and City Council members for the recognition.



**Item 4b. on the Agenda.** Mayor Beer read a **PROCLAMATION** designating the month of July 2004 as "**NATIONAL PARKS AND RECREATION MONTH**". Parks and Recreation Director Sheila Lillis accepted the proclamation.

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

Following the Clerk's reading, Mayor Pro Tem Carol Rudi asked that Resolution R-04-46 be removed from the Consent Agenda and placed on the Regular Agenda as Item 5a.

Councilman Les Smith moved to accept the Consent Agenda as amended. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0).

**CONSENT AGENDA DETAIL:**

Councilman Les Smith to adopt **RESOLUTION NO. R-04-43**, accepting a Temporary Construction Easement from property owners in conjunction with the Northeast 76<sup>th</sup> Street Reconstruction Project #055014. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

Councilman Les Smith moved to adopt **RESOLUTION NO. R-04-44**, accepting Temporary Construction Easements and Permanent Easements from property owners in conjunction with the Northeast 67<sup>th</sup> and Forest Storm Drainage Project #045033. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

Councilman Les Smith moved to adopt **RESOLUTION NO. R-04-45**, authorizing acceptance of work under contract with UHL Engineering for the design of the NE 67<sup>th</sup> and North Forest Storm Water Improvements; and authorizing final payment in the amount of \$702.50 for Project 025008. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

Councilman Les Smith moved to approve the **ANNUAL LIQUOR LICENSE RENEWALS** for:

Osco Drug, 6129 North Antioch Road, 7 day Package Liquor License  
Kwik Shoppe, 7603 North Oak Trafficway, 7 day Package Liquor License  
Aldi's, 7604 North Oak Trafficway, 7 day Package Liquor License  
Gladstone Mart, 7020 North Oak Trafficway, 7 day Package Liquor License  
Gasmart, USA, Inc., 7303 North Oak Trafficway, 7 day Package Liquor License  
Senor Tequila, 6502 North Oak Trafficway, Class A&B Liquor by the Drink License  
Senor Tequila, 5942 NE Antioch Road, Class A&B Liquor by the Drink License

Applebee's, 6069 North Antioch Road, Class A&B Liquor by the Drink License  
Margarita's, 7013 North Oak Trafficway, Class A&B Liquor by the Drink License

Councilman Joe Evans seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

## **REGULAR AGENDA**

**Item 5a. on the Agenda.** **RESOLUTION R-04-46**, authorizing execution of a new retainer agreement between the City of Gladstone, Missouri and the law firm of Korein Tillery, and attorneys John Mulligan and Howard Paperner for legal services on behalf of the City in the Cellular Telephone Tax litigation pending in the Circuit Court of St. Louis County.

Mayor Pro Tem Carol Rudi moved to approve **RESOLUTION R-04-46**, authorizing execution of a new retainer agreement between the City of Gladstone, Missouri and the law firm of Korein Tillery, and attorneys John Mulligan and Howard Paperner for legal services on behalf of the City in the Cellular Telephone Tax litigation pending in the Circuit Court of St. Louis County. Councilman Les Smith seconded.

Councilman Rudi requested a brief explanation as to the need for this agreement.

City Counselor Dave Ramsay began by saying in December 2001, Gladstone joined 21 other municipalities in suing the major providers of cellular telephone service within the state of Missouri in order to collect the telephone utility tax that was imposed and has been traditionally collected by these cities. Since that time, some 40 other communities have joined the effort and the size and scope of this lawsuit has grown to the extent that additional attorneys are needed in order to prosecute the case on behalf of the cities. In addition, the costs were getting to the point that they were beyond the means of the group of cities on a "pay as you go" basis.

Mr. Ramsay stated it was determined to be most cost effective and beneficial for the cities to enter into a contingent fee agreement, which would pay the attorneys only in the event of recovery to the extent of 25 percent of the amounts recovered. Recovery is being sought for five years immediately preceding December 31, 2001 through the date of whatever judgment is rendered. Several Request for Proposals were reviewed and the initial attorneys who were acting on our behalf, John Mulligan and Howard Paperner, recommended the law firm, Korein Tillery, to join them, because of the firm's size, experience, and scope of its practice, particularly in class action and complex corporate type litigation.

Mr. Ramsay said the firm comes highly recommended, and as City Council is aware, this is a case that should generate continuing significant revenues for the City as people utilize cellular telephone service rather than land based telephone service into the future.

Mayor Beer stated it is the cellular telephone companies' position that their services are not subject to taxation. As the cellular phone use becomes greater, landline telephone use becomes less, and our revenues are dropping. It is believed the taxes, which the cellular phones are not paying, are due to our city, and this is an effort to recover those taxes.

The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

**Item 6. on the Agenda.**

**COMMUNICATIONS FROM THE AUDIENCE.**

**John Ballou** stated he was representing his mother who lives at **906 NE 75 Street**. His mother is having a problem backing out of her driveway due to a recreational vehicle parked next door that blocks her view of oncoming traffic. The vehicle extends out into the street. His mother has talked to the City Code Enforcement staff and the Police Department, and has not been able to resolve this problem. Ms. Ballou phoned her insurance company to inquire if she would be liable if she caused an accident because she could not see the oncoming traffic due to the recreational vehicle. According to her insurance company, she would be liable if she caused an accident by backing out of her driveway without being able to see the traffic. Ms. Ballou is concerned about this.

Mr. Ballou shared with City Council members pictures of the recreational vehicle parked in the neighboring driveway, and of the sidewalk that has been damaged by the vehicle. The vehicle may be parked in the driveway anywhere from a day at a time to two or three days at a time. In that time frame, if she tries to back out of her driveway, she is at a total disadvantage and is putting her life in jeopardy as she cannot see oncoming traffic.

Councilman Les Smith explained the Council, about four weeks ago, began addressing this issue, which of course has two sides. As our community ages, there seems to be more motor homes or recreational type vehicles. From the pictures Mr. Ballou shared, there are some very expensive motor homes, and so the owners want to keep them close to their homes. That said, they are creating a hazard.

Councilman Smith stated an ordinance was passed that says these vehicles cannot extend over the sidewalk. That puts them on the street, and Public Safety officers say they are a danger parked on the streets. Councilman Smith said it is planned to compile a list of motor home owners and residents who have concerns as to where and how they are parked. These people will be invited to a meeting, where City Council members and City staff will be present, to address this issue and work towards finding a solution. Councilman Smith thanked Mr. Ballou for bringing his concerns forward at this meeting.

Assistant City Manager Scott Wingerson reported the meeting Councilman Smith mentioned is tentatively scheduled for August 2<sup>nd</sup> at 6:00 PM in City Hall. Mr. Wingerson stated he has Mr. Ballou's name and address, and will be sure to notify him of the meeting.

Councilman Smith asked if Mr. Ballou's neighbor has been cited.

Mr. Wingerson replied he is not aware of a citation, but he will check to see if a citation has been issued.

Councilman Smith asked Mr. Ballou or his mother, Ms. Ballou to call Mr. Wingerson the next time the vehicle is parked at the neighbor's house. Councilman Smith informed Ms. Ballou she was also welcome to phone him and he would give her his phone number.

**Donald Harper, 1606 NE 68 Terrace**, stated he would like to speak on the same subject, and has spoken about it previously at a Council meeting. Mr. Harper said he felt a meeting was fine, but he sees only one solution. An ordinance was passed by City Council that says recreational vehicles cannot be parked over the sidewalk, and this is being repeatedly violated all around his home. Either the motor homes can be parked at homes or they need to be put in a storage unit. If a resident is violating a City ordinance, the ordinance needs to be enforced or if not, repealed. Mr. Harper stated he did not know how a meeting will help, as this issue has been going on for more than a month or two. Mr. Harper said he hopes the meeting is helpful and he does plan to be there.

Councilman Smith stated by getting people together, both sides of the issue may be better understood. A decision has to be made as to how to handle this concern. Both sides of the story need to be heard.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Joe Evans** thanked City staff for preparing a Memo, which provided an update on the MBW construction on North Antioch Road. Councilman Evans thanked City staff for keeping a watchful eye on this project. Councilman Evans stated he had another issue with the same firm at 70<sup>th</sup> and North Bellefontaine, and asked if the firm is in the process of obtaining a permit for the repairs at this address.

Mr. Wingerson replied, yes, the firm is in the process of obtaining a permit for that address.

Councilman Evans stated an issue has come to his attention seven or eight times in the last week, and he would like to state for public record, he still resides in the City of Gladstone. His address is 6737 North Askew, and his home telephone number is 455-6663. It has come to his attention a lot of people question he still lives in the community, and the answer is, yes, he still lives in the community. He has just relocated.

**Councilman Les Smith** stated the new Fire Station dedication was last Saturday, and the Mayor did a very good job thanking all who participated in the Fire Sales Tax, City staff, and all who made the new Fire Station possible. Councilman Smith said he would like to say to the voters of Gladstone, "delivered as promised." The City has delivered a fire truck and a Fire Station, and will proceed with the "pay as we go" plan to the next item. City Council is to be commended for fulfilling their promises.

Councilman Smith stated this is the time of year to discuss right of way maintenance, and asked City Manager Kirk Davis to send someone to maintain the island in front of Mr. Whitton's building at 72<sup>nd</sup> and North Broadway. There are weeds there that are almost chest high. The weeds are almost obscuring Mr. Whitton's nice new building.

Councilman Smith asked if the billboard issue will be coming before City Council for consideration.

City Manager Kirk Davis replied it will be coming forward July 26, 2004, for discussion.

Councilman Smith stated it was discussed at the last meeting to install "No Parking" signs on North Grand, north of 72<sup>nd</sup> Street. Councilman Smith said he agreed with the City Manager's request that this issue should be delayed a couple of weeks, so as to contact more of the neighbors in that area. Councilman Smith said he visited with the spokesperson for that block before he made the recommendation, but he agrees with going through the process to contact the other neighbors.

Councilman Smith stated we are in the planning stages for a meeting of the Northland Mayors to discuss the Bi-State issue. Prior to that meeting, a visit will be made to the Clay County Commission, to invite them to the meeting. Hopefully there will be a large turnout for the Northland Mayors' meeting.

Mayor Pro Tem Rudi stated she also appreciated the ceremony at the new Fire Station. It was very nice. Councilman Rudi said that Public Works Director Andy Noll reported the defectors for the lights at the Water Treatment Plant are scheduled to be here tomorrow. Councilman Rudi stated the Northland Symphony Orchestra performed at Oak Grove Park, with Mayor Beer narrating each musical piece. Mayor Beer did a great job and it was a very nice evening. Councilman Rudi asked Parks and Recreation Director Sheila Lillis to provide a report on upcoming events at the Gladstone Amphitheatre.

Parks and Recreation Sheila Lillis reported the July 4<sup>th</sup> celebration will be this Sunday, with the band concert beginning at 8:30 PM. Fireworks will begin at 9:45 PM. The Unsinkable Molly Brown, Theatre in the Park performance will be July 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup>, at 8:30 PM. The granddaughter of Molly Brown, who lives in Leavenworth, will introduce each of the shows. The Mame, Theatre in the Park performance is scheduled for August 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup>, at 8:30 PM. Ms. Lillis concluded by saying Mayor Beer officially opened the new slide, today, at the municipal pool.

Mayor Pro Tem Rudi inquired into the recent extended brush pick up, asking how it was progressing, and what is left to collect.

Public Works Director Andy Noll reported there have been quite a large number of people taking advantage of this event, and the pile of brush has recently doubled. Residents may continue to drop off brush at the Public Works building this week, Wednesday, Thursday and Friday, from 7:00 AM to 5:00 PM.

Councilman Smith introduced a Boy Scout that was visiting the meeting, and asked him to introduce himself.

**Neal Williams, 5236 North Baltimore**, said he is a member of Boy Scout Troop 301, from First Christian Church. He is a Star Scout, and is a Freshman at North Kansas City High School. Mr. Williams currently holds the rank of Foxman in the Tribe of Mic-O-Say, and will be going to Camp Osceola to work on the rank of Brave. Mr. Williams attended tonight's meeting to fulfill an obligation for his Citizenship in the Community merit badge.

Mayor Beer stated he is a retiree from North Kansas City School District and taught at North Kansas City High School a number of years. Mayor Beer said he feels Mr. Williams will enjoy being a student at North Kansas City High School.

Councilman Evans stated his is Warrior in the Tribe of Mic-O-Say and is an Eagle Scout, and commended Mr. Williams on his efforts.

**Mayor Wayne Beer** stated he wished to echo the sentiments of other Council members in that the Fire Station dedication this past weekend was just another illustration of promises made and promises kept by the City of Gladstone in keeping with the mandates and wishes of the citizens of Gladstone. There is one more issue to deal with in regard to the ¼ cent Fire Sales Tax. Because this is a "pay as we go" issue, a little time needs to transpire before work begins on this project, which is the renovation of the Public Safety Department area at City Hall.

Mayor Beer encouraged all to attend the July 4<sup>th</sup> Celebration at Oak Grove Park. It is always a great event, with great fireworks and music.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

**City Manager Kirk Davis** reported City offices will be closed on Monday, July 5<sup>th</sup>, recognizing the 4<sup>th</sup> of July holiday. City Manager Davis thanked everyone who attended the Fire Station dedication, as well as those who worked to make it possible. It is a nice facility and it was a nice event. City Manager Davis said, as Councilman Smith noted, the 4<sup>th</sup> of July is a busy time for the Public Safety Department, both in the Fire Division and the Police Division. It is anticipated there will be full staffing and similar enforcement procedures that were put in place last year. Hopefully this will be a safe event and safe holiday weekend.

**Item 9. on the Agenda.**

**RESOLUTION NO. R-04-47**, authorizing execution of a contract with Kansas City Area Transportation Authority to provide public transportation serving Gladstone residents for the period July 1, 2004 through June 30, 2005 for a total Gladstone Local Share not to exceed \$22,464 from the Transportation Sales Tax Fund.

Councilman Les Smith to adopt **RESOLUTION NO. R-04-47**, authorizing execution of a contract with Kansas City Area Transportation Authority to provide public transportation serving Gladstone residents for the period July 1, 2004 through June 30, 2005 for a total Gladstone Local Share not to exceed \$22,464 from the Transportation Sales Tax Fund. Councilman Joe Evans seconded.

Mayor Pro Tem Rudi stated this contract has always been of concern to her because of the amount of money that is involved. Councilman Rudi said she has seen a lot of activity with Kansas City passing a sales tax to support this issue. A citizen made a point to her regarding public transportation that Councilman Rudi had not previously considered, which has greatly changed her opinion on this issue. The point the citizen made is that public transportation is an important component to economic development in the City of Gladstone. Councilman Rudi said no one had pointed that out to her before.

Councilman Rudi said it still concerns her in regard to the amount of money that the City spends based on the number of people who utilize this means of transportation, and she would like to see some improvement in the sharing of costs with the riders. Councilman Rudi would also like to see additional publication as to the availability of this service. Aside from these issues, Councilman Rudi is in favor of executing this contract, and will be voting in favor of this resolution.

Mayor Beer pointed out there are 16,000+ riders in the year from Gladstone. While that is not a huge number, these are 16,000 rides that are necessary to our citizens. One of the City's responsibilities is to provide reasonable services to citizens that they cannot provide for themselves. Mayor Beer stated he will also be voting in favor of this resolution.

The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

**Item 10. on the Agenda.** **PUBLIC HEARING** on a request for a Site Plan Revision on property located at 6402-B North Antioch Road, Meadowbrook Shopping Center. Applicant: Meadowbrook Village, LLC. Owner: Meadow Village Shopping Center. (File #1224).

**AUDIENCE NOTE:** Applicant has withdrawn this request, therefore no Public Hearing will be held.

Mayor Beer opened the Public Hearing, and announced as the applicant has withdrawn his request, the Public Hearing was immediately closed.

**Item 11. on the Agenda.** **FIRST READING BILL 04-32**, 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 Joe Evans moved to place Bill 04-32 on First Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the First Reading of Bill 04-32 Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the Second and Final Reading of Bill 04-32 and enact the Bill as **Ordinance 3.923**. Mayor Pro Tem Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0).

**Item 14. on the Agenda.**      **OTHER BUSINESS.**

There was no other business.

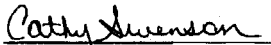
**Item 15. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**


There were no comments from the News Media.

**Item 16. on the Agenda.**      **ADJOURNMENT.**

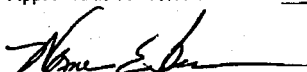
Mayor Pro Tem Carol Rudi moved to adjourn the Regular June 28, 2004, City Council meeting. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0).

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Wayne Beer





**PUBLIC NOTICE OF CANCELLED MEETING**

**THE MONDAY, JULY 12, 2004 CITY COUNCIL  
MEETING HAS BEEN CANCELLED.**

**THE NEXT REGULARLY SCHEDULED  
CITY COUNCIL MEETING  
IS MONDAY, JULY 26, 2004.**

Please contact the City Clerk's Office should you have questions. Thank you.

City Clerk Cathy Swenson  
436-2200, Extension 3102



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JULY 26, 2004**

**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, 2004 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**APPROVAL OF NEW CLASS "A" LIQUOR BY THE DRINK LICENSE**, The Hide Out Bar & Grill, 6948 North Oak Trafficway. Managing Officer: Bruce M. Jones.

**APPROVAL OF NEW CLASS "D" AND "H" 7 DAY BEER/WINE LICENSE**, Karadjordje, LLC., 6579 North Oak Trafficway. Managing Officer: Todd Anderson.

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:**

- TEZ, Inc. dba The End Zone, 7632 N. Oak Trafficway, Class A Liquor by the Drink License.
- Tommy's, 6221 North Chestnut, Class A&B Liquor by the Drink License.
- Nardella, Inc. dba Mark & Michelle's Bar & Grill, 7102 North Oak Trafficway, 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 North Oak Trafficway, Class A Liquor by the Drink License.
- The Peanut in Gladstone, 6420 North Antioch Road, Class A&B Liquor by the Drink License.
- Stone Canyon Pizza Company, 6433 North Prospect, Class A&B Liquor by the Drink License.
- Central Western Buffet, 6000 N Antioch Road, Beer/Wine License.
- Trex Mart #7, (formerly Conoco Food Mart), 5810 N Antioch Road, Package Liquor License.

**APPROVAL OF FINANCIAL REPORT FOR JUNE 2004.**

**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 72<sup>nd</sup> Street, Class A&B Liquor by Drink License.
10. **PUBLIC HEARING** on a request for a Site Plan Revision for the Mazuma Credit Union property located at 301 NW Englewood Road. Applicant/Owner: Mazuma Credit Union. File No. 1228
- 10a. **FIRST READING BILL NO. 04-33**, approving a Site Plan Revision for the Mazuma Credit Union Property located at 301 NW Englewood Road. Applicant/Owner: Mazuma Credit Union. File No. 1228
11. **FIRST READING BILL NO. 04-34**, amending Schedule IV of the Model Traffic Code (Gladstone Municipal Code Section 18-12), to establish a "No Parking" zone from 8:00 PM to 7:00 AM for north and south bound traffic on North Grand Avenue from the intersection of Northeast 72<sup>nd</sup> Street and North Grand Avenue north to Northeast 72<sup>nd</sup> Terrace and correcting previous numbering on "No Parking" zones on Northeast 77<sup>th</sup> Street and North Michigan.
12. **Other Business.**
13. **Questions from the News Media.**
14. **Adjournment.**



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

**MONDAY JULY 26, 2004**

**PRESENT:** Mayor Wayne Beer  
Mayor Pro Tem Carol Rudi  
Councilman Bill Cross  
Councilman Les Smith  
Councilman Joe Evans

Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** City Manager Kirk Davis

Mayor Wayne Beer opened the Regular July 26, 2004, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR JUNE 28, 2004  
CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular June 28, 2004, City Council Meeting Minutes as presented. Councilman Carol Rudi seconded the motion. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

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

Following the Clerk's reading, Councilman Bill Cross moved to accept the Consent Agenda as presented. Councilman Carol Rudi seconded. The vote: All "aye" -

Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

**CONSENT AGENDA DETAIL:**

Councilman Bill Cross moved to approve a **NEW CLASS "A" LIQUOR BY THE DRINK LICENSE** for **The Hide Out Bar & Grill**, 6948 North Oak Trafficway. Managing Officer, Bruce M. Jones. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve a **NEW CLASS "D" AND "H" 7 DAY BEER/WINE LICENSE** for **Karadjordje, LLC**, 6579 North Oak Trafficway. Managing Officer, Todd Anderson. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve the **ANNUAL LIQUOR LICENSE RENEWALS** for:

TEZ, Inc. dba The End Zone, 7632 N. Oak Trafficway, Class A Liquor by the Drink License.

Tommy's , 6221 North Chestnut, Class A&B Liquor by the Drink License.

Nardella, Inc. dba Mark & Michelle's Bar & Grill, 7102 North Oak Trafficway, 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 North Oak Trafficway, Class A Liquor by the Drink License.

The Peanut in Gladstone, 6420 North Antioch Road, Class A&B Liquor by the Drink License.

Stone Canyon Pizza Company, 6433 North Prospect, Class A&B Liquor by the Drink License.

Central Western Buffet, 6000 N Antioch Road, Beer/Wine License.

Trex Mart #7, (formerly Conoco Food Mart), 5810 N Antioch Road, Package Liquor License.

Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve the **FINANCIAL REPORT FOR JUNE 2004**. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE.**

**Charles Carmack**, 1505 NE 77<sup>th</sup> Street, stated 10 years ago his neighbor behind him installed an above ground pool. Mr. Carmack came home one day to find his backyard was flooded due to the neighbor draining his pool. Five years ago the neighbor sold the house. Approximately four or five weeks ago it rained, and about a week later, Mr. Carmack had a large pool of water in his backyard. Mr. Carmack said he asked a member of the City Code Enforcement Division to speak to his neighbor about the draining of his pool. The Codes Enforcement Officer stated the water was probably runoff from the rain or there may be a well or spring on Mr. Carmack's property.

Mr. Carmack said a storm caused a tree limb to fall on a power line in his yard. When he and his sons were cutting the tree down, they noticed a stream of water running from the neighbor's yard to his for about 4 hours. The water had to be coming from the neighbor's swimming pool. When Mr. Carmack called City Hall, the Code Enforcement Officer stated the issue of water draining from a swimming pool was not a matter he would address, and Mr. Carmack has not yet heard from anyone from the City. Mr. Carmack asked that someone from the City visit his property and talk to his neighbor to find out where the water is coming from. Mr. Carmack asked if the City has an ordinance regarding the draining of swimming pools.

Mr. Wingerson replied he will investigate this matter, and will ask a Code Enforcement Officer to visit Mr. Carmack in the morning. Mr. Wingerson said there are springs in Mr. Carmack's area, and it is a possibility that is where the water is coming from, but the swimming pool is the first place to look.

Mr. Carmack thanked Mr. Wingerson and explained his yard is lower than his neighbor's and he would like to have an answer to this problem and wants the water to stop flowing into his yard; especially as it is swimming pool water that contains chemicals.

Councilman Bill Cross stated his Homeowners' Covenant forbids water draining through yards.

Mayor Wayne Beer informed Mr. Wingerson he has received complaints as to unresponsiveness from City staff.

Mayor Pro Tem Carol Rudi agreed that she has received similar complaints.

**Jaimie Smith-Hennessy**, **Nature's Window**, 6944 ½ North Oak Trafficway, stated she was at the City Council meeting to appeal for a curfew for the children in Gladstone. Ms. Hennessy stated both Kansas City and North Kansas City have curfews, and those cities' children come to Gladstone to hangout in the strip mall where she has had a business for nine years. Ms. Hennessy explained she has a woman employee who arrives to work at her

business at 3:00 AM. This woman needs a police escort to enter the business as there are passive aggressive young people loitering in the strip mall parking lot. These young people intimidate women. Ms. Hennessy stated our City has an incredible Public Safety Department. When she went to her place of business at 10:30 PM one night, there were four Public Safety officers picking up and emptying liquor bottles from the parking lot. Ms. Hennessy said she believes our Public Safety officers have better things to do than babysit teenagers who are out after 11:00 PM. The Kansas City curfew is 11:00 PM, Sunday through Thursday, and 12:00 midnight, Friday and Saturday. Ms. Hennessy stated she believes mixing children with alcohol is putting police officers in jeopardy, and one night there was no parking space for her or her employees to park due the young people loitering in the area.

Ms. Hennessy invited City officials and staff to visit her business site in the evening of any day of the week. She will provide food and refreshments. Ms. Hennessy asked what she could do to help get a curfew in Gladstone.

Mayor Wayne Beer stated Ms. Hennessy was doing the right thing in bringing this issue to the attention of City Council members, and being supportive of Public Safety is an important step. Mayor Beer agreed Public Safety officers have a hazardous job, and if surrounding municipalities have curfews and Gladstone does not, it makes our city a gathering spot for young people. Mayor Beer stated in his personal opinion, this is something our city does not need.

Ms. Hennessy stated she is sincere in her invitation to visit her place of business to see first hand the activity in the parking lot at night and what the officers are having to do to police the area.

Councilman Les Smith asked what as a city we can do especially since they are loitering en masse even before midnight?

City Counselor Dave Ramsay replied the Olympic Car Wash posted "No Trespassing" signage for people not actually cleaning cars. Mr. Ramsay stated as long as the pool hall in the strip mall, where Ms. Hennessy's business is located, is open all night, it will be difficult to restrict the activity, as arguably the young people could be patrons of the pool hall.

Ms. Hennessy stated she did not feel the young people are patrons of the pool hall, although the pool hall is open all night. The young people are in their vehicles and are involved with drinking and drug activities. Ms. Hennessy has found articles of clothing outside her business.

Councilman Smith asked if Ms. Hennessy had spoken to her landlord.

Ms. Hennessy stated her landlord encouraged her to address this issue.

Mayor Beer suggested to Mr. Wingerson to ask the pool hall management to encourage customers to leave the area when they leave the pool hall.

Councilman Smith suggested a Council Study Session meeting be scheduled to discuss this issue and to formulate a plan.

Mayor Beer agreed.

Mayor Beer stated it has come to his attention Ms. Hennessy has been selected as one of 25 *Women Who Mean Business for 2004*, sponsored by The Business Journal, the Kauffman Foundation, and other prestigious organizations. This award recognizes women who have achieved business success. Ms. Hennessy began with a retail store and is now offering Corporate and In-Flight catering service. Mayor Beer and City Council members congratulated Ms. Hennessy, which was followed by a round of applause.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Joe Evans** stated he attended the Westgate Missouri Municipal League's Leadership Award banquet where Anita Newsom was honored as Gladstone's nominee. Councilman Evans stated this was a well-deserved honor recognizing Ms. Newsom's outstanding service to the community. Councilman Evans asked for an update on the MBW business, and asked if the Northland Chamber has listed MBW's business address as the residence on Antioch Road. Councilman Evans asked if business is being conducted at the Antioch Road residence.

Mr. Wingerson replied he signed a letter to MBW today and referenced the document from the Northland Chamber. Mr. Wingerson said the letter reiterated the Antioch Road site is for residential use only and the letter served as a final warning before enforcement action.

Councilman Evans stated it appears MBW business owners continue to "thumb their noses" at the City, City staff, and City Council.

Councilman Smith stated this has been addressed previously and asked if City Council members are united in bringing this company into compliance.

Mayor Beer replied Council members were in agreement on this issue in the past with a 5-0 consensus, and business activities need to stop at this residential site.

**Councilman Bill Cross** had no comments at this time.

**Councilman Les Smith** stated a citizen brought to his attention that this meeting's agenda and the last meeting's minutes were not posted on the website. Councilman Smith asked that the billboard issue be discussed under "Other Business".



**Mayor Pro Tem Rudi** congratulated the City on an excellent July 4<sup>th</sup> celebration. The fireworks were great! Councilman Rudi congratulated Curtis Norris and Bret Atkins on their promotion to Fire Captain. Councilman Rudi asked Parks and Recreation Director Sheila Lillis to provide a report on upcoming events at the Gladstone Amphitheatre.

Director Lillis reported the Gladstone Theatre in the Park production, *The Unsinkable Molly Brown*, was held July 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup>, with crowds of 3,000 to 4,000 each night. The Gladstone Emergency Management Agency (GEMA) provided excellent assistance at the production, and the production went very well. This is the 17<sup>th</sup> season for Gladstone Theatre in the Park. The *Mame* production will be August 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup>, and should be a well attended show. The Kansas City Ballet is scheduled at the Gladstone Amphitheatre on September 3<sup>rd</sup>. Director Lillis reported the final session of swim lessons is beginning. The Senior Trips are gearing up and are going well, and the Parks crew is very busy with parks and maintenance issues.

**Mayor Wayne Beer** had no comments at this time.

**Item 8. on the Agenda. COMMUNICATIONS FROM THE CITY MANAGER.**

**Acting City Manager Scott Wingerson** had no comments at this time.

**Item 9. on the Agenda. APPROVAL OF LIQUOR LICENSE RENEWAL** for Gladstone Bowl, 300 NW 72<sup>nd</sup> Street, Class A&B Liquor by the Drink License.

Councilman Bill Cross moved to approve the **LIQUOR LICENSE RENEWAL** for Gladstone Bowl, 300 NW 72<sup>nd</sup> Street, Class A&B Liquor by the Drink License. Councilman Joe Evans seconded.

Councilman Les Smith stated he would be abstaining from voting on this issue, due to a conflict of interest, as he owns the business.

The vote: "Aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. "Abstain" – Councilman Les Smith. (4-0-1).

**Item 10. on the Agenda. PUBLIC HEARING** on a request for a Site Plan Revision for the Mazuma Credit Union property located at 301 NW Englewood Road. Applicant/Owner: (File #1228).

Mayor Beer 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**

**Acting City Manager Scott Wingerson** stated the applicant requests a site plan revision to allow the addition of an additional drive-thru teller location. The revision proposes

extension of the existing bank canopy, and the proposed construction materials match the existing facility. The Planning Commission unanimously recommends approval of this application.

**Applicant Presentation**

**Geoffery Ulmer, Burn-Ulmer Construction Company**, stated this is a request to extend the existing canopy to allow for one more drive-thru location. The materials will match the existing facility.

**Item 10a. on the Agenda.** **FIRST READING BILL 04-33**, approving a Site Plan Revision for the Mazuma Credit Union property located at 301 NW Englewood Road. Applicant/Owner: Mazuma Credit Union. File No. 1228.

Councilman Bill Cross moved to place Bill 04-33 on First Reading. Councilman Les Smith seconded.

Mayor Pro Tem Carol Rudi stated the Planning Commission did a very good job in reviewing this application and she will be voting in favor of this Bill.

The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 04-33 Waive the Rule and place the Bill on Second and Final Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 04-33 and enact the Bill as **Ordinance 3.924**. Councilman Les Smith seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

**Item 11. on the Agenda.** **FIRST READING BILL NO. 04-34**, amending Schedule IV of the Model Traffic Code (Gladstone Municipal Code Section 18-12), to establish a "No Parking" zone from 11:00 PM to 7:00 AM for north and south bound traffic on North Grand Avenue from the intersection of Northeast 72<sup>nd</sup> Street and North Grand Avenue north to Northeast 72<sup>nd</sup> Terrace and correcting previous numbering on "No Parking" zones on Northeast 77<sup>th</sup> Street and North Michigan.

Councilman Les Smith moved to place Bill 04-34 on First Reading. Councilman Bill Cross seconded.

Councilman Smith extended appreciation on behalf of the neighbors affected by this Bill to Mr. Wingerson and Sergeant Richard King for arranging a meeting with them, owners of the Groove and City staff members.

The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 04-34 Waive the Rule and place the Bill on Second and Final Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 04-34 and enact the Bill as **Ordinance 3.925**. Councilman Bill Cross seconded.

Councilman Joe Evans explained that due to his work schedule, he was unable to attend the Open Study Session Meeting, when this issue was discussed. Therefore, he would be abstaining from voting on this Bill.

Roll Call Vote: "Aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. "Abstain" – Councilman Joe Evans (4-0-1).

**Item 12, on the Agenda.**      **OTHER BUSINESS.**

Councilman Smith referenced the information in the City Council's meeting packet regarding a proposed billboard on 169 Highway, and asked how best to give direction to Staff on this issue.

City Counselor Dave Ramsay replied Council members may advise Staff as to how to proceed without a formal resolution or bill.

Mayor Beer stated he cannot support the installation of a billboard at this location, but he is not certain the rest of the Council agrees.

Councilman Bill Cross agreed he is opposed to the installation of a billboard.

Councilman Smith stated he would not be in favor of seeing this issue on a future City Council meeting agenda.

Mayor Beer agreed and said if such a billboard were approved, there could be issues as to what goes on the billboard. Mayor Beer stated he would not be supportive of seeing this issue on an agenda.

Councilman Joe Evans stated he has received calls from citizens in Gladstone and Kansas City. This has been a sensitive issue for many years. Although it is a lucrative offer, and it

is difficult to look beyond the potential revenues, he would be opposed to the installation of a billboard.

Mayor Pro Tem Carol Rudi stated the revenue for the billboard would be substantial. Although she has not received phone calls from citizens, she knows people who would not want to see a billboard in the proposed area. Councilman Rudi asked how many people would be able to see the billboard from their homes?

Mr. Wingerson replied he was uncertain if any Gladstone residents would be able to see the billboard from their homes.

Mayor Beer stated that although Gladstone residents may not see the billboard, Kansas City residents may be affected, and he would not want our City to make enemies of those people. Mayor Beer said he looks at this as "going to bed with the devil". We would have no control as to what goes on the billboard. The revenues would be substantial in the amount of \$19,000 to \$20,000.

Councilman Smith stated the billboard would not be an economic development tool and it would not generate business for Gladstone. The billboard would not be a betterment for our city. Councilman Smith asked is it fair to ask even a few people to suffer for revenues equating to only approximately 50 cents per capita.

Mayor Beer stated the consensus of the City Council is not to move forward on the issue of a billboard on 169 Highway.

**Item 13, on the Agenda.**

**QUESTIONS FROM THE NEWS MEDIA.**

There were no comments from the News Media.

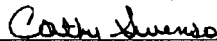
**Item 14, on the Agenda.**

**ADJOURNMENT.**

There being no further business to come before the July 26, 2004, City Council meeting, Mayor Wayne Beer adjourned the Regular Meeting.

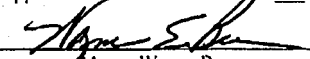
**PLEASE NOTE: THESE MINUTES ARE SUMMARIZED AS THE RECORDING SYSTEM DID NOT PRESERVE VERBATIM MINUTES.**

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

  
Mayor Wayne Beer



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, AUGUST 9, 2004**

**OPEN STUDY SESSION: 6:15 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will hold a Closed Executive Session immediately following 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 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(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 26, 2004 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION 04-48**, increasing the City Manager's authority to negotiate loans for the city from \$1,000,000 to \$1,300,000 for real property purchases for economic development and other public purposes.

**RESOLUTION 04-49**, authorizing execution of a contract with Damon Pursell Construction Company in the total amount not to exceed \$1,214,211.88 for the Happy Rock West/Antioch Road Improvements. Project 025025.

**RESOLUTION 04-50**, authorizing acceptance of work under contract with Dennis Johnson Construction Company, Inc. for the Rock Creek Detention Basin at 68<sup>th</sup> Street and North Prospect; and authorizing final payment in the amount of \$18,785.46 for Project 0122.

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:**

- Sonnie of KC, Inc. dba The Groove, 316 NE 72<sup>nd</sup> Street, Class A Liquor by the Drink License.
- HyVee, 7117 N. Prospect, Package Liquor and Wine Tasting License.

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **FIRST READING BILL NO. 04-35**, approving the Final Plat for Lots 1 and 2, First Replat of Stonebrook Estates, a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said plat for recording.
10. **RESOLUTION 04-51**, authorizing acceptance of a proposal from Cargill, Incorporated for the purchase of Snow Removal Salt.
11. **RESOLUTION 04-52**, authorizing the City Manager to approve a Cooperative Agreement between the Meadowbrook Townhomes Association and the City of Gladstone, Missouri, conveying to the City an 8" Sanitary Sewer Main and assisting the Meadowbrook Townhomes Association in the resurfacing of Northeast Askew Circle.
12. **MOTION FOR APPROVAL OF A BUILDING PERMIT:** for a Detached Building on property located at 7101 NE Antioch Road. Applicant: American Building. Owner: David Belfonte.
13. **Other Business.**
14. **Questions from the News Media.**
15. **Adjournment.**



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

**MONDAY AUGUST 9, 2004**

**PRESENT:** Mayor Wayne Beer  
Mayor Pro Tem Carol Rudi  
Councilman Bill Cross  
Councilman Les Smith  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Councilman Joe Evans

Mayor Wayne Beer opened the Regular August 9, 2004, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR JULY 26, 2004  
CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular July 26, 2004, City Council Meeting Minutes as presented. Councilman Les Smith seconded the motion. The vote: All "aye" - Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

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

Following the Clerk's reading, Councilman Les Smith asked that Resolution 04-48 and the Sonnic of KC, Inc. dba The Groove, 316 NE 72<sup>nd</sup> Street, Class A Liquor by the Drink

License be removed from the Consent Agenda and considered under the Regular Agenda as Items 5a. and 5b.

Councilman Bill Cross moved to accept the Consent Agenda as amended. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0).

#### CONSENT AGENDA DETAIL:

Councilman Bill Cross moved to approve **RESOLUTION 04-49**, authorizing execution of a contract with Damon Pursell Construction Company in the total amount not to exceed \$1,214,211.88 for the Happy Rock West/Antioch Road Improvements. Project 025025. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

Councilman Bill Cross moved to approve **RESOLUTION 04-50**, authorizing acceptance of work under contract with Dennis Johnson Construction Company, Inc. for the Rock Creek Detention Basin at 68<sup>th</sup> Street and North Prospect; and authorizing final payment in the amount of \$18,785.46 for Project 0122. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

Councilman Bill Cross moved to approve the **ANNUAL LIQUOR LICENSE RENEWAL** for HyVee, 7117 North Prospect, for a Package Liquor and Wine Tasting license. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

#### REGULAR AGENDA

**Item 5a. on the Agenda.** **RESOLUTION 04-48**, increasing the City Manager's authority to negotiate loans for the city from \$1,000,000 to \$1,300,000 for real property purchases for economic development and other public purposes.

Councilman Les Smith moved to approve **RESOLUTION 04-48**, increasing the City Manager's authority to negotiate loans for the City from \$1,000,000 to \$1,300,000 for real property purchases for economic development and other economic purposes. Councilman Bill Cross seconded.

Councilman Les Smith stated when discussions were first held concerning purchasing properties for what is known as our downtown area, property acquisition was not to exceed \$1,000,000. At that point in time Councilman Smith felt his personal threshold was \$1,000,000. Councilman Smith said it is his understanding that at a meeting he was unable to attend, there was discussion about acquiring some additional property. Councilman Smith stated he wished to be perfectly clear, and his record over 20 years shows he is wholly supportive of the concept of a downtown area, and he supports purchasing property



to get the process moving. However, Councilman Smith said, his threshold is still \$1,000,000, and this action is seeking an increase of 30 percent over that amount. Councilman Smith said as he was unable to have input at the meeting he was not able to attend, he would like the opportunity to vote on this issue separately.

Councilman Smith said he is concerned that paying interest on \$1,300,000 is real money. If this project begins and satisfactory proposals are received, and the area develops in the next three to four years, it will be great. If the project is delayed over a period of years, the City will have committed tens of thousands of dollars in interest payments every year. In looking at the City's financial condition, is why Councilman Smith had said his comfort level is \$1,000,000. Councilman Smith stated he wished to have the opportunity to be consistent with his thoughts on this matter by voting on it.

Mayor Wayne Beer asked City Manager Kirk Davis to discuss the reason for the dollar increase in the authority to negotiate loans.

City Manager Kirk Davis stated at the meeting, which Councilman Smith mentioned, there was an update on the status of acquisitions and there were two properties that were felt to be absolutely significant that the City needed to move forward on which required the authority to negotiate loans to be increased to \$1,150,000. There are a couple of properties adjacent to 40 acres the City owns that gave access to a road, and there was a feeling the City might want to reconsider the acquisition of those properties, which would be part of the development of a downtown area. The addition of these properties increased the amount to \$1,300,000.

Mayor Beer explained that the City is not in a position to be any more specific at this time.

Councilman Smith stated he understands, but it still remains that his comfort level is \$1,000,000. Councilman Smith said he has had experience, when times are tough, paying interest on \$1,000,000 and it is a lot of money. There are some service issues in our City that tens of thousands of dollars a year could solve. At some point the City has to draw the line with its speculation of properties, and there has to be prioritization of the properties already bought. The City is offering way beyond current value for property because of the downtown district, and the bar has been set high for the cost of acquiring property. Sometimes, however, we have to pick and choose what we do.

Mayor Beer stated he understands Councilman Smith's concerns. Mayor Beer said his thoughts are that given the special conditions that have occurred in this particular situation, and in order to increase the likelihood of furthering this downtown development on a timely basis, this is one of those times we will have to move ahead to accomplish our goals. There are things we have to be aggressive about and this is one of those times we need to be aggressive.

Councilman Smith stated he did not disagree, and if he thought for one second that his opinion on this matter would any way hinder the downtown project, he would agree, but

the fact of the matter is, it will not hinder the downtown project. The City has other tools with which to be aggressive that are not going to cost the City if the project does not happen in a timely fashion. Once property has been bought by the City, at the price the City is paying, the interest clock on the loan keeps on ticking, as opposed to the other tools the City has at its disposal that do not have as much risk attached to them.

Mayor Pro Tem Carol Rudi asked City Manager Davis if there would be a time that he would negotiate a loan for property when City Council members would not be aware of the negotiations.

City Manager Davis replied no, everything has been above board and information has been presented in a timely fashion. City Council has approved all acquisitions before the City became involved.

Mayor Pro Tem Rudi asked if there is language that could be included in this action that states this process would not take place without some kind of a consensus or Closed Session meeting with the City Council.

City Manager Davis replied City Council members have his word, because that is the way business has been conducted in the past. Discussion of property acquisitions has been conducted in Closed Session meetings, if appropriate, and handled as it should be relative to any Sunshine Law issues. The policy issues have been very clear. There have been conflicting policy issues in a couple of cases that caused Staff to come forward to ask City Council members if they wished to move forward that happened to take the costs over the threshold that Councilman Smith has mentioned. Did they make sense with the overall plan the City is trying to implement? The answer is yes, and City Council gave their approval.

Councilman Rudi stated she looks at this as if Mr. Davis were not the City Manager; this resolution authorizes the City Manager, not City Manager Davis, to negotiate for loans. Councilman Rudi asked City Counselor Ramsay if there is language in the resolution that should be changed and should the resolution be put off for another City Council meeting. Councilman Rudi asked Mr. Ramsay what his recommendation would be as far as making certain that the process that has been followed, which is the correct process, continues to be followed.

City Counselor Ramsay replied language could be interlined in the resolution specifying Mr. Davis as the City Manager.

City Manager Davis stated the amount could be \$1,150,000 in the resolution, because that is where we are at this time. The additional amount was added so that if City Council chooses to move forward with additional properties, there is some leeway without having to approve another resolution.

Mayor Beer stated an important consideration is that even though the City Manager is permitted to negotiate loans for real property purchases, the projects do not happen without City Council approval.

Councilman Smith asked confirmation that City Council members have to ultimately authorize the purchase of property, as was done for another parcel on Broadway and property on Old Pike Road.

City Manager Davis replied that is correct.

Councilman Smith stated the resolution states the City Manager may negotiate the loans for real property purchases, but City Council members have ultimate authority as to actually closing on the property.

Mayor Beer agreed that was correct, and stated that is one of the reasons he does not fear permitting the elevated negotiation levels to occur. Mayor Beer stated he did not feel City Council members should be concerned with the City Manager versus City Manager Kirk Davis language in the resolution, at least in the time frame by which these negotiations would take place.

Councilman Smith stated property negotiations have been handled with the proper process and Councilman Smith qualified his remarks early on by saying he was unable to attend a meeting in which this was brought to City Council members. Councilman Smith asked City Manager Davis to not interpret this in any other way. Councilman Smith stated he appreciated Councilman Rudi's comments and she made a very good point.

Councilman Bill Cross stated he appreciates Mr. Smith's principle for which he feels strongly, and he also has respect for City Manager Davis. Councilman Cross continued by saying he feels City Manager Davis should be given the opportunity to negotiate loans as outlined in the resolution, and if City Council does not agree with the negotiations, they can stop the process. Councilman Cross commended Councilman Smith for standing on his principle, but City Council members will ultimately have the opportunity to approve property purchases.

The vote: "Aye" - Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. "Nay" - Councilman Les Smith. (3-1)

**Item 5b. on the Agenda.**      **APPROVAL OF ANNUAL LIQUOR LICENSE RENEWAL** for Sonnie of KC, Inc. dba The Groove, 316 NE 72<sup>nd</sup> Street, Class A Liquor by the Drink License.

Councilman Les Smith moved to approve the annual Liquor License Renewal for Sonnie of KC, Inc. dba The Groove. Councilman Bill Cross seconded.

Councilman Smith commended the owners of The Groove. There have been some problems with the patrons of the business, which has created a disturbance to the neighborhood. Sergeant Richard King and Assistant City Manager Scott Wingerson facilitated a joint meeting with the owners of The Groove and the residents. Councilman Smith said he understands the meeting went very well, and he commends the owners of The Groove for being willing to work with the City and the neighborhood to mitigate the concerns. There were some concerns with the owners of The Groove after the renewal of their liquor license last year. Councilman Smith hopes it has been learned from those concerns that there needs to be a more effective and timely way to monitor certain situations and to be able to respond to those situations. The City can work with business owners and business owners can work with the City. The flip side is that it did seem to take a while to get that accomplished in this situation.

The vote: All "aye" - Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

**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 Les Smith** stated he would be out of town Friday, which is the day Public Works Director Andy Noll will be leaving his employment with the City. Councilman Smith thanked Director Noll for his service to the City. Councilman Smith said he had the opportunity to work through some neighborhood issues with Mr. Noll on the North Main project, and also worked with him in regard to right of way acquisitions on the 76<sup>th</sup> Street project. Mr. Noll handled himself in a very professional manner, and he has been a great employee of the City. Councilman Smith wished Mr. Noll well in his new endeavors.

Councilman Smith reported he attended the Clay County Commission meeting today and they did vote to place the Bi-State II measure on the November ballot. Councilman Smith suggested our Arts Council have an opportunity to review the proposal and perhaps consider endorsement, and he hopes our City Council will do so in the near future.

Councilman Cross asked when the next Arts Council meeting would be held.

Parks and Recreation Director Sheila Lillis replied the next Arts Council meeting is scheduled for September 20<sup>th</sup>.

Councilman Smith asked Director Lillis to place the Bi-State II issue on the Arts Council meeting agenda, and offered to make a brief presentation regarding this issue at the meeting.

**Councilman Bill Cross** reported he attended two of the three nights of the Gladstone Theatre in the Park production of MAME. Councilman Cross estimated approximately 8,000 people attended the productions. The weather could not have been better. City Manager Davis attended the production, where there was good food and good company.

**Mayor Pro Tem Carol Rudi** asked Parks and Recreation Director Sheila Lillis to provide an update on future activities at the Gladstone Amphitheatre.

Parks and Recreation Director Lillis reported there is a fund raising golf tournament, September 1<sup>st</sup> at Paradise Pointe, to benefit the Gladstone Theatre in the Park program. The next scheduled event at the Gladstone Amphitheatre is the Kansas City Ballet on Friday, September 3<sup>rd</sup>, at 6:00 PM. On Friday, September 17<sup>th</sup>, the film Jurassic Park will be shown at 8:30 PM. That will conclude the 2004 season.

Mayor Pro Tem Rudi asked Public Safety Director Bill Adamo to offer congratulations to Officer Stefan Smith who is now Corporal Smith. Councilman Rudi thanked Public Works Director Noll for the Water Treatment Plant light deflectors that have been installed. Councilman Rudi stated Mr. Noll will be missed, and she has enjoyed working with him. Councilman Rudi offered to Mr. Noll her wishes for the best of luck in the future.

**Mayor Wayne Beer** began by saying there are also a couple of promotions in the Fire Bureau, and asked Director Adamo to forward congratulations to them on their promotions. Mayor Beer extended appreciation to Mr. Noll for his service to the City and wished him the best of luck with his new business, W.A. Noll and Associates. Mayor Beer said he knows that if Mr. Noll conducts his own business as he has with the City, his business will be a successful concern. Mayor Beer said he would be at the Public Works facility, Tuesday, for Mr. Noll's farewell reception.

**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 NO. 04-35**, approving the Final Plat for Lots 1 and 2, First Replat of Stonebrook Estates, a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said plat for recording.

Councilman Bill Cross moved to place Bill 04-35 on First Reading. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 04-35 Waive the Rule and place the Bill on Second and Final Reading. Councilman Les Smith seconded. The

vote: All "aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 04-35 and enact the Bill as **Ordinance 3.926**. Councilman Les Smith seconded.

Roll Call Vote: All "aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0).

**Item 10, on the Agenda.** **RESOLUTION 04-51**, authorizing acceptance of a proposal from Cargill, Incorporated for the purchase of Snow Removal Salt.

Councilman Bill Cross moved to approve **RESOLUTION 04-51**, authorizing acceptance of a proposal from Cargill, Incorporated for the purchase of Snow Removal Salt. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

**Item 11, on the Agenda.** **RESOLUTION 04-52**, authorizing the City Manager to approve a Cooperative Agreement between the Meadowbrook Townhomes Association and the City of Gladstone, Missouri, conveying to the City an 8" Sanitary Sewer Main and assisting the Meadowbrook Townhomes Association in the resurfacing of Northeast Askew Circle.

Councilman Les Smith moved to approve **RESOLUTION 04-52**, authorizing the City Manager to approve a Cooperative Agreement between the Meadowbrook Townhomes Association and the City of Gladstone, Missouri, conveying to the City an 8" Sanitary Sewer Main and assisting the Meadowbrook Townhomes Association in the resurfacing of Northeast Askew Circle. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

**Item 12, on the Agenda.** **MOTION FOR APPROVAL OF A BUILDING PERMIT** for a Detached Building on property located at 7101 NE Antioch Road. Applicant: American Building. Owner: David Belfonte.

Councilman Les Smith moved to approve a **BUILDING PERMIT** for a Detached Building on property located at 7101 NE Antioch Road. Applicant: American Building. Owner: David Belfonte. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

**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 comments from the News Media.

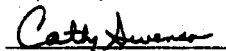
**Item 15. on the Agenda.**

**ADJOURNMENT.**

Councilman Les Smith 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, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Councilman Bill Cross seconded the motion.

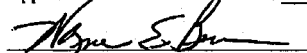
Roll Call Vote: All "aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0).

Respectfully submitted:

  
\_\_\_\_\_  
Cathy Swenson, City Clerk

Approved as submitted: ☒

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

  
\_\_\_\_\_  
Mayor Wayne Beer



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, AUGUST 23, 2004**

**OPEN STUDY SESSION: 6:15 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 August 9, 2004 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** recognizing the United States Armed Forces and their contributions to our country.

**5. CONSENT AGENDA**

**RESOLUTION 04-53**, authorizing the City Manager to execute a lease/purchase agreement and a maintenance agreement for seven copy machines with Imagistics.

**RESOLUTION 04-54**, authorizing Change Order No. 3 in the amount of \$51,842.00 to the contract with Kraus-Anderson Construction Company for the New Fire Station Project (#025602).

**RESOLUTION 04-55**, authorizing execution of a contract with Metro Asphalt, Inc., in an amount not to exceed \$63,501.00 for the Happy Rock Trail Replacement, Phase Two, Project 055032.

**RESOLUTION 04-56**, accepting Temporary Construction Easements and Permanent Easements from property owners in conjunction with the Santerra at Shady Lane Sub-Division.

**RESOLUTION 04-57**, appointing City Clerk Cathy L. Swenson as the City's Records Custodian and adopting the City's Sunshine Law compliance policy.



# **APPROVAL OF FINANCIAL REPORTS FOR JULY 2004.**

## **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 subject to certain conditions to Amanda Ratcliffe for operation of a Child Care Center on residential property at 203 NE 73<sup>rd</sup> Street. Applicant/Owner: Amanda Ratcliffe. File No. 1232
- 9a. **FIRST READING BILL NO. 04-36**, 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<sup>rd</sup> Street. Applicant/Owner: Amanda Ratcliffe. File No. 1232
10. **PUBLIC HEARING:** on setting the annual rate of levy for the 2004 Real Estate and Personal Property Taxes within the corporate limits of the City of Gladstone, Missouri at \$.5391/\$100.00 valuation.
- 10a. **FIRST READING BILL NO. 04-37**, setting the annual rate of levy for the 2004 Real Estate and Personal Property Taxes within the corporate limits of Gladstone, Missouri at \$.5391/\$100.00 valuation.
11. **FIRST READING BILL NO. 04-38**, approving the Final Plat of "Amended Plat of Claymont Pointe Sixteenth Replat", a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said plat for recording. Applicant/Owner: J.D. Nelson Building Company. File No. 1233
12. **Other Business.**
13. **Questions from the News Media.**
14. **Adjournment.**



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

**MONDAY AUGUST 23, 2004**

**PRESENT:** Mayor Wayne Beer  
Mayor Pro Tem Carol Rudi  
Councilman Bill Cross  
Councilman Les Smith  
Councilman Joe Evans  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Wayne Beer opened the Regular August 23, 2004, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR AUGUST 9, 2004  
CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular August 9, 2004, City Council Meeting Minutes as presented. Councilman Joe Evans seconded the motion. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

**Item 4a. on the Agenda. A PROCLAMATION recognizing the United States  
Armed Forces and their contributions to our country.**

Mayor Wayne Beer invited Commander Bob Box, of American Legion Post 626; Commander Jack Phillips, of VFW Post 10906; and Mr. Rainey Crawford, the Army Reserve Ambassador for the State of Missouri to join him in front of the Council dais.

Mayor Beer introduced VFW Post 10906 members who were present in the audience: Sr. Vice Commander Louie Kadera, Junior Vice Commander Ron Bates, Quarter Master Joe Lyles, immediate past Commander J.R. Beasley, and past Commander David Reed. Mayor Beer introduced American Legion Post 626 Adjutant Bill McDonald and Sergeant of Arms Cliff Burris.

Mayor Beer stated there were two individuals who were expected to attend this meeting, but who were not able to attend due to other commitments. One individual who was expected to attend is Brigadier General Symanski, who is the regional Army Reserve Commander for the four state region, which includes Missouri, Kansas, Wisconsin, and Oklahoma. General Symanski was unable to attend tonight's meeting, as he just returned yesterday from Iraq and is attending a debriefing in Atlanta, Georgia. Four Star General Hemley, who is the overall commander of the Army Reserve, also was unable to attend due to other commitments.

Mayor Beer read a proclamation recognizing **United States Armed Forces** and their contributions to our country and presented copies of the proclamation to Commander Box, Commander Phillips and Mr. Crawford.

Mr. Rainey Crawford stated he directly reports to General Hemley, who is the commander of the Army Reserve. Mr. Crawford explained he attends events and meetings that General Hemley is unable to attend, and has been involved in legislation that involves pay, benefits and other issues for families of armed forces members. Mr. Crawford continued by saying he and General Symanski have been working very hard on issues regarding homeland security and they work with FEMA, local authorities, and the National Guard to make sure if there were ever a catastrophe in this area, there would be a coordination of efforts. Mr. Crawford thanked Mayor Beer and City Council members for their support of the men and women who go to war. It is difficult to fully know the sacrifices they and their families are making. Mr. Crawford asked that everyone continue to support our armed forces members.

Mayor Beer stated two City employees, Wayne Hakes and Kelly Kirk, are currently serving our country over seas. Wayne Hakes is currently serving in Afghanistan and Kelly Kirk is serving in Iraq.

Mr. Crawford remarked that General Symanski would like to attend a future City Council meeting to personally thank City Council members for this recognition, and to give an update on what is happening in Iraq. Mr. Crawford said he would coordinate General Symanski's visit with City Clerk Cathy Swenson.

#### **Item 5. on the Agenda.**

#### **CONSENT AGENDA**

Following the Clerk's reading, Councilman Bill Cross moved to accept the Consent Agenda as presented. Councilman Joe Evans seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

## CONSENT AGENDA DETAIL:

Councilman Bill Cross moved to approve **RESOLUTION 04-53**, authorizing the City Manager to execute a lease/purchase agreement and a maintenance agreement for seven copy machines with Imagistics. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION 04-54**, authorizing Change Order No. 3 in the amount of \$51,842.00 to the contract with Kraus-Anderson Construction Company for the New Fire Station Project #025602. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION 04-55**, authorizing execution of a contract with Metro Asphalt, Inc., in an amount not to exceed \$63,501.00 for the Happy Rock Trail Replacement, Phase Two, Project #055032. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION 04-56**, accepting Temporary Construction Easements and Permanent Easements from property owners in conjunction with the Santerra at Shady Lane Sub-Division. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION 04-57**, appointing City Clerk Cathy L. Swenson as the City's Records Custodian and adopting the City's Sunshine Law compliance policy. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve the **FINANCIAL REPORTS FOR JULY 2004**. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (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** began by saying he was recently asked a question about the Northland Auto Sales construction project on North Oak Trafficway. It appears there is a rough graded access drive to 59<sup>th</sup> Street or 59<sup>th</sup> Terrace. The question was asked if the City approved this plan with or without the access drive.

Assistant City Manager Wingerson replied the City Council approved the plan without the access drive, and he believed the grading is the result of creating a stormwater detention area, and access for construction equipment only.

Councilman Smith stated he received a visit, today, from Ron Goens, who owns property on Northeast 76<sup>th</sup> Street. Councilman Smith said, that at a meeting where Mr. Goens was asked to sign right-of-way and easement documents, he was told he would receive a letter documenting the process of the Northeast 76<sup>th</sup> Street project.

City Manager Davis replied that given the process with the utilities and the handful of easements that were received after the meeting with Mr. Goens, Staff may have neglected to update him on the progress. Staff will be happy to send to Mr. Goens an update on this project.

Councilman Smith explained Mr. Goens had specific issues because of his tenants, and the letter was to specify the phasing of the project, and what his property's access would be while certain points of ingress and egress were closed, which was an item of contention with him. Councilman Smith requested a project update letter be mailed to Mr. Goens.

City Manager Davis stated these issues were discussed with Mr. Goens after the meeting, but that has been awhile, and he will be happy to see that a follow-up letter is mailed.

**Councilman Bill Cross** had no comments at this time.

**Councilman Joe Evans** had no comments at this time.

**Mayor Pro Tem Carol Rudi** asked Public Safety Director Bill Adamo to please pass on congratulations to David Rierson, who was promoted to Battalion Chief and Sean Daugherty, who was promoted to Fire Captain. Councilman Rudi asked Parks and Recreation Director Sheila Lillis to provide an update on the upcoming Gladstone Theatre in the Park events and other park events.

Parks and Recreation Director Sheila Lillis reported the groundbreaking for the Happy Rock Park expansion is scheduled for 10:00 AM, Saturday, August 28<sup>th</sup>. The Amphitheatre Golf Tournament will be held Wednesday, September 1<sup>st</sup>, at Paradise Pointe. The Kansas City Ballet will perform at the Gladstone Amphitheatre at 6:00 PM, Friday, September 3<sup>rd</sup>. The *Movie in the Park*, "Jurassic Park", will be shown at 8:30 on

September 17<sup>th</sup>. An amateur film festival, sponsored by the Arts Council, will be held in conjunction with this performance.

Mayor Wayne Beer had no comments at this time.

**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.**

**PUBLIC HEARING** on a request for 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<sup>rd</sup> Street. Applicant/Owner: Amanda Ratcliffe. File No. 1232.

Mayor Beer 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 Ms. Ratcliffe is requesting renewal of a Special Use Permit that was granted approximately one year ago by City Council to operate a day care center from her home with no more than 10 full time students. The ordinance presented to City Council tonight is basically the same as the ordinance that City Council approved a year ago. There are two changes, however, one is the term, which is 5 years in this ordinance. The other change is that the hours of operation changed slightly from 5:00 AM to 6:00 PM to 6:00 AM to 7:00 PM. Mr. Wingerson reported the Planning Commission voted 10-0 in support of this application.

**Applicant Presentation**

Amanda Ratcliffe, 203 NE 73<sup>rd</sup> Street, stated Mr. Wingerson covered everything and she had no further comments.

There was no one to speak in FAVOR or OPPOSITION of the application. Mayor Beer closed the Public Hearing.

**Item 9a. on the Agenda.**

**FIRST READING BILL NO. 04-36** 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<sup>rd</sup> Street. Applicant/Owner: Amanda Ratcliffe. File No. 1232.

Councilman Bill Cross moved to place Bill 04-36 on First Reading. Councilman Les Smith seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith,

Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 04-36 Waive the Rule and place the Bill on Second and Final Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 04-36 and enact the Bill as **Ordinance 3.927**. Councilman Les Smith seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

**Item 10. on the Agenda.** **PUBLIC HEARING** on setting the annual rate of levy for the 2004 Real Estate and Personal Property Taxes within the corporate limits of the City of Gladstone, Missouri at \$.5391/\$100.00 valuation.

Mayor Beer opened the Public Hearing and explained the hearing process would be in basically the same format as the previous Public Hearing.

#### **Staff Presentation**

City Manager Kirk Davis reported the City's 2004 assessed valuation is \$336,610,796. The 2004 assessed valuation represents a 0.3 percent increase compared to the previous year due to the Hancock Amendment, which is referenced in the memorandum in the City Council packet. The City is limited to the lesser of actual growth (0.3 percent), the Consumer Price Index (2.3 percent), or 5 percent. Our growth rate this year is 0.3 percent. As a result, the maximum property tax rate permitted for Fiscal Year 2005 is projected to be \$.5391 based on the 0.3 percent actual growth.

The current budgeted property tax revenue, including the collection percentages for Fiscal Year 2005, is \$1,694,495. As a result, the City is projected to receive \$1,692,696 from current property taxes, which is a \$1,800 decrease from what we have in the budget. City Manager Davis said the bill to set the levy is on the agenda tonight, and Staff recommends approval.

Mayor Pro Tem Rudi asked Finance Director Sweiven to provide the City's highest tax levy amount and when that was in effect.

Director Sweiven reported the City's highest property tax levy was \$.90 and that was in effect from 1959 through 1975. Through that span of years, the levy remained at \$.90. From 1984 to 1985, when the Hancock Amendment began, it went from \$.82 to \$.55.

There was no one to speak in FAVOR or OPPOSITION of the proposed levy. Mayor Beer closed the Public Hearing.

Item 10a. on the Agenda. FIRST READING BILL NO. 04-37, setting the annual rate of levy for the 2004 Real Estate and Personal Property Taxes within the corporate limits of Gladstone, Missouri at \$.5391/\$100.00 valuation.

Councilman Les Smith moved to place Bill 04-37 on First Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 04-37, Waive the Rule and place the Bill on Second and Final Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 04-37 and enact the Bill as **Ordinance 3.928**. Councilman Bill Cross seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

Item 11. on the Agenda. FIRST READING BILL NO. 04-38, approving the Final Plat of "Amended Plat of Claymont Pointe Sixteenth Replat", a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said plat for recording. Applicant/Owner: J.D. Nelson Building Company. File No. 1233.

Councilman Joe Evans moved to place Bill 04-38 on First Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the First Reading of Bill 04-38, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the Second and Final Reading of Bill 04-38 and enact the Bill as **Ordinance 3.929**. Mayor Pro Tem Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (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 or comments from the News Media.

**Item 14. on the Agenda.**      **ADJOURNMENT.**

There being no further business to come before the August 23, 2004, Gladstone City Council Meeting, Mayor Wayne Beer adjourned the Regular Meeting.

Respectfully submitted:

Cathy Swenson  
Cathy Swenson, City Clerk

Approved as submitted: ✓

Approved as corrected/amended:     

Carol A. Rudi  
Mayor Pro Tem Carol Rudi



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, SEPTEMBER 13, 2004**

**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, 2004 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-04-58**, authorizing acceptance of a proposal from Westfall GMC of Kansas City, Missouri for the purchase of a 29,000 pound GVWR Freightliner Truck with an air-flow body and snow plow for the net purchase amount of \$75,574.

**RESOLUTION R-04-59**, authorizing acceptance of work under contract with Williams Spurgeon Kuhl and Freshnock for the Design of the Gladstone City Hall addition and authorizing final payment in the amount of \$1,391.25 for Project No. 036015.

**RESOLUTION R-04-60**, accepting a Quit-Claim Deed for Tract "A" from Carriage Crossing Homes Association in conjunction with the 59<sup>th</sup> Terrace Drainage Improvements Project No. 0209.

**RESOLUTION R-04-61**, amending the 2005 Annual General Fund and Combined Waterworks Sewerage System (CWSS) Fund Budgets for the City of Gladstone, Missouri and authorizing expenditures of funds.

**RESOLUTION R-04-62**, authorizing the City Manager to execute amendments to the Antenna Site Lease Agreements with Verizon Wireless LLC for the Linden and Antioch Water Tower sites, to permit Verizon to install new antennas and related equipment at the sites.

**RESOLUTION R-04-63**, authorizing execution of a contract with Ballard\*King and Associates in the amount of \$18,500.00 for a Community/Recreation Center Feasibility Study Update.

**APPROVAL OF A NEW SIX DAY PACKAGE LIQUOR LICENSE AND SUNDAY PACKAGE LICENSE** to CVS EGL Oak Trafficway, Kansas City, MO, Inc., dba CVS Pharmacy 05698, 7107 North Oak Trafficway. Managing Officer: Matthew J. Traver.

#### **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 subject to certain conditions to Patricia Day for operation of a nail salon on property located at 5008 North Old Pike Road. Applicant/Owner: Patricia Day. File No. 1234
- 9a. **FIRST READING BILL NO. 04-39**, approving a a Special Use Permit subject to certain conditions to Patricia Day for operation of a nail salon on property located at 5008 North Old Pike Road. Applicant/Owner: Patricia Day. File No. 1234
10. **Other Business.**
11. **Questions from the News Media.**
12. **Adjournment.**



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

**MONDAY SEPTEMBER 13, 2004**

**PRESENT:** Mayor Pro Tem Carol Rudi  
Councilman Les Smith  
Councilman Joe Evans  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Mayor Wayne Beer  
Councilman Bill Cross

Mayor Pro Tem Carol Rudi opened the Regular September 13, 2004, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

Mayor Pro Tem Carol Rudi led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda. APPROVAL OF THE REGULAR AUGUST 23, 2004  
CITY COUNCIL MEETING MINUTES.**

Councilman Les Smith moved to approve the Regular August 23, 2004, City Council Meeting Minutes as presented. Councilman Joe Evans seconded the motion. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Mayor Pro Tem Carol Rudi. (3-0)

**Item 5. on the Agenda.**

**CONSENT AGENDA**

Following the Clerk's reading, Councilman Les Smith asked that **RESOLUTION R-04-61**, amending the 2005 Annual General Fund and Combined Waterworks Sewerage System (CWSS) Fund Budgets for the City of Gladstone, Missouri and authorizing expenditures of funds, be removed from the Consent Agenda for discussion as Item 5a. under the Regular Agenda.

Councilman Les Smith moved to accept the Consent Agenda as amended. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi. (3-0)

**CONSENT AGENDA DETAIL:**

Councilman Les Smith moved to approve **RESOLUTION R-04-58**, authorizing acceptance of a proposal from Westfall GMC of Kansas City, Missouri for the purchase of a 29,000 pound GVWR Freightliner Truck with an air-flow body and snow plow for the net purchase amount of \$75,574.00. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi. (3-0)

Councilman Les Smith moved to approve **RESOLUTION R-04-59**, authorizing acceptance of work under contract with Williams Spurgeon Kuhl and Freshnock for the Design of the Gladstone City Hall addition and authorizing final payment in the amount of \$1,391.25 for Project No. 036015. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi. (3-0)

Councilman Les Smith moved to approve **RESOLUTION R-04-60**, accepting a Quit-Claim Deed for Tract "A" from the Carriage Crossing Homes Association in conjunction with the 59<sup>th</sup> Terrace Drainage Improvements Project, No. 0209. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi. (3-0)

Councilman Les Smith moved to approve **RESOLUTION R-04-62**, authorizing the City Manager to execute amendments to the Antenna Site Lease Agreements with Verizon Wireless LLC for the Linden and Antioch Water Tower sites, to permit Verizon to install new antennas and related equipment at the sites. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi. (3-0)

Councilman Les Smith moved to approve **RESOLUTION R-04-63**, authorizing execution of a contract with Ballard\*King and Associates in the amount of \$18,500.00 for a Community/Recreation Center Feasibility Study Update. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi. (3-0)

Councilman Les Smith moved to approve a **NEW SIX DAY PACKAGE LIQUOR LICENSE AND SUNDAY PACKAGE LICENSE** to CVS EGL Oak Trafficway, Kansas City, MO, Inc., dba CVS Pharmacy 05698, 7107 North Oak Trafficway. Managing Officer: Matthew J. Traver. Councilman Joe Evans seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi. (3-0)

## **REGULAR AGENDA**

**Item 5a. on the Agenda.**      **RESOLUTION R-04-61**, amending the 2005 Annual General Fund and Combined Waterworks Sewerage System (CWSS) Fund Budgets for the City of Gladstone, Missouri and authorizing expenditures of funds.

Councilman Les Smith moved to approve **RESOLUTION R-04-61**, amending the 2005 Annual General Fund and Combined Waterworks Sewerage System (CWSS) Fund Budgets for the City of Gladstone, Missouri and authorizing expenditures of funds. Councilman Joe Evans seconded

Councilman Smith commended City Manager Kirk Davis and City staff on their diligent work on the City's budget. Councilman Smith stated the re-appropriations in the 2005 Budget Report shows \$50,000 being recommended to pay down the outstanding balance of the loan which funds property purchases for the downtown area. Councilman Smith said he knows equipment purchases have been deferred in the last two or three years and he wondered if this money might be better used in replacing equipment, such as police cars or other equipment.

City Manager Kirk Davis replied that the thought process has been to reimburse the Capital Equipment Replacement Fund, which was utilized to balance the budget the last two years. From savings in the City's operation, it was possible to reimburse the fund. Staff would like to see the Capital Equipment Replacement Fund increased to approximately \$1,000,000 as it is anticipated fleet maintenance and fleet replacement in the future will be expensive. Right now with this reimbursement, the fund will be approximately \$800,000. The \$50,000 could go back into the Capital Equipment Replacement Fund. Money is budgeted for the Civic Center project in the 2005 budget. The \$50,000 shown in the report was a decision to pay down the outstanding balance of the property loan.

City Manager Davis stated Councilman Smith has touched on a policy issue, and asked City Council members if they would rather see the money utilized to acquire a couple of squad cars or for the money to go back into the Capital Equipment Replacement Fund, with the idea the fund would increase to \$1,000,000. City Manager Davis continued by saying if he were asked for what the money should be used, and if Council does not want to put the money back into the Capital Equipment Replacement Fund, he would suggest the money should probably be used for the squad cars. City Manager Davis asked for Council's guidance as to which purpose they would like to see the funds used.

Councilman Smith stated as the City has committed to the expenditure of funds for the Civic Center, he would suggest that the money should be put back into the Capital Equipment Replacement Fund. The Capital Equipment Replacement Fund balance has been invaluable to the City's budget over the last couple of years. However, we need to start using that money for its intended purpose of capital equipment replacement. Councilman Smith suggested for the sake of approving the re-appropriations tonight, to delete the \$50,000 line item to pay down the debt, and put it back into the Capital Equipment Replacement Fund with the direction to the City Manager to identify the highest priorities towards which the money should be used, whether it be squad cars or other equipment.

Councilman Smith continued by saying the City cannot forever defer replacing equipment. There is a greater burden being placed on the Parks and Recreation staff for maintenance and mowing, and purchase of new equipment has been deferred. Councilman Smith concluded by saying he would like to see at the very least the \$50,000 put back into the Capital Equipment Replacement Fund, with the City Manager coming back to City Council with a recommendation.

Mayor Pro Tem Carol Rudi addressed City Manager Davis by saying that Mr. Davis said if this line item were moved to the Capital Equipment Replacement Fund, squad cars would be the first priority. If the line item were not moved to the Capital Equipment Replacement Fund, would a request come forward in a month or so for money for the squad cars?

City Manager Davis replied if there were a problem with the fleet, the issue would be addressed with the mid-year budget, or if the City's financial situation improved, he would recommend replacing four squad cars per year, as the City has previously done. Something would not happen in a month, but potentially a request for equipment replacement, based on priority, could be made at mid-year, and squad cars would be a high priority. Depending on the City's financial situation and how revenues come in, a request could be made with next year's budget.

Councilman Les Smith moved to approve **RESOLUTION R-04-61, amending the 2005 Annual General Fund and Combined Waterworks Sewerage System (CWSS) Fund Budgets for the City of Gladstone Missouri and authorizing expenditures of funds**, with the amendment to transfer a proposed \$50,000 re-appropriation from property loan repayment to the Capital Equipment Replacement Fund. Councilman Joe Evans seconded.

Mayor Pro Tem Rudi inquired what the process would be to amend this decision, if Mayor Wayne Beer and Councilman Bill Cross should want to move the \$50,000 back to property loan repayment.

City Manager Davis replied a mid-year budget proposal will be brought forward for action by City Council at the mid-year term, and this expenditure will be addressed by a recommendation at that point.

Councilman Rudi asked if the money would not be expended until then.

City Manager Davis confirmed that was correct.

The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi. (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 Joe Evans had no comments at this time.

Councilman Les Smith had no comments at this time.

Mayor Pro Tem Carol Rudi asked if any members of the Planning Commission or Board of Zoning Adjustment (BZA) will be attending the Heartland Area Neighborhood Development Symposium (HANDS), which is being held at the Kauffman Foundation, 4801 Rockhill Road in Kansas City, Missouri.

Assistant City Manager Scott Wingerson replied he is unaware of any members of the Planning Commission or the Board of Zoning Adjustment attending this event. City staff will be assisting in the planning of the conference. All of the people involved in *Gladstone on the Move* were invited, and Mr. Wingerson said he believes about six members of this group are planning to attend.

Mayor Pro Tem Rudi asked Parks and Recreation Director Sheila Lillis to provide an update on the upcoming park programs.

Parks and Recreation Director Sheila Lillis reported *The Movie in the Park*, "Jurassic Park", will be shown at the Gladstone Amphitheatre at 8:30 PM on September 17<sup>th</sup>. October 29<sup>th</sup> is the date for "Fright Night" at the Gladstone Amphitheatre.

Councilman Rudi encouraged everyone to attend these events.

**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.**

**PUBLIC HEARING** on a request for a Special Use Permit subject to certain conditions to Patricia Day for operation of a nail salon on property located at 5008 North Old Pike Road. Applicant/Owner: Patricia Day. File No. 1234.



Mayor Pro Tem Carol Rudi 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 Ms. Day is requesting a Special Use Permit for 5008 North Old Pike Road to allow operation of a nail salon from the home at that location. The recommendation from Staff is for a one-year period of time. The actual business is proposed to operate from 8:00 AM to 6:00 PM, Tuesday through Saturday. The conditions listed on the Bill are typical for this type of business. The Planning Commission is recommending approval of this request.

#### **Applicant Presentation**

The applicant, Patricia Day, had no comments at this time.

Councilman Smith asked if the Planning Commission recommended approval of this Special Use Permit for a one-year period.

Mr. Wingerson replied the one-year period was Staff's recommendation based on the general practice of the Commission, which is to allow a one-year trial period for a new Special Use Permit from the home, and subsequent renewal for generally a longer term of normally around five years. The Planning Commission accepted Staff's recommendation.

**Freddie Nichols, 5233 Old Pike Road**, stated she was neither in favor nor opposed to the application at this point, but she did have a question. Ms. Nichols said her concern is seeing any commercial activity being approved for Old Pike Road, as Home Depot is already located on this street. Ms. Nichols stated her main concern is the traffic and asked if there has been a traffic study. Ms. Nichols said she is concerned with commercial activity in a residential area.

Mr. Wingerson stated the applicant's actual request is for the business hours to be on a more limited basis than he talked about at the beginning of the Public Hearing. The approximate number of clients would be 5 to 8 per day during those allowed times. The applicant has constructed a side driveway with a walk to a 10 foot by 10 foot room in the home. The principle purpose of the property will be residential and for family purposes, with a nail salon in a small portion of the house. Mr. Wingerson said he feels the traffic that will be generated will be very limited as compared to the rest of the traffic on Old Pike Road.

Councilman Rudi asked Mr. Wingerson to explain the difference between a Special Use Permit and Commercial Development.

Mr. Wingerson replied a City Council approved Special Use Permit allows an applicant to perform an activity that is not otherwise allowed. One of the attributes of a Special Use Permit is that if the applicant violates the conditions that City Council approved, the Special Use Permit could be brought back before the Planning Commission and the City Council to be revoked. If traffic, noise, smell, signage or other issues become a concern to the neighborhood or community at large, the Commission and Council members would have an opportunity to review the Special Use Permit in a different light.

**There were no further comments in FAVOR or OPPOSITION of the application. Mayor Pro Tem Rudi closed the Public Hearing.**

**Item 9a. on the Agenda.**      **FIRST READING BILL NO. 04-39**, approving a Special Use Permit subject to certain conditions to Patricia Day for operation of a nail salon on property at 5008 North Old Pike Road. Applicant/Owner: Patricia Day. File No. 1234.

Councilman Joe Evans moved to place Bill 04-39 on First Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi. (3-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the First Reading of Bill 04-39, Waive the Rule and place the Bill on Second and Final Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi. (3-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the Second and Final Reading of Bill 04-39 and enact the Bill as **Ordinance 3.930**. Councilman Les Smith seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi. (3-0)

**Item 10. on the Agenda.**      **OTIHER BUSINESS.**

There was no other business.

**Item 11. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions or comments from the News Media.

**Item 12. on the Agenda.**      **ADJOURNMENT.**

There being no further business to come before the September 13, 2004, Gladstone City Council Meeting, Mayor Pro Tem Carol Rudi adjourned the Regular Meeting.

Respectfully submitted:

Cathy Swenson  
Cathy Swenson, City Clerk

Approved as submitted: ✓

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

Carol A. Rudi  
Mayor Pro Tem Carol Rudi



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, SEPTEMBER 27, 2004**

**OPEN STUDY SESSION: 6:30 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will hold a Closed Executive Session immediately following 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 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(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 13, 2004 City Council Meeting Minutes.**
- 4a. **PROCLAMATION** designating the week of September 29 to October 4, 2004 as "**RACE EQUALITY WEEK**" in the City of Gladstone.
5. **CONSENT AGENDA**

**RESOLUTION R-04-64**, 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.

**RESOLUTION R-04-65**, authorizing Change Order No. 2 in the amount of \$26,509.25 to the contract with Metro Asphalt for the 2004 Full Depth Replacement and 2004 Overlay Programs Project (045002-055001).

**RESOLUTION R-04-66**, commending the efforts of the participants in "Gladstone on the Move - Citizens Making a Difference" in successfully completing the community based strategic planning process for the City, and accepting the group's "2005-2020 Community Plan".

**APPROVAL OF FINANCIAL REPORTS FOR AUGUST 2004.**

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **Other Business.**
10. **FIRST READING BILL NO. 04-40**, amending Schedule V of the Model Traffic Code (Gladstone Municipal Code Section 18-12), to establish a "No Parking" Zone for south bound traffic on North Cherry Street from the intersection of Northeast 72<sup>nd</sup> Street and North Cherry Street, 200 feet south.
11. **FIRST READING BILL NO. 04-41**, amending Schedule VIII of the Model Traffic Code (Gladstone Municipal Code Section 18-12), to establish a "Stop Sign" location at North Central and NE Englewood Road.
12. **Questions from the News Media.**
13. **Adjournment.**



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

**MONDAY SEPTEMBER 27, 2004**

**PRESENT:** Mayor Wayne Beer  
Mayor Pro Tem Carol Rudi  
Councilman Bill Cross  
Councilman Les Smith  
Councilman Joe Evans  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Wayne Beer opened the Regular September 27, 2004, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR SEPTEMBER 13, 2004 CITY COUNCIL MEETING MINUTES.**

Councilman Joe Evans moved to approve the Regular September 13, 2004, City Council Meeting Minutes as presented. Councilman Les Smith seconded the motion.

Mayor Wayne Beer explained that as he and Councilman Bill Cross were not present at the last Council meeting, they would abstain from voting.

The vote: "Aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Mayor Pro Tem Carol Rudi. "Abstain" – Councilman Bill Cross and Mayor Wayne Beer. (3-0-2)

**Item 4a. on the Agenda.**

Mayor Wayne Beer read a **PROCLAMATION** designating the week of September 29 to October 4, 2004 as "**RACE EQUALITY WEEK**" in the City of Gladstone. Mayor Beer stated a recipient was expected to attend tonight's meeting to accept this proclamation, but unfortunately they were unable to attend. Mayor Beer will see that the proclamation is received.

**Item 5. on the Agenda.**

**CONSENT AGENDA**

Following the Clerk's reading, Councilman Bill Cross moved to accept the Consent Agenda as presented. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

**CONSENT AGENDA DETAIL:**

Councilman Bill Cross moved to approve **RESOLUTION R-04-64**, 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. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION R-04-65**, authorizing Change Order No. 2 in the amount of \$26,509.25 to the contract with Metro Asphalt for the 2004 Full Depth Replacement and 2004 Overlay Program Project (045002-055001). Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION R-04-66**, commending the efforts of the participants in "Gladstone on the Move – Citizens Making a Difference" in successfully completing the community based strategic planning process for the City, and accepting the group's "2005-2020 Community Plan". Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve the **FINANCIAL REPORTS FOR AUGUST 2004**. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (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 Joe Evans** stated he appreciated the efforts of City staff, the Zimmer Company, the citizens of Gladstone, and his fellow City Council members in moving forward with the Gladstone Village Center. Councilman Evans continued by saying he is looking forward to an exciting Gladfest weekend.

**Councilman Les Smith** asked that City Council consider under "Other Business" on the agenda a presentation from the City Manager on the County Question No. 1 issue. Councilman Smith asked Parks and Recreation Director Sheila Lillis to provide the Power Point presentation that was shown to the Parks and Recreation Advisory Board for City Council members to see tonight, under "Other Business" on the agenda.

**Councilman Bill Cross** stated the Missouri Municipal League Annual Conference in Springfield was an educational experience and felt he and Mayor Beer gained a great deal from the conference. The meetings were interesting and they received many favorable comments regarding their Gladstone t-shirts. Councilman Cross encouraged everyone to attend Gladfest this weekend and he hopes the weather is favorable.

**Mayor Pro Tem Carol Rudi** asked Parks and Recreation Director Sheila Lillis to provide an update on the upcoming parks programs and to talk a little about the recent past events.

Parks and Recreation Director Sheila Lillis reported *The Movie in the Park*, "Jurassic Park", was played at the Gladstone Amphitheatre at 8:30 PM on September 17<sup>th</sup> with about 60 to 75 people in attendance. The attendance probably would have been better if the movie was not shown on the same night as the North Kansas City/Winnemoka High School football game and the Oak Park High School football game in St. Joseph. October 29<sup>th</sup> is the date for "Fright Night" at the Gladstone Amphitheatre. This is a cooperative event with the Gladstone Area Chamber of Commerce, with Terry Hoppenthaler heading up the Chamber activity for the event. City staff is organizing the story tellers for the event and other fun activities.

Ms. Lillis reported that Gladfest is scheduled for this weekend with three full days of activities, beginning Friday at 5:00 PM. There are 108 walkers and runners pre-registered for the Scarecrow 5K Walk/Run on Sunday morning, which are the most participants yet for this event. Ms. Lillis encouraged everyone to join in the fun.

Mayor Pro Tem Rudi stated it has been suggested that a set schedule be established for the Board of Zoning Adjustment (BZA) meetings, rather than an "on call" schedule, and asked City Counselor Ramsay to investigate into this and report back to City Council. Councilman Rudi explained that with some of the issues that will be coming forward in the next year or two, this might be a good idea.



Mayor Wayne Beer stated it was thought that since the BZA will be tasked with greater responsibilities, that a regular schedule of meetings would be appropriate, and there might be a better rate of attendance.

Councilman Smith asked if they would meet if there were regular business, and cancel their meeting if there were no business.

Mayor Beer replied that was correct.

Mayor Pro Tem Rudi stated she would have communications under "Other Business" on the agenda.

Mayor Wayne Beer had no further comments at this time.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis stated he looked forward to seeing everyone at Gladfest.

**Item 9. on the Agenda.**

**FIRST READING BILL NO. 04-40**, amending Schedule V of the Model Traffic Code (Gladstone Municipal Code Section 18-12), to establish a "No Parking" Zone for south bound traffic on North Cherry Street from the intersection of Northeast 72<sup>nd</sup> Street and North Cherry Street, 200 feet south.

Councilman Les Smith moved to place Bill 04-40 on First Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 04-40, Waive the Rule and place the Bill on Second and Final Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 04-40 and enact the Bill as **Ordinance 3.931**. Councilman Bill Cross seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

**Item 10. on the Agenda.**

**FIRST READING BILL NO. 04-41**, amending Schedule VIII of the Model Traffic Code (Gladstone Municipal Code Section 18-12), to establish a "Stop Sign" location at North Central and NE Englewood Road.

Councilman Les Smith moved to place Bill 04-41 on First Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith,

Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 04-41, Waive the Rule and place the Bill on Second and Final Reading. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 04-41 and enact the Bill as **Ordinance 3.932**. Councilman Bill Cross seconded.

Roll Call Vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

**Item 11. on the Agenda.      OTHER BUSINESS.**

Mayor Pro Tem Rudi moved to appoint Jean Moore to the Tax Increment Financing Commission (TIF) to fill the vacancy on that Board. Councilman Les Smith seconded. All "aye" - Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Mayor Beer asked City Manager Davis to proceed with his presentation in regard to the County Question 1 issue.

City Manager Davis began by saying he would begin speaking as the Power Point presentation is down-loaded, and stated County Question 1 is commonly referred to as Bi State II. Councilman Smith suggested this issue be discussed this evening to see if there is Council interest in supporting the Bi State effort.

City Manager Davis explained County Question 1 would be on the ballot in November in five counties. It has to pass in Johnson, Jackson and Clay Counties. It is basically a ¼ cent retail sales tax and is designed to generate about \$360 million for stadiums and \$360 million for the performing arts. Adding interest to the bond that will be issued brings this issue to about \$1 billion. The Kansas City Chamber of Commerce has suggested it will take a 12 to 15 year period to pay off the bond with a ¼ cent sales tax. If there is a growth of revenues over this period of time, it will probably be closer to 12 years.

City Manager continued by saying the \$360 million for the Truman Sports Complex would be split by law, \$180 million for the Chiefs and \$180 million for the Royals. Funds in the amount of \$180 million would be bonded for each stadium's renovation. The stadiums are currently over 32 years old. This proposal would tie the teams to Kansas City through the year 2030, which would extend their current leases 15 years. Most Major Baseball League and National Football League teams are in newer stadiums. The inside of the bowls in the stadiums are fine, the issues are outside the bowls, such as the concourses, restrooms, and concession areas. These areas are inadequate based on today's modern stadiums. Modern

stadiums are truly family oriented and there are many things for families to do while they are at the stadiums, whether they be restaurants, bigger play areas, and other amenities that our stadiums do not have. Our stadiums cannot be beat inside the bowls, but the issues are on the outside.

City Manager Davis reported that many of the improvements that are suggested would give the teams the ability to generate more revenues and improve their competitiveness. The Chiefs will be contributing \$50 million to upgrade the suites. None of the money from County Question 1 is going toward upgrading the suites in either stadium. The Royals will contribute \$15 million to upgrade suites. City Manager Davis said the combined economic impact from organized sports is over \$300 million per year. It seems like a wise investment to tie these two teams down for 25 more years, when they will generate over \$300 million per year and approximately 4,400 jobs for our community.

City Manager Davis said none of the \$180 million for each of the stadiums would go toward maintenance. That is money that should be generated by the teams, and there will be a 10 percent parking surcharge that would go toward maintenance. There are no "naming rights" on the table right now, but if there are in the future, 50 percent of the "naming rights" would go toward maintenance. Eight and one half million dollars would come from Kansas City, Jackson County, and the State of Missouri - far short of what the State of Missouri is paying St. Louis for their baseball stadium. This money will be governed by a Metropolitan Sports Authority, of which Clay County will have a large role. There will be issues for which the Jackson County Sports Authority will be responsible. The two entities, the Metropolitan Sports Authority and the Jackson County Sports Authority, will exist together.

City Manager Davis said of the \$360 million going to performing arts, \$50 million goes to the performing arts center being built downtown, which will be an approximately \$300 million facility. Funding in the amount of \$250 million is coming from the private sector. The remainder of the annual monies generated will be dispersed through a competitive grant application process. Fifty percent of the money will go toward regional arts programs, such as the Carlsen Center, Starlight Theatre, and the Nelson-Atkins Museum. Fifty percent will be spent for county arts programs and organizations. Funds in the amount of \$33 million will be made available to Clay County based on current tax revenue estimates. We will have the ability, annually, to apply for grants from those monies for performing arts programming.

City Manager Davis said the \$360 million for the performing arts side of this issue is the real economic engine that does not currently exist in our community. City Manager Davis stated he believes that in Kansas City, we spend \$.88 per child for arts from public money. Denver and St. Louis spends \$14 to \$15 per child from public monies for performing arts.

City Manager Davis reported that a group of County citizens will be appointed to a Board that will take applications from entities around the county and they will in turn make a recommendation annually to the Bi State Commission for approval of those monies. There

are two citizen oversight boards on both the sports side and the performing arts side of this issue. Not only will this provide opportunities for the performing arts center downtown, but also with our own amphitheatre, which would help to expand our own programs.

City Manager Davis said the five counties he mentioned, including Wyandotte and Platte have put this on their ballot. If all five counties pass this issue, then all five will have the funding structure just discussed, in terms of applying for local grants. It has to pass in Clay, Jackson and Johnson Counties. This is an exciting proposal. In regard to the stadiums, we have to remain market competitive if we want to remain a major league city. In regard to the performing arts, this is an opportunity to create a world-class performing arts center and to provide more arts experiences for all our children.

City Manager Davis stated that Councilman Smith has been involved in a number of discussions relative to this issue. Many meetings have been held, including here in City Hall that have brought citizens, Mayors, and elected officials together to discuss this issue.

Mayor Pro Tem Rudi asked what would happen in the counties if this issue does not pass?

Councilman Smith replied the ballot must pass for the county to assess the tax, so they would not be eligible for funding if the ballot does not pass. The fewer counties that pass the tax, the longer the tax will run, because the collection will not be as great.

Councilman Cross asked why Cass or Ray County was not included.

City Manager Davis replied he believed it had to do with the original Bi State legislation that defined the metro area as the five counties.

Councilman Smith agreed, saying it was statutory.

Mayor Pro Tem Rudi asked how much money is projected to be available to Clay County per year.

City Manager Davis replied it should be roughly \$2.5 million per year.

Councilman Smith said that amount is after the first four years, because in the beginning, \$50 million goes to the performing arts center downtown.

City Manager Davis agreed and said \$50 million goes right off the top to the performing arts center downtown, because it is critical to the timing and the construction of that facility.

Councilman Smith reported the construction costs of a downtown performing arts center is \$300 million, with \$250 million in private funding, which is not a bad situation for the taxpayers to contribute \$50 million for a performing arts center.

Mayor Pro Tem Rudi inquired as to how the arena fits into this issue.

City Manager Davis replied the arena will be located at 14<sup>th</sup> Street and Grand to almost Oak Street. The Kansas City Live district and the H & R Block world headquarters are located just to the west of the arena site. Next to that is the Kansas City Power and Light Building and the Municipal Auditorium and Bartle Hall. Just directly south of the freeway from Municipal Auditorium is where the performing arts center will be built, which is on the bluff south of Bartle Hall and the Municipal Auditorium. There are some plans to improve the bridges that cross the freeway. There will be some shared advantage in terms of parking and so forth. City Manager Davis stated financially it does not fit together, but it fits together as far as timing. City Manager Davis said he believes the hope is that there will be a performing arts center, the Kansas City Live district, the H & R Block world headquarters, and the arena all completed by 2007.

Mayor Pro Tem Rudi asked what is planned for the arena.

City Manager Davis replied there is a contract with AEG, a corporation based in Los Angeles that manages arenas. They also book multiple venues such as concerts and various forms of entertainment. People who are touring the country will be coming to their facilities and they can encourage entertainers to come to their facility in Kansas City. Rumor has it that Kansas City has a very good chance of getting a National Hockey League or a National Basketball Association team. The National Collegiate Basketball Hall of Fame will be in the facility, and they have committed to a couple of basketball tournaments per year in the facility. There may be a commitment for an Arena Football League team and potentially a Women's National Basketball Association team. The arena should be very busy.

Councilman Smith stated that when speaking about this issue, people have mentioned Union Station, because Union Station is currently having financial troubles. The fact of the matter is Union Station is a success story for Bi State I because the purpose of Bi State I was to implement a tax, collect the monies and renovate the structure, which was done beautifully. The issue with Union Station has been the ongoing operations. Bi State I did exactly what it was intended to do. The amount was collected and the tax ended when it was said it would end, and the building was renovated, which makes this a success story.

City Manager Davis stated he sees Bi State II as an investment in our quality of life, our future, and in major league sports and performing arts. In the 1970s the airport, Crown Center, and the stadiums were opened, and he believes we are on the verge of seeing another cycle, where we will look back in the future and think this was quite a bargain.

Councilman Joe Evans asked if Bi State II has provisions for maintenance and operations.

City Manager Davis replied operations and maintenance at the stadiums will be addressed in part by a 10 percent parking surcharge, potential "naming" rights, and \$8.5 million is coming from the State, Jackson County and Kansas City. All of this funding will be used

for maintenance at the facilities. Right now the Jackson County Sports Authority and the teams are responsible for maintenance. None of the \$360 million in Bi State II is designated for maintenance; that has to be made up by the teams and the Authority.

Councilman Smith said there would be a totally different look to the outside areas of the stadiums. There will be restaurants and so forth that will be built that will make this a year around destination - not just when the teams are playing. It won't be significant in scope, but it is hoped that it will be a destination area for visitors. When promoting sales taxes locally, it has always been said that 38 percent of the sales tax money collected in Gladstone have been from people who live outside Gladstone. That same theory holds true for people who live outside of the five county area, because we are a regional destination. Councilman Smith said there is some sort of performance fee or "earnings tax" that is factored into the players earnings, and asked City Manager Davis if that was correct.

City Manager Davis replied that is correct. That is what is being used for the \$8.5 million coming from the State and from the City for maintenance. It will come from a percentage of the players' salary, similar to an income tax.

Councilman Evans asked how taxing players' salaries has worked in other cities.

City Manager Davis replied he believed it is working well now. It also applies in some cases to entertainers and other venues. City Manager Davis said Councilman Smith has taken a lead in the metropolitan area, and people have phoned Mr. Davis about this issue. When this issue came north of the river, Gladstone was the first place they stopped to see if there was support. This is a real opportunity to play a leadership role in this issue.

Councilman Smith said it was at the urging of City Manager Davis that we took a leadership role. Through a lot of contacts of the City Manager, people have looked north. In fact Gladstone is represented as one of the Co-Chairs of the entire Northland campaign. People have a high opinion of Gladstone and their professional management. Councilman Smith said he has been very proud to be a part of this because of how people feel about us.

Mayor Beer stated when he became Mayor, he was asked if he would be interested in carrying on this issue, and his reply was "no", because Councilman Smith had taken such an interest in this issue. Additionally, Mayor Beer said he was not totally "on board" with this issue at that time, and he would not have been a good representative for Gladstone for the Bi State II. Mayor Beer asked Councilman Smith to continue, and Councilman Smith was happy to do that.

Mayor Beer continued by saying that although he was not "on board" with the Bi State II issue at that time, he recognized there must have been some value to it, and the right man was in the right place to support this issue at the time, coupled with City Manager Davis and his leadership and commitment. Between the two of them, Gladstone has been well represented and has gained a greater recognition because of it. Mayor Beer thanked

Councilman Smith and City Manager Davis. Mayor Beer said he is "on board" with the Bi State II issue now.

Councilman Smith reported the Parks and Recreation Advisory Board endorsed County Issue 1 at their meeting, and suggested that if any Council member has a group they would like to receive a presentation regarding this issue, to contact him or Mr. Davis. Some of the folks downtown would also be happy to assist. Councilman Smith said he would like our City Council to endorse County Question 1, because it is a huge issue for us, not just because of the regional participation, but because quite frankly there is potentially something in this for Gladstone. There is some possible money involved that we can competitively seek not only for sponsorships, but also for the Gladstone Amphitheatre; a potential Community Center that might have a performing arts wing; and some potential capital dollars.

Councilman Les Smith moved that the Gladstone City Council endorse County Question 1. Councilman Joe Evans seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

**Item 12. on the Agenda.**

**QUESTIONS FROM THE NEWS MEDIA.**

There were no questions or comments from the News Media.

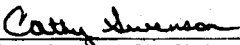
**Item 13. on the Agenda.**


**ADJOURNMENT.**

Councilman Les Smith 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, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion following the conclusion of the previously scheduled Open Study Session. Councilman Joe Evans seconded the motion.

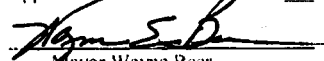
Roll Call Vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Wayne Beer



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, OCTOBER 11, 2004**

**OPEN STUDY SESSION: 7:15 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will hold a Closed Executive Session immediately following adjournment of the Regular Meeting pursuant to Missouri Open Meeting Act Exemption 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(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 27, 2004 City Council Meeting Minutes.**
- 4a. **Arts Council and Parks and Recreation Advisory Board Presentations.**
- 4b. **PROCLAMATION:** designating October 24-31, 2004 as **National Red Ribbon Week** and calling on all Americans to support a drug free nation.
- 4c. **PROCLAMATION:** designating October 2004 as **Visual Arts Month** and encouraging all Gladstone residents to support the arts.
5. **CONSENT AGENDA**

**RESOLUTION R-04-68**, 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.



**RESOLUTION R-04-69**, 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.

**RESOLUTION R-04-70**, authorizing the City Manager to accept a Bill of Sale from Lawrence D. and June E. Duncan and Clay County Sanitary and Ditching Service, conveying to the City a Sanitary Sewer Line built in conjunction with construction of a single-family home at 1306 NE 76<sup>th</sup> Street, Gladstone, Missouri.

**RESOLUTION R-04-71**, authorizing Change Order No. 3 in the amount of \$33,994.00 to the contract with Metro Asphalt for the 2004 Full Depth Replacement and 2004 Overlay Programs. Project No. 045002-055001.

#### **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 subject to certain conditions to Joyce Vogt for operation of a nail salon on property located at 2201 NE 56<sup>th</sup> Terrace. Applicant/Owner: Joyce Vogt. File No. 1236
10. **FIRST READING BILL NO. 04-42**, approving a Special Use Permit subject to certain conditions to Joyce Vogt for operation of a nail salon on property located at 2201 NE 56<sup>th</sup> Terrace. Applicant/Owner: Joyce Vogt. File No. 1236
11. **RESOLUTION R-04-72**, authorizing execution of a contract with Harmon Construction, Incorporated, in the total amount not to exceed \$599,038.00 for the Public Safety Headquarters Renovation. Project 025603.
12. **Other Business.**
13. **Questions from the News Media.**
14. **Adjournment.**



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

**MONDAY OCTOBER 11, 2004**

**PRESENT:** Mayor Wayne Beer  
Councilman Bill Cross  
Councilman Les Smith  
Councilman Joe Evans

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Mayor Pro Tem Carol Rudi

Mayor Wayne Beer opened the Regular October 11, 2004, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR SEPTEMBER 27, 2004 CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular September 27, 2004, City Council Meeting Minutes as presented. Councilman Joe Evans seconded the motion.

The vote: "Aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross and Mayor Wayne Beer. (4-0)

**Item 4a. on the Agenda.**      **ARTS COUNCIL AND PARKS AND RECREATION  
ADVISORY BOARD PRESENTATIONS.**

Chris Yannitelli, Chairman of the Arts Council, read a resolution from the Arts Council unanimously supporting County Question 1, to reinstate a Bi-State Metropolitan ¼ Cent Sales Tax. This issue will be on the ballot on November 2, 2004.

Mayor Wayne Beer thanked Ms. Yannitelli for the Arts Council's support of County Question 1, and explained to the audience that City Council members expressed their support of County Question 1 at the last City Council meeting.

John Houlihan, Chairman of the Parks and Recreation Advisory Board, read a resolution from the Parks and Recreation Advisory Board unanimously supporting County Question 1, to reinstate a Bi-State Metropolitan ¼ Cent Sales Tax.

Mayor Beer thanked Mr. Houlihan for the Parks and Recreation Board's support of County Question 1. Mayor Beer asked Councilman Smith if he would like to say a few words about County Question 1.

Councilman Smith thanked Ms. Yannitelli and Mr. Houlihan, and said the unanimous support of both the Arts Council and the Parks and Recreation Advisory Board is yet another sign of the progressive citizens we have in Gladstone. Councilman Smith reported Gladstone is the first Northland municipality to unanimously support County Question No. 1, and it was so posted on the organization's website. Councilman Smith expressed his thanks for the support of County Question No. 1.

**Item 4b. on the Agenda.**      Mayor Wayne Beer read a **PROCLAMATION** designating October 24 to October 31, 2004 as "**NATIONAL RED RIBBON WEEK**" in the City of Gladstone. Councilman Cross, who is a Board member of Teaching and Reaching Youth (TRY) and President of the Northland Coalition, accepted the proclamation. Councilman Cross said he was very proud to accept the proclamation and will see that it is displayed in the Board Room of the TRY offices.

**Item 4C. on the Agenda.**      Mayor Wayne Beer read a **PROCLAMATION** designating October 2004 as "**VISUAL ARTS MONTH**" in the City of Gladstone. David Howeth, a Northland Artist, was on hand to accept the proclamation.

Mr. Howeth thanked Mayor Beer and stated he was happy to accept this proclamation on behalf of the Kansas City Artists Coalition. Mr. Howeth reported 15 downtown studios and approximately 200 artists will be participating in Open Studios 2004, scheduled for this Saturday and Sunday, 11:00 AM to 5:00 PM. Mr. Howeth invited all to attend this event. Mr. Howeth and his son will be showing their art at the Zonc Gallery at 18<sup>th</sup> and Locust. The Kansas City Star will have locations of studios participating in Open Studios 2004 listed in an upcoming edition.

**Item 5. on the Agenda.**

**CONSENT AGENDA**

Following the Clerk's reading, Councilman Bill Cross moved to accept the Consent Agenda as presented. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Wayne Beer. (4-0).

**CONSENT AGENDA DETAIL:**

Councilman Bill Cross moved to approve **RESOLUTION R-04-68**, 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 and 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 Les Smith, Councilman Bill Cross, Mayor Wayne Beer. (4-0)

Councilman Bill Cross moved to approve **RESOLUTION R-04-69**, 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 and Water Conservation Fund for construction, improvement and maintenance of walking trails in Happy Rock Park. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Wayne Beer. (4-0)

Councilman Bill Cross moved to approve **RESOLUTION R-04-70**, authorizing the City Manager to accept a Bill of Sale from Lawrence D. and June E. Duncan and Clay County Sanitary and Ditching Service, conveying to the City a Sanitary Sewer Line built in conjunction with construction of a single-family home at 1306 NE 76<sup>th</sup> Street, Gladstone, Missouri. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Wayne Beer. (4-0)

Councilman Bill Cross moved to approve **RESOLUTION R-04-71**, authorizing Change Order No. 3 in the amount of \$33,994.00 to the contract with Metro Asphalt for the 2004 Full Depth Replacement and 2004 Overlay Programs. Project No. 045002-055001. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Wayne Beer. (4-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE.**

**Mel Lantz**, 2002 NE 77 Street, began by saying he and his wife moved to Continental North Apartments from Holiday Hills in Kansas City. Mr. Lantz said his concern is the disposal of his hazardous waste. Mr. Lantz stated he stopped by Gladstone City Hall about two months ago, and was told that Gladstone no longer has a program for disposing of hazardous waste. Mr. Lantz said he found that Walmart will accept used automobile oil, and he called the Household Hazardous Waste facility on Deramus Street, where he took hazardous waste items when he lived in Kansas City. Mr. Lantz stated a facility representative told him it would cost him \$50 to dispose of a small box of chemicals. A representative of Deffenbaugh Trash Disposal told Mr. Lantz they do not accept hazardous waste. Mr. Lantz said that Gladstone City Hall employees told him Gladstone participated in the past in a Household Hazardous Waste program at the Deramus Street facility, but had decided there was not enough use by the citizens to justify the cost. Mr. Lantz asked if that was a correct statement.

Mayor Beer replied that is a correct statement.

Mr. Lantz said the Manager of the Household Hazardous Waste facility, Bill Lewre, told him that in the last year Gladstone participated in their program (2002), 58,556 pounds of waste was delivered from Gladstone residents. The overall cost for disposing of the waste was broken down to \$.63 per pound. At that rate, Gladstone's rate could have been \$36,890.00. The actual charge to Gladstone in 2002 was \$21,000. Mr. Lantz said he believes it would be a very good service to the citizens of Gladstone and to new residents for the City Council to reconsider participating in the Kansas City program for disposal of hazardous waste chemicals. Mr. Lantz asked for a suggestion as to what he should do with his hazardous waste, and asked Mayor Beer what he does with his hazardous waste.

Mayor Beer thanked Mr. Lantz for sharing his concerns, and stated he has not had hazardous waste to deal with for some time. From his standpoint, it has not been an issue.

Mr. Lantz stated he had just a few chemicals he no longer uses for plants and insects, and old paint. Mr. Lantz said he was suspicious that a lot of people dispose of their hazardous waste in their household trash, disobeying good sense and the law. Mr. Lantz asked if City Council would reconsider participating in a hazardous waste program.

Mayor Beer explained this program is reconsidered each year at the time for budget formulation. Mayor Beer said up to this time, he has not been aware of any complaints.

Mr. Lantz asked the media representative present at the City Council meeting to ask the public for their opinion.

Mayor Beer thanked Mr. Lantz and stated the Household Hazardous Waste Program is considered each year. However, Gladstone has had some serious declines in revenues due to sales tax declines. It was decided to forego this program until the City could afford it again, in lieu of disruption or decrease of basic services. Participation in the Household Hazardous Waste Program will be discussed again in January, during discussions for the Mid-Year Budget Review.

**Dale Newhouse**, 7027 North Cherry, stated it has been several years since he has had a problem with the Gladfest parade. The area in which he lives is entirely blocked off during the parade. Mr. Newhouse's wife, who has had two knee replacements, was coming back to their house, when a City employee told her she could park her car and walk home. His wife was not happy about this. This happens almost every year, but with some of the parade routes, provisions have been made for access to his area during the two to three hours of the parade. Mr. Newhouse said he talked to the Gladstone Area Chamber of Commerce. Mr. Newhouse said he is on-call for emergencies 24 hours a day, and he does not want to have to argue about access to his area. Mr. Newhouse asked what can be done about this problem.

Mayor Beer replied he thought provisions had been made for ingress and egress for homeowners during the parade, especially for emergency purposes.

City Manager Davis stated the beginning of the parade route changed this year from the Aldi's area to Antioch Bible Baptist Church, and the Chamber tried their best to eliminate access problems as much as possible, and to have a safe parade. There was a square parade route this year, and there were people like Mr. Newhouse living in the area within the square, west of City Hall. City Manager Davis said residents could get in and out of their neighborhood for emergency reasons, but he does not know the circumstances as to Mr. Newhouse's wife's ability to get to her home, and when that happened. The streets are closed about 9:30 AM, in order to provide a safe route for parade participants. It was an approximate two-hour parade this year.

Councilman Smith remarked that Mr. Newhouse stated he has this access problem every year, but there may be an opportunity to at least to attempt to arrive at a possible solution. Councilman Smith said there is a Gladfest critique meeting every year, and he would be happy to take Mr. Newhouse's concerns forward, and try to troubleshoot this issue. Perhaps with the cooperation of Public Safety, a way can be found to enable Mr. Newhouse to have accessibility to leave and return to his home in an emergency situation while the parade is in process. Councilman Smith said he did not believe there was an answer tonight, but it is something that can be discussed. Councilman Smith asked if Mr. Newhouse has emergency access problems every year during the parade.

Mr. Newhouse replied he discussed his problem with the City when the parade was originating from Gladstone Plaza. Provisions were made where he could access his home via 69<sup>th</sup> Street, which is the south of the park, and enter his area by that route. Mr. Newhouse stated the parade route this year was a square, and nobody was allowing cross

traffic, even when the parade was stopped for the review stand. Mr. Newhouse said he sat for an hour and a half on the street during the parade waiting to get to his home.

Mayor Beer apologized to Mr. Newhouse, and said he did not believe it was anyone's intention to prevent people from having emergency access to their homes during the parade.

Mr. Newhouse stated even ordinary access is an issue.

Mayor Beer replied ordinary access during the parade is more difficult to try to accommodate. Mayor Beer continued by saying the City will do its best to alleviate problems in future years, and not provide any more disruption to Mr. Newhouse's life than is absolutely necessary. Mayor Beer said he hoped Mr. Newhouse understands.

Mr. Newhouse stated he does understand, and the festival itself does not bother him. There is not a noise or crowd problem and traffic problems are minimal. He does hear from people that "No Parking" signs are installed, and are not enforced.

Councilman Smith and Mayor Beer said they believed the enforcement of the "No Parking" areas could be easily addressed.

Mayor Beer thanked Mr. Newhouse for his support of the Gladfest activities.

Councilman Smith stated he did not want to offer any grand illusions. The fact of the matter is as long as the City has a parade, there is going to be some disruption in normal lives of neighboring residents. Councilman Smith said he does not think the City can solve that problem. There is an issue with businesses and residents, and the City needs to try to minimize the problems. The point of being able to leave or return to their homes in the event of an emergency and what people have to do to prove it is an emergency is a matter that the City needs to address. The City will work on that.

Mr. Newhouse said his wife has had knee replacements, and it was uncalled for that a City employee would stop her. It was not a police officer. The one police officer that was present was willing to let her go through the parade, while it was stopped. Mr. Newhouse said he had to listen to his wife on the phone for 45 minutes discussing this matter.

Mayor Beer thanked Mr. Newhouse for his comments, and said the City will try to minimize future problems.

Councilman Smith asked Parks and Recreation Director Sheila Lillis to forward Mr. Newhouse's concerns to the Gladfest Committee at their next meeting.

Anita Newsom, 7401 North Wabash, stated during the time she served on the City Council, Council members worked very deliberately and diligently on a sign code in order to preserve the freedom of speech, as well as to preserve the look and feel of

neighborhoods and address the trash that comes with political signs. Ms. Newsom said she has called City Hall a number of times on signs that are in violation, whether they are in the casements, are oversized in residential areas, and so forth. As of tonight, Ms. Newsom said, those signs are still in place.

Ms. Newsom said when she served on City Council, two Code Enforcement Officers were added to City staff. Ms. Newsom stated she endorses free political speech and has two political signs in her yard with two more coming, all within the size, number, and placement restrictions in place with the City. Political candidates know there are restrictions with political signs and Ms. Newsom said she does not believe the excuse they don't know or they are uninformed is a valid excuse. There should not be oversized signs in a residential area and they should be placed appropriately. Some sort of information should be given to those folks to inform them they are not in compliance.

Ms. Newsom stated the attitude that bothers her is that "in a few weeks the signs will all be gone anyway". This is not fair to the people who are compliant and following the rules. If someone is compliant and follows the rules, they place the signs behind the right of way, and buy signs of the proper size. The people that are noncompliant, place signs in the right of way, blocking vision and place over-sized signs in residential areas, and are breaking the rules. If the City does not do stringent enforcement of this, we are letting them get by with it and they are receiving the favor of the City by the City not enforcing the compliance of the issues. Ms. Newsom stated she hopes City Council members will embrace her concern and make it their own. Ms. Newsom thanked City Council members.

Mayor Beer said the right people are in attendance tonight to address this issue.

City Manager Kirk Davis stated he was aware of some oversized signs in residential areas and City staff has tried to work through the candidates to get those signs removed as quickly as possible. Sometimes that is a difficult process, but that is not an excuse. What Ms. Newsom is saying is fair and accurate and the City needs to be a little more aggressive.

Councilman Smith suggested that the enforcement procedures for that section of the sign ordinance be reviewed, because he believes part of the mentality is by the time the signs are put up, and the proper notices are received, the election is over; therefore there is really no penalty. Perhaps, as a City, we need to review how we address that particular sign standard since it is somewhat time sensitive. Councilman Smith said he agrees it needs to be a level playing field for everyone.

Mayor Beer stated in most elections, the period of time in which the political signs are up is a lot shorter, and probably Councilman Smith's analysis is quite correct. With this particular election, however, signs are up for a great deal longer, and there is enough time in this instance to deal with it. If a candidate is notified once on a sign, he knows the ordinance for all signs that may be subsequently picked up and should not need another notice for subsequent signs. That may remedy some of the situation. Mayor Beer said he agreed that all candidates should be on the same playing field with the same set of plans. If



there are one or others that feel they must be an exception, then they are going to have to deal with the consequences of that thinking and those actions.

Councilman Smith suggested Staff review this matter and bring recommendations to City Council as to how to attain that goal.

City Manager Davis asked for the opportunity to look at the issue. It is a much more difficult and complicated process than can be explained here, including the entry on private property and so forth that is somewhat limiting. City Manager Davis asked for the opportunity for Staff to look at this issue to see if the ordinance can be remedied and the process expedited.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Joe Evans** stated to Mr. Newhouse that he does feel his pain in regard to in and out access. Councilman Evans said he had a difficult time getting from the east side of the City to the west side the morning of the Gladfest parade, and was turned around by five officers, who were not Gladstone officers. Gladstone officers do a very good job. Councilman Evans stated he started about 8:45 to go from the east side of town to the west side to pick up the man who was going to drive him in the parade. It took 45 minutes to make that trip, that is normally a two to three minute trip, and made him late for the parade.

**Councilman Les Smith** told Mr. Newhouse someone from the City will communicate with him at some point as to what the City can do or not able to do.

Councilman Smith stated during the Council's Open Study Session, there was a Municipal Pool Report from Parks and Recreation Director Sheila Lillis. Councilman Smith said one point he would like to make is that it was discussed at length a year ago whether to make capital improvements at the pool, and it was decided to make some improvements and reinvest in the pool. Although daily paid attendance at the pool was down this year, memberships increased 4.5 percent over 2003. Staff attributes the gain in membership to the facility upgrade, and that shows the value and validity in reinvesting in the small business that is the municipal pool. Councilman Smith said he believes City Council made a wise decision and he hopes this is looked at again in the future.

**Councilman Bill Cross** thanked City Clerk Cathy Swenson, and her husband, Kurt Swenson for getting the convertibles and making them so comfortable to ride in during the parade. Councilman Cross said he felt Gladfest was a success and City staff did an excellent job working many hours at Gladfest. Councilman Cross expressed his appreciation to all who worked at Gladfest, which drew thousands of people.

Councilman Cross stated he and Mayor Beer had the opportunity to attend a Mid America Regional Council Insurance Trust (MARCIT) meeting over the weekend, and it was quite a learning experience. Councilman Cross told City Manager Davis he received many

favorable remarks on his new City shirt, and thanked City Manager Davis for the shirt. Whoever made the selection did an excellent job.

Councilman Smith said everyone works very hard at Gladfest, especially our City staff. One of the areas in which we needed to improve last year was keeping the park clean. Councilman Smith reported our City's Parks and Recreation Director, Sheila Lillis was out Saturday afternoon picking up trash on the street, and is to be commended for that and the example she sets for her Staff. It is little things like this that make people special, and she did a special job. Councilman Smith said he wanted Director Lillis to know he recognized that.

**Mayor Wayne Beer** stated he saw Director Lillis do the same thing on Sunday morning. Director Lillis is a fine example of the dedication that the employees of this City provide to the City. Mayor Beer thanked Director Lillis. Mayor Beer said although the weather was cool Friday night and Saturday night, Gladfest came off quite well. The vendors with whom Mayor Beer spoke said if they had hot food, they did pretty well on the cool nights. Those vendors who had cold food and beverages did not do as well. The crowds seemed to be pretty good, especially given the weather. Mayor Beer said Gladfest was a success because of all the volunteers, City staff, and Chamber members.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

**City Manager Kirk Davis** congratulated Chamber members on a successful Gladfest and thanked Council members for the cudos for Staff, who worked very hard at Gladfest and did a good job.

**Item 9. on the Agenda.**

**PUBLIC HEARING** on a request for a Special Use Permit subject to certain conditions to Joyce Vogt for operation of a nail salon on property located at 2201 NE 56<sup>th</sup> Terrace. Applicant/Owner: Joyce Vogt. File No. 1236.

Mayor Wayne Beer 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 Ms. Vogt is requesting the renewal of a Special Use Permit that was originally approved by City Council in 2003 for a one-year term. The renewal would allow continued operation of a nail salon in the home at 2201 NE 56<sup>th</sup> Terrace. Staff is recommending approval of the renewal for a period of five years. The Planning Commission is recommending unanimously by a vote of 8 in favor to renew the Special Use Permit for five years. There were two members who abstained from the vote, but it was an unanimous vote.

Mayor Beer asked if there have been complaints from the neighbors.

Mr. Wingerson replied there have been no documented complaints. One neighbor called prior to the Planning Commission hearing, but didn't speak about her concerns. She was invited to attend the Planning Commission or City Council Public Hearing, and did not appear at the Planning Commission Public Hearing. The rest of the neighbors appear to be very supportive.

Mayor Beer asked if Ms. Vogt is in full compliance with Staff recommendations.

Mr. Wingerson replied yes, Ms. Vogt is in compliance with Staff recommendations.

**Applicant Presentation**

Ms. Vogt thanked the City for Gladfest. She had a garage sale that weekend, which is the best she has had. Ms. Vogt said she only has one nail salon customer at a time and the neighbors were surprised she had this service in her home. Ms. Vogt said there have been no complaints and she has great neighbors.

**There were no comments in FAVOR or OPPOSITION to the application.**

Mayor Beer closed the Public Hearing.

**Item 9a. on the Agenda.** **FIRST READING BILL NO. 04-42**, approving a Special Use Permit subject to certain conditions to Joyce Vogt for operation of a nail salon on property located at 2201 NE 56<sup>th</sup> Terrace. Applicant/Owner: Joyce Vogt. File No. 1236.

Councilman Joe Evans moved to place Bill 04-42 on First Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the First Reading of Bill 04-42, Waive the Rule and place the Bill on Second and Final Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the Second and Final Reading of Bill 04-42 and enact the Bill as **Ordinance 3.933**. Councilman Bill Cross seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Wayne Beer. (4-0)

**Item 10. on the Agenda.** **RESOLUTION R-04-72**, authorizing execution of a contract with Harmon Construction, Incorporated, in the total amount not to exceed \$599,038.00 for the Public Safety Headquarters Renovation. Project 025603.

Councilman Les Smith moved to approve **RESOLUTION R-04-72**, authorizing execution of a contract with Harmon Construction, Incorporated, in the total amount not to exceed \$599,038.00 for the Public Safety Headquarters Renovation. Project 025603. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Wayne Beer. (4-0)

**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 or comments from the News Media.


**Item 13. on the Agenda.**      **ADJOURNMENT.**

Councilman Bill Cross made a motion to adjourn to Closed Executive Session pursuant to the Missouri Open Meeting Act exemption 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Councilman Joe Evans seconded the motion.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Wayne Beer. (4-0).

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Wayne Beer



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, OCTOBER 25, 2004**

**OPEN STUDY SESSION: 7:00 PM**

**REGULAR MEETING: 7:30 PM**

**AMENDED A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular October 11, 2004 City Council Meeting Minutes.**
- 4a. **PROCLAMATION: DESIGNATING NOVEMBER 1, 2004 AS "FAMILY LITERACY DAY" IN GLADSTONE. SPONSOR: WILLIAM BOYDSTON CHAPTER NATIONAL SOCIETY DAUGHTERS OF THE AMERICAN REVOLUTION.**
5. **CONSENT AGENDA**

**RESOLUTION R-04-73**, authorizing acceptance of work under contract with Harmon Construction for the Gladstone City Hall Addition and authorizing final payment in the amount of \$2,000.00 for Project 036015.

**RESOLUTION R-04-74**, authorizing acceptance of a proposal from Shawnee Mission Ford for the purchase of a 4x4 Pick-Up Truck with Snowplow for the net purchase amount of \$33,335.

**RESOLUTION R-04-75**, authorizing execution of amendments to the current Water Tower Antenna Site Leases with Sprint Corporation for the Antioch and Linden Water Tower Locations.

**RESOLUTION R-04-76**, accepting Temporary Construction Easements and Permanent Easements from property owners in conjunction with the Northeast 67<sup>th</sup> and Forest Storm Drainage Project. (045033).

**APPROVAL OF BUILDING PERMIT:** for the addition of an awning on the east side of Meadowbrook United Methodist Church, 2800 NE 64<sup>th</sup> Street.  
Applicant/Owner: Meadowbrook United Methodist Church. (BP 04-1075)

**APPROVAL OF BUILDING PERMIT:** for interior and exterior remodeling at Chapel Hill Elementary School, 3220 NE 67<sup>th</sup> Terrace. Applicant: Wellner Architects, Inc  
Owner: North Kansas City School District. . (BP 04-1030)

**APPROVAL OF AN ANNUAL LIQUOR LICENSE RENEWAL WITH A NEW MANAGING OFFICER:**  
SAA, Inc., dba Dominic Pizza & Pasta, 6300 North Oak Trafficway, Beer and Wine License. New Managing Officer: Dominic C. Spino

**APPROVAL OF FINANCIAL REPORTS FOR SEPTEMBER 2004.**

**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 subject to certain conditions for Kevin Jamison for operation of a law practice on property at 2501 NE 64<sup>th</sup> Street.  
Applicant/Owner: Kevin Jamison. File No. 1237
- 9a. **FIRST READING BILL NO. 04-43,** granting a Special Use Permit subject to certain conditions to Kevin Jamison for operation of a law practice on property at 2501 NE 64<sup>th</sup> Street.
10. **PUBLIC HEARING:** on a request to rezone from R-1 (Single Family Residential) and C3 (Commercial District) to CP-2 (Commercial District Planned) and a Site Plan Revision at property located at 5711 N. Antioch Road, including the vacant parcel to the north and east. Applicant/Owner: Terry Morgason. (File #1204)

**AUDIENCE NOTE:** This Public Hearing will be opened and immediately continued to the Monday, November 8, 2004, City Council Meeting pending a recommendation from the Planning Commission.

11. **Other Business.**
12. **Questions from the News Media.**
13. **Adjournment.**



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

**MONDAY OCTOBER 25, 2004**

**PRESENT:** Mayor Wayne Beer  
Mayor Pro Tem Carol Rudi  
Councilman Bill Cross  
Councilman Les Smith  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Councilman Joe Evans

Mayor Wayne Beer opened the Regular October 25, 2004, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR OCTOBER 11, 2004  
CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular October 11, 2004, City Council Meeting Minutes as presented. Councilman Les Smith seconded the motion.

Mayor Pro Tem Carol Rudi explained that as she was not at the October 11, 2004, City Council meeting, she would be abstaining from voting on approval of the minutes.

The vote: "Aye" – Councilman Les Smith, Councilman Bill Cross and Mayor Wayne Beer. "Abstain" – Mayor Pro Tem Carol Rudi. (3-0-1)

Mayor Beer introduced and welcomed Chad Cope from Boy Scout Troop 180, and his mother, Mary Cope. Mr. Cope is working on the Boy Scout *Citizenship in the Community* merit badge.

**Item 4a. on the Agenda.** Mayor Wayne Beer read a **PROCLAMATION** designating NOVEMBER 1, 2004, as "FAMILY LITERACY DAY" in Gladstone. Sponsor: William Boydston Chapter National Society Daughters of the American Revolution. Mayor Beer presented the proclamation to Freddie Nichols, Regent of the William Boydston Chapter National Society Daughters of the American Revolution. Mayor Beer thanked Ms. Nichols for the service her organization provides to the community. Ms. Nichols thanked Mayor Beer and City Council members.

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

Following the Clerk's reading, Mayor Beer requested Building Permit BP 04-1030, for interior and exterior remodeling at Chapel Hill Elementary School, be removed from the Consent Agenda to be considered as Item 5a. under the Regular Agenda. Councilman Bill Cross moved to accept the Consent Agenda as amended. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0).

**CONSENT AGENDA DETAIL:**

Councilman Bill Cross moved to approve **RESOLUTION R-04-73**, authorizing acceptance of work under contract with Harmon Construction for the Gladstone City Hall Addition and authorizing final payment in the amount of \$2,000.00 for Project 036015. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

Councilman Bill Cross moved to approve **RESOLUTION R-04-74**, authorizing acceptance of a proposal from Shawnee Mission Ford for the purchase of a 4x4 Pick-Up Truck with Snowplow for the net purchase amount of \$33,335.00. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

Councilman Bill Cross moved to approve **RESOLUTION R-04-75**, authorizing execution of amendments to the current Water Tower Antenna Site Leases with Sprint Corporation for the Antioch and Linden Water Tower locations. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)



Councilman Bill Cross moved to approve **RESOLUTION R-04-76**, accepting Temporary Construction Easements and Permanent Easements from property owners in conjunction with the Northeast 67<sup>th</sup> and Forest Storm Drainage Project 045033. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

Councilman Bill Cross moved to approve a **BUILDING PERMIT** for the addition of an awning on the east side of Meadowbrook United Methodist Church, 2800 NE 64<sup>th</sup> Street. Applicant/Owner: Meadowbrook United Methodist Church. (BP 04-1075). Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

Councilman Bill Cross moved to approve an **ANNUAL LIQUOR LICENSE RENEWAL WITH A NEW MANAGING OFFICER** to SAA, Incorporated, dba Dominic's Pizza & Pasta, 6300 North Oak Trafficway, for a Beer and Wine License. Managing Officer: Dominic C. Spino. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

Councilman Bill Cross moved to approve the **FINANCIAL REPORTS FOR SEPTEMBER 2004**. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

## **REGULAR AGENDA**

**Item 5a. on the Agenda.** **APPROVAL OF A BUILDING PERMIT:** for interior and exterior remodeling at Chapel Hill Elementary School, 3220 NE 67<sup>th</sup> Terrace. Applicant: Wellner Architects, Incorporated. Owner: North Kansas City School District. (BP 04-1030)

Councilman Les Smith moved to approve the Building Permit for interior and exterior remodeling at Chapel Hill Elementary School, 3220 NE 67<sup>th</sup> Terrace. Applicant: Wellner Architects, Incorporated. Owner: North Kansas City School District. (BP 04-1030). Mayor Pro Tem Carol Rudi seconded.

Mayor Beer asked for clarification from City staff regarding emergency vehicle access to the rear of Chapel Hill Elementary School. The emergency vehicle access road was a compacted granular roadbed overlaid with sod and in approximately the same position as the new emergency access road. The proposed road does not go all the way around the building to provide full access to the rear of the building. Mayor Beer asked if this is no longer necessary.

Assistant City Manager Scott Wingerson agreed with Mayor Beer that the application proposes to use the gravel bed as a sub grade with some work to provide a full service

access driveway. There will be a separator, not for the public, but for emergency and school district service personnel.

Mayor Beer replied he did understand that, but it stops at the new addition, whereby up to this point the road provided access all the way around the building, which is something we do not now have in this proposal.

Assistant City Manager Wingerson stated he believed the proposed road terminates in part of the existing playground and would be available for emergency and school district access. The road does not go all the way around the building, but the other side of the building is protected by the parking lot on the north. From one direction or the other Public Safety can have full access to the structure, except for a very small portion at the northeast corner that is adjacent to a field.

Mayor Beer said in the proposal there is an entire section of the structure in what would be described as the interior portion of the "U" shape that would be inaccessible to emergency vehicles. Is that acceptable to Public Safety?

Mr. Wingerson replied that Public Safety personnel reviewed the plans and has recommended approval, which is one of the review steps before coming before City Council.

Mayor Beer asked Mr. Wingerson if he was comfortable with the emergency access.

Mr. Wingerson replied, yes, and in fact there was an internal discussion with Building Official Alan Napoli about this very subject, although he is not the Fire Marshall.

Mayor Beer stated there are many young children in that building and that is the part that concerns him, the access to those children.

Mr. Wingerson replied Staff would take another look at this proposal, if it is Council's desire.

Mayor Beer stated he felt that would be a good idea.

Councilman Les Smith inquired into the time frame for commencing construction.

Mr. Wingerson said he did not know the time frame to commence construction, but suggested the concerns raised by Mayor Beer be addressed.

Mayor Beer asked if would be possible to make conditional approval of the Building Permit subject to satisfaction of the questions raised tonight, which is emergency access in compliance with the City's Fire Code.

Councilman Smith sought confirmation from City Counselor David Ramsay that for a Building Permit to be approved, it must be in compliance with the City's codes and ordinances.

Mr. Ramsay replied that was correct.

Councilman Smith stated the motion could be voted on as made and seconded, and upon further review, if the ruling on the field does not stand, then there would have to be compliance before Staff would issue the Building Permit. City Council is approving a Building Permit conditioned upon the applicant meeting all the City's codes and ordinances.

The vote: All "aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0)

**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 Les Smith** addressed City Manager Kirk Davis by saying that a few weeks ago he asked for some additional Public Safety Activity Reports. Councilman Smith asked if an analysis would accompany the reports.

City Manager Davis replied that an analysis would accompany the reports.

Councilman Smith asked if this information is not available for this week's City Council packets, that the statistics be distributed to City Council members.

**Councilman Bill Cross** had no comments at this time.

**Mayor Pro Tem Carol Rudi** asked Parks and Recreation Director Sheila Lillis to discuss the upcoming event in Oak Grove Park.

Parks and Recreation Director Sheila Lillis reported there would be a story telling event from 6:00 PM to 10:00 PM, on October 29<sup>th</sup>, in Oak Grove Park. This event is co-sponsored with the Gladstone Area Chamber of Commerce and the Northland Optimist Club. There will be costume and scream contests, and story telling by Steve Otto. Events will begin for the younger children at 6:00 PM with events for the older children beginning at 7:30 PM. Director Lillis stated this would conclude the events for the year at the Gladstone Amphitheatre.

**Mayor Wayne Beer** invited all to attend the November 23<sup>rd</sup>, Mayor's Holiday Tree Lighting Ceremony at 6:00 PM at the Antioch Branch of First Bank of Missouri. The set-

up date for the tree is Saturday, November 13<sup>th</sup>, at 9:00 AM. Mayor Beer encouraged City Council members to attend the Land Use Seminar sponsored by the Mid America Regional Council Insurance Trust (MARCIT). The seminar is December 8<sup>th</sup>. Mayor Beer asked Assistant City Manager Wingerson to encourage members of the Planning Commission to also attend. This is a no cost seminar. Mayor Beer announced Melinda Mehaffy, who was the Executive Director of the Liberty Chamber of Commerce, has accepted the position of our new Economic Development Administrator. Mayor Beer invited everyone to welcome Ms. Mehaffy when she begins work for our City.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reported 8:00 AM to 5:00 PM, November 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> are the dates for the brush disposal at the Public Works facility. City Manager Davis reminded Council members of the Employee Recognition Dinner on Saturday, November 6<sup>th</sup>.

**Item 9. on the Agenda.**

**PUBLIC HEARING** on a request for a Special Use Permit subject to certain conditions for Kevin Jamison for operation of a law practice on property at 2501 NE 64<sup>th</sup> Street. Applicant/Owner: Kevin Jamison. File No. 1237.

Mayor Wayne Beer 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 is requesting a Special Use Permit to allow the operation of a law office. The law office includes the applicant and one assistant. The zoning ordinance provides the ability to apply for a Special Use Permit in zoning districts that are lower than are normally required. In this particular case Commercial Office (CO) zoning would be required. If City Council were to approve this request, it would be approved in a R-1 single family zoning classification. In a lot of ways this request resembles a home occupation with a notable exception that there is not a proposed resident. However the home occupation standards are designed to ensure compatibility with the neighborhood and are applicable in this case as it relates to the main issue, which is whether this request is compatible with the surrounding neighborhood. Mr. Wingerson reported this is a corner property surrounded to the south, east and west with single-family housing, and to the north the zoning is Planned Cluster Housing that is undeveloped at this time.

Mr. Wingerson explained in the home occupation standards there are eight requirements that are on the "litmus test" for the Planning Commission in making a recommendation and the City Council in making a decision. In this case four of the eight requirements differ. The application differs from what the zoning ordinance would consider compatible with the surrounding neighborhood. For example the zoning ordinance requires that no patrons or other evidence of the occupation is discernable at the perimeter of the property. Clearly

the law practice would have patrons and the activity would be discernable, as it is a business operation. Another example is the requirement that no signs advertising the occupation may be erected on the property. The application is unclear on this specific point, however Mr. Jamison did say there would be a small sign on the property; again not completely defined. A requirement is the residential appearance of the dwelling shall not be changed by alterations or additions for business or commercial uses. Mr. Wingerson said he did not think the applicant is proposing any physical addition to the structure, however he intends to comply with American with Disabilities Act (ADA) requirements relative to the building code.

The zoning ordinance goes on to say that 25 percent of the total floor area may be utilized for business. In this application nearly 100 percent of the floor area would be used for business. The zoning ordinance says such home occupations shall be carried on exclusively by members of the family. In this particular application, that would not be the case. Mr. Wingerson reported Staff is recommending that this application is not compatible with the existing neighborhood and should not be approved. The Planning Commission voted on a positive motion 1 vote to 7 votes and recommends that this application not be approved.

#### **Applicant Presentation**

Mr. Kevin Jamison, 2410 NE 65<sup>th</sup> Terrace, began by saying it has been desirable for some time that he have his office in a building that he owns. His own home is not conducive to convert into an office, largely because there is no place to park vehicles. Mr. Jamison said the property at 2501 NE 64<sup>th</sup> Street that is being discussed kind of fell into his lap and is three doors away from commercial property to the east and two blocks from Antioch Middle School on the west. Mr. Jamison said his understanding is there will be commercial property across the street to the north and there is residential property to the south. Mr. Jamison said the conversion to a one-man law office is not going to have significant impact on the neighborhood, and would be a buffer for perspective commercial development that is coming in to the north. Mr. Jamison said he has seen people examining that property and he assumes they intend to develop it.

Mr. Jamison continued by saying the only changes to the exterior of the property involves a sign and a parking lot. The sign is a scale of justice to show people that they have found Mr. Jamison and would have less impact than a holiday decoration. The parking lot was of some concern to the Planning Commission as they were concerned with people backing out onto 64<sup>th</sup> Street, which they thought was dangerous. Mr. Jamison agreed and said he has no intention of backing out onto 64<sup>th</sup> Street. There is a hill to the east and it is an accident waiting to happen. The current resident of the house recognizes this and does not use the existing driveway. Instead she has dropped some gravel on the west side of the house and parks her cars on that side of the house. This may be a violation of a City zoning code, but it is better than being run into by a school bus.

Mr. Jamison reported the entrance to the proposed parking lot would be off of North Wabash, a side street, which is easily accessible and easily converted into an access for parking. Replacing the existing gravel with a concrete slab would improve the appearance of the property. Mr. Jamison said he would not be living at this address at this time, but he may live there in the future. With his sons having moved on, he no longer needs the house he has, and this may be a place he can use as an office and residence. Mr. Jamison said this would require a nonconforming use. The zoning codes are designed to keep up the character of the neighborhood, but exceptions are allowed, because the codes cannot envision all possible uses and impacts on a neighborhood. Mr. Jamison explained his proposed use maintains the character of the neighborhood and it will actually improve the looks of the property.

**There were no comments in FAVOR or OPPOSITION to the application.**

**Mayor Beer closed the Public Hearing.**

Mayor Pro Tem Carol Rudi stated she did have a question for Mr. Wingerson.

Mayor Beer re-opened the Public Hearing.

Mayor Pro Tem Carol Rudi asked Mr. Wingerson if there is currently a curb cut from the property to North Wabash.

Mr. Wingerson replied there is a roll over curb in that general vicinity, so he believes the proposed driveway and the existing gravel would tie in with the roll over curb, which is pretty typical in this neighborhood.

Mr. Jamison remarked it is really not a curb, but rather a concrete gutter. The current occupant uses the roll over curb to access the gravel driveway and this works out very well. The entire length of that flank of the property has this type of curb.

Mayor Beer closed the Public Hearing.

**Item 9a. on the Agenda.**      **FIRST READING BILL NO. 04-43**, granting a Special Use Permit subject to certain conditions to Kevin Jamison for operation of a law practice on property at 2501 NE 64<sup>th</sup> Street. Applicant/Owner: Kevin Jamison. File No. 1237.

Councilman Les Smith moved to place Bill 04-43 on First Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 04-43, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Carol Rudi seconded.

Mayor Pro Tem Rudi stated she had mixed feelings with this proposal, and she believes there is definitely the possibility of improving the property. However, Councilman Rudi said, she believes this proposal is too intrusive into an R-1 area, and there are some cluster homes zoned across the street. Councilman Rudi said if Mr. Jamison were living in the house, she would be willing to give the application more consideration, but at this point, Councilman Rudi said she could not vote in favor of this Bill.

Councilman Smith asked City Counselor David Ramsay if he were correct, that in order to Waive the Rule and give a Bill multiple readings at the same meeting, it would require a unanimous vote of City Council members present.

Counselor Ramsay agreed that was correct.

Councilman Smith asked if a vote that was not unanimous would kill the Bill or only mean that City Council cannot give the Bill two readings.

Counselor Ramsay replied it would only postpone the second reading of the Bill.

Councilman Smith sought confirmation that in order to take a final roll call vote on this item, all City Council members would need to vote in the affirmative to Waive the Rule and allow multiple readings of the Bill for this evening's meeting.

Counselor Ramsay agreed that was correct.

Mayor Beer stated there are a number of issues dealing with when it is appropriate to make exceptions to a particular area, and there are a number of issues with which he has concerns. One concern is the five-car parking lot. From a commercial viewpoint it might improve the looks of the structure, but the fact remains this is an R-1 zoned area. Mayor Beer said he is not in agreement that the five-car parking lot is not more of an intrusion to an R-1 area than is desirable. Mayor Beer said Special Use Permits generally do not permit signs, and signs have not been permitted up to this point. Mayor Beer said he is not sure he is ready to do so now.

Mayor Beer continued by saying there was a similar situation some weeks back on the other end of Wabash at its juncture with North Oak Trafficway, which was a real estate project, that was of a similar nature as this request in that it was a fairly low intensity use. It was still, never the less, in a nearly exclusively R-1 zoned area. City Council felt at that time that application was too intrusive upon the residential character of the neighborhood. Mayor Beer said he is still in agreement with that same position now with this project. One of the real issues with Special Use Permits is the percentage of use of the total floor area. Up to this point only 25 percent of the floor area has been permitted for purpose of a business. In this particular case we are looking at 100 percent, with no assurance it would ever be changed. Mayor Beer said given these circumstances, he would not be voting in favor of this application.

Councilman Bill Cross stated he felt significant study has gone into this application by administrative staff and the Planning Commission and they are not recommending acceptance of this application. Based on their recommendation and what some neighbors have reported, he feels it would be difficult to vote in favor of this application.

Mayor Beer stated he was in agreement with Mr. Jamison that City ordinances cannot answer in advance all questions to all circumstances in all situations. Mayor Beer said he believes in this particular case there are too many exceptions, and this proposal does not seem to him to be the proper use of the property given the location.

Mayor Pro Tem Carol Rudi sought clarification from City Counselor David Ramsay that in order to complete the process tonight, a unanimous "yes" vote on the motion would be necessary to allow City Council members to move to the third portion in consideration of the Bill.

City Counselor Ramsay confirmed that was correct.

The vote: "Aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi. "Nay" – Mayor Wayne Beer. (3-1).

Mayor Beer explained the Second Reading would occur at the next City Council meeting, November 8, 2004. The approval of this Special Use Permit will be delayed at the least until the next City Council meeting.

**Item 10. on the Agenda.** PUBLIC HEARING: on a request to rezone from R-1 (Single Family Residential) and C3 (Commercial District) to CP-2 (Commercial District Planned) and a Site Plan Revision at property located at 5711 N. Antioch Road, including the vacant parcel to the north and east. Applicant/Owner: Terry Morgason. (File #1204)

Mayor Beer opened the Public Hearing and immediately continued the Public Hearing to the Monday, November 8, 2004, City Council meeting pending a recommendation from the Planning Commission.

**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 or comments from the News Media.

**Item 13. on the Agenda.** ADJOURNMENT.

There being no further business to come before the October 25, 2004, Gladstone City Council Meeting, Mayor Wayne Beer adjourned the Regular Meeting.



Respectfully submitted:

Cathy Swenson  
Cathy Swenson, City Clerk

Approved as submitted: ✓

Approved as corrected/amended:     

Wayne Beer  
Mayor Wayne Beer



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, NOVEMBER 8, 2004**

**OPEN STUDY SESSION: 6:15 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will hold a Closed Executive Session immediately following 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 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(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 25, 2004 City Council Meeting Minutes.
- 4a. **PROCLAMATION:** Recognizing **Dr. Thomas P. Cummings** Superintendent of North Kansas City Schools on being named 2005 Missouri Superintendent of the Year by the Missouri Association of School Administrators.
5. **CONSENT AGENDA**

**RESOLUTION R-04-77**, authorizing acceptance of work under contract with Metro Asphalt, Incorporated, for the 2004 Full Depth Replacement and 2004 Overlay Programs; and authorizing final payment in the amount of \$39,070.16 for Project 045002/055001.

**RESOLUTION R-04-78**, accepting Temporary Construction Easements and Permanent Easements from property owners in conjunction with the Northeast 67<sup>th</sup> and Forest Storm Drainage Project. (045033).

**RESOLUTION R-04-79**, authorizing acceptance of work under contract with Commercial Concepts and Furnishings for the New Fire Station; and authorizing final payment in the amount of \$3,982.71 for Project 025607.

**RESOLUTION R-04-80**, authorizing acceptance of work under contract with Holiday Contracting, Incorporated for the 67<sup>th</sup> Terrace, 58<sup>th</sup> Street, and Bellefontaine Circle Water Main Replacements; and authorizing final payment in the amount of \$27,492.94 for Project 0490.

**RESOLUTION R-04-81**, accepting Temporary Construction Easements and Standard Easements from property owners in conjunction with the Northeast 58<sup>th</sup> Street and North Broadway Street Improvements. Project 035034.

**RESOLUTION R-04-82**, approving a Resolution of Intent to participate in natural hazard mitigation and to work toward becoming a safer community.

**APPROVAL OF NEW CLASS "E" AND "H" 7 DAY BEER/WINE LICENSE**, Hy-Vee, Incorporated dba Hy-Vee Gas, 7121 North Prospect. Managing Officer: Steve Bindseil.

#### REGULAR AGENDA

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **SECOND READING BILL NO. 04-43**, granting a Special Use Permit subject to certain conditions to Kevin Jamison for operation of a law practice on property at 2501 NE 64<sup>th</sup> Street.
10. **CONTINUED PUBLIC HEARING**: on a request to rezone from R-1 (Single Family Residential) and C3 (Commercial District) to CP-2 (Commercial District Planned) and a Site Plan Revision at property located at 5711 N. Antioch Road, including the vacant parcel to the north and east. Applicant/Owner: Terry Morgason. (File #1204)

**AUDIENCE NOTE:** This Public Hearing will be opened and immediately continued to the Monday, December 13, 2004, City Council Meeting at the request of the applicant.

11. Other Business.
12. Questions from the News Media.
13. Adjournment.



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

**MONDAY NOVEMBER 8, 2004**

**PRESENT:** Mayor Wayne Beer  
Mayor Pro Tem Carol Rudi  
Councilman Bill Cross  
Councilman Les Smith  
Councilman Joe Evans  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Wayne Beer opened the Regular November 8, 2004, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR OCTOBER 25, 2004  
CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular October 25, 2004, City Council Meeting Minutes as presented. Councilman Les Smith seconded the motion.

The vote: "Aye" - Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi and Mayor Wayne Beer. "Abstain" - Councilman Joe Evans. (4-0-1)

**Item 4a. on the Agenda. Mayor Wayne Beer stated that listed on the Agenda is a  
PROCLAMATION recognizing DR. THOMAS P. CUMMINGS, Superintendent of the**

North Kansas City School District on being named the 2005 Missouri Superintendent of the Year by the Missouri Association of School Administrators. Mayor Beer explained that as no one was present at the meeting to accept the proclamation, he would not read the proclamation, but would make sure it is received by Dr. Cummings.

**Item 5. on the Agenda.**

**CONSENT AGENDA**

Following the Clerk's reading, Councilman Bill Cross moved to accept the Consent Agenda as presented. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

**CONSENT AGENDA DETAIL:**

Councilman Bill Cross moved to approve **RESOLUTION R-04-77**, authorizing acceptance of work under contract with Metro Asphalt, Incorporated, for the 2004 Full Depth Replacement and 2004 Overlay Programs; and authorizing final payment in the amount of \$39,070.16 for Project 045002/055001. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION R-04-78**, accepting Temporary Construction Easements and Permanent Easements from property owners in conjunction with the Northeast 67<sup>th</sup> and Forest Storm Drainage Project. (045033). Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION R-04-79**, authorizing acceptance of work under contract with Commercial Concepts and Furnishings for furnishings for the New Fire Station; and authorizing final payment in the amount of \$3,982.71 for Project 025607. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION R-04-80**, authorizing acceptance of work under contract with Holiday Contracting, Incorporated for the 67<sup>th</sup> Terrace, 58<sup>th</sup> Street, and Bellefontaine Circle Water Main Replacements; and authorizing final payment in the amount of \$27,492.94 for Project 0490. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION R-04-81**, accepting Temporary Construction Easements and Standard Easements from property owners in conjunction with the Northeast 58<sup>th</sup> Street and North Broadway Street Improvements. Project 035034. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans,

Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve **RESOLUTION R-04-82**, approving a Resolution of Intent to participate in natural hazard mitigation and to work toward becoming a safer community. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve a **NEW CLASS "E" AND "H" 7 DAY BEER/WINE LICENSE** for Hy-Vee, Incorporated dba Hy-Vee Gas, 7121 North Prospect. Managing Officer: Steve Bindseil. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (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 Joe Evans** had no comments at this time.

**Councilman Les Smith** stated he was proud to announce the City of Gladstone did pass County Question #1 by approximately 100 votes.

**Councilman Bill Cross** thanked the Administrative Staff and all involved in providing an enjoyable Employee Recognition Dinner last Saturday night. Councilman Cross encouraged all to join in setting up the Mayor's Holiday Tree on Saturday morning, November 13<sup>th</sup>, at 9:00 AM. Councilman Cross concluded by saying he was looking forward to the City Council Retreat on Thursday, November 11<sup>th</sup>.

**Mayor Wayne Beer** reported the Mayor's Holiday Tree is located in front of First Bank of Missouri on Northeast Antioch Road, and invited all to join him in setting up the tree on November 13<sup>th</sup> at 9:00 AM.

**Mayor Pro Tem Carol Rudi** stated there was information in the Council's packet about a LAGERS (Local Association of Government Employees Retirement Services) meeting. In the information, it reports the rate of returns are down slightly, which reminded Councilman Rudi that in preparing past City budget projections that LAGERS was an area where the City could incur a large bill. Mayor Pro Tem Rudi asked Finance Director Cash Swewen to briefly discuss this.

Finance Director Sweiven reported he and Matt Hoops, Parks and Recreation Facility Supervisor, attended the annual LAGERS meeting in Springfield, Missouri, and found the information very valuable. Director Sweiven stated that regarding the rates of return, actuarially it is attempted to achieve a 7.5 percent return to properly fund the plan. A chart in the report shows that the rates of return for the years 3 and 5 have been approximately 4 to 4.5 percent. The ten-year return has been 10 percent. Last year the rate of return was 16.4 percent, however currently the fund is back to single digit returns. The rate of return is just one of numerous calculations on which our contribution rate is based.

Director Sweiven said he believed a potential contribution increase of \$50,000 was stated in last year's report, and there is no amount stated this year. Director Sweiven stated because the rate of return has been over 7.5 percent for this last 12 months, ending June 30<sup>th</sup>, and LAGERS uses a 5-year smoothing average, it makes it very difficult for him to report what the dollar amount would be. Last year the City did not receive a rate increase due to the low rate of return, but it is possible we could this year. Director Sweiven stated he believes LAGERS does a good job with the City and the employees' money, but there may be an across the board increase, which he believes would be less than \$50,000. Director Sweiven shared a copy of the LAGERS annual financial report with City Council members.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis wished everyone a safe Thanksgiving holiday and reported the Mayor's Holiday Tree Lighting Ceremony is Tuesday, November 23<sup>rd</sup> at 6:00 PM at the Antioch Branch of First Bank of Missouri.

**Item 9. on the Agenda.**

**SECOND READING BILL NO. 04-43**, granting a Special Use Permit subject to certain conditions to Kevin Jamison for operation of a law practice on property at 2501 NE 64<sup>th</sup> Street.

Councilman Les Smith moved to place Bill No. 04-43 on its Second Reading. Mayor Pro Tem Carol Rudi seconded.

Councilman Joe Evans stated that due to his absence from the last City Council meeting, he would abstain from voting on this issue.

The vote: "Nay" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. "Abstain" – Councilman Joe Evans. (0-4-1).

Mayor Beer explained Bill No. 04-43 has failed.

**Item 10. on the Agenda.**

**PUBLIC HEARING:** on a request to rezone from R-1 (Single Family Residential) and C3 (Commercial District) to CP-2 (Commercial District Planned) and a Site Plan Revision at property located at 5711 N. Antioch Road, including the vacant parcel to the north and east. Applicant/Owner: Terry Morgason. (File #1204)

Mayor Beer opened the Public Hearing and immediately continued the Public Hearing to the Monday, December 13, 2004, City Council meeting at the request of the applicant.

**Item 11. on the Agenda.      OTHER BUSINESS.**

Councilman Les Smith stated he wished to echo the remarks of Councilman Cross regarding the Employee Recognition Dinner. Councilman Smith congratulated all who were nominated for Employee of the Year and the three winners of Employee of the Year. Councilman Smith continued by saying City Council speaks gloriously about the City employees and the dinner was an opportunity to recognize those employees.

Mayor Pro Tem Carol Rudi agreed with Councilman Smith's remarks.

**Item 12. on the Agenda.      QUESTIONS FROM THE NEWS MEDIA.**

There were no questions or comments from the News Media.

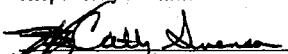
**Item 13. on the Agenda.      ADJOURNMENT.**


There being no further business to come before the November 8, 2004 Gladstone City Council Meeting, Mayor Wayne Beer adjourned the Regular Meeting.

Councilman Joe Evans moved to adjourn to Closed Executive Session pursuant to the Missouri Open Meeting Act exemptions 610.021(1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Councilman Bill Cross seconded the motion.


Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Wayne Beer





**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, NOVEMBER 22, 2004**

**REGULAR MEETING: 9:00 AM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular November 8, 2004 City Council Meeting Minutes.
5. **CONSENT AGENDA**

**APPROVAL OF A NEW SUNDAY PACKAGE LIQUOR LICENSE**, 786 Enterprises, dba Snappy Store, 4901 Old Pike Road. Managing Officer: Asif H. Kiayani.

**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 Site Plan at property generally located at 6051 North Chestnut. Applicant: DDG, Inc. Owner: Aly-Beck. (#1240).

**AUDIENCE NOTE:** This Public Hearing will be opened and immediately continued to the Monday, December 13, 2004, City Council Meeting pending a recommendation from the Planning Commission.

10. **PUBLIC HEARING:** for consideration of a Site Plan at property generally located at 5615 North Antioch Road. Applicant: United States Construction Owner: Sylvia Gould Trust. (#1241).

**AUDIENCE NOTE:** This Public Hearing will be opened and immediately continued to the Monday, December 13, 2004, City Council Meeting at the request of the applicant.

11. Other Business.
12. Questions from the News Media.
13. Adjournment.



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

**MONDAY NOVEMBER 22, 2004**

**PRESENT:** Mayor Wayne Beer  
Councilman Bill Cross  
Councilman Les Smith  
  
City Manager Kirk Davis  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Wayne Beer opened the Regular November 22, 2004, City Council Meeting at 9:00 AM in the Gladstone City Council Chambers.

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

As there was no audience present, there was no Pledge of Allegiance at this meeting.

**Item 4. on the Agenda. APPROVAL OF THE REGULAR NOVEMBER 8, 2004 CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular November 8, 2004, City Council Meeting Minutes as presented. Councilman Les Smith seconded the motion.

The vote: "Aye" – Councilman Les Smith, Councilman Bill Cross, and Mayor Wayne Beer. (3-0)

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

Following the Clerk's reading, Councilman Bill Cross moved to accept the Consent Agenda as presented. Councilman Les Smith seconded. The vote: All "aye" – Councilman Les Smith, Councilman Bill Cross, and Mayor Wayne Beer. (3-0).

**CONSENT AGENDA DETAIL:**

Councilman Bill Cross moved to approve a **NEW SUNDAY PACKAGE LIQUOR LICENSE**, for 786 Enterprises, dba Snappy Store, 4901 Old Pike Road. Managing Officer: Asif H. Kiayani. Councilman Les Smith seconded. The vote: All "aye" - Councilman Les Smith, Councilman Bill Cross, and Mayor Wayne Beer. (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.**

There were no communications from City Council members.

**Item 8. on the Agenda. COMMUNICATIONS FROM THE CITY MANAGER.**

There were no comments from City Manager Kirk Davis.

**Item 9. on the Agenda. PUBLIC HEARING:** for consideration of a Site Plan at property generally located at 6051 North Chestnut. Applicant: DDG, Inc. Owner: Aly-Beck. (#1240).

Mayor Beer opened the Public Hearing and immediately continued the Public Hearing to the Monday, December 13, 2004, City Council meeting pending a recommendation from the Planning Commission.

**Item 10. on the Agenda. PUBLIC HEARING:** for consideration of a Site Plan at property generally located at 5615 North Antioch Road. Applicant: United States Construction. Owner: Sylvia Gould Trust. (#1241).

Mayor Beer opened the Public Hearing and immediately continued the Public Hearing to the Monday, December 13, 2004, City Council meeting at the request of the applicant.

**Item 11. on the Agenda. OTHER BUSINESS.**

**Item 12. on the Agenda. QUESTIONS FROM THE NEWS MEDIA.**

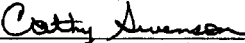
There were no questions or comments from the News Media.

Item 13. on the Agenda.

**ADJOURNMENT.**


There being no further business to come before the November 22, 2004 Gladstone City Council Meeting, Mayor Wayne Beer adjourned the Regular Meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

  
Mayor Wayne Beer



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, NOVEMBER 29, 2004**

**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, 2004 City Council Meeting Minutes.
5. **APPROVAL OF LIMITED ONE DAY BEER & WINE LICENSE** to St. Charles Borromeo Church, 804 Shady Lane Drive, for a parish event on Saturday, December 4, 2004. Hours: 6:00 PM - 12:00 Midnight. Managing Officer: Mr. Paul G. Danaher.
6. **PRESENTATION FROM GLADSTONE ON THE MOVE AND CITY STAFF.**

**REGULAR AGENDA**

7. Communications from the Audience.
8. Communications from the City Council.
9. Communications from the City Manager.
10. **FIRST READING BILL 04-44**, calling a General Election for the election of two positions to the Gladstone City Council on Tuesday, April 5, 2005, 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 04-45**, imposing a City Sales Tax at a rate of one-fourth of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the City of Gladstone, Missouri, to provide funding for a Community Center and City Parks, subject to the approval by the voters of the City at a Special Election to be held on Tuesday, February 8, 2005; calling an election for such purpose; designating the form of the ballot; and directing the City Clerk to provide notice of said election.
12. **FIRST READING BILL 04-46**, increasing the City Property Tax Levy by 39 cents per one hundred dollars of assessed valuation, subject to the approval by the voters of the City at a

Special Election to be held on Tuesday February 8, 2005; calling an election for such purpose designating the form of the ballot; and directing the City Clerk to provide notice of said election.

13. Other Business.
14. Questions from the News Media.
15. Adjournment.



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

**MONDAY NOVEMBER 29, 2004**

**PRESENT:** Mayor Wayne Beer  
Mayor Pro Tem Carol Rudi  
Councilman Bill Cross  
Councilman Les Smith  
Councilman Joe Evans

City Manager Kirk Davis  
City Counselor David Ramsay  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

Mayor Wayne Beer opened the Regular November 29, 2004, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR NOVEMBER 22, 2004 CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular November 22, 2004, City Council Meeting Minutes as presented. Councilman Les Smith seconded the motion.

The vote: "Aye" – Councilman Les Smith, Councilman Bill Cross, and Mayor Wayne Beer. "Abstain" – Mayor Pro Tem Carol Rudi and Councilman Joe Evans (3-0-2).



Mayor Beer explained for the audience that the last City Council meeting was a special circumstance meeting, which Councilmen Rudi and Evans were unable to attend, which is why they have abstained from voting on the minutes of that meeting.

**Item 5. on the Agenda.**      **APPROVAL OF LIMITED ONE DAY BEER & WINE LICENSE** to St. Charles Borromeo Church, 804 Shady Lane Drive, for a parish event on Saturday, December 4, 2004. Hours: 6:00 PM - 12:00 Midnight. Managing Officer: Mr. Paul G. Danaher.

Mayor Wayne Beer explained this application has been withdrawn at the request of the applicant.

**Item 6. on the Agenda.**      **PRESENTATION FROM GLADSTONE ON THE MOVE AND CITY STAFF.**

City Manager Davis began by saying it was his pleasure to introduce a proposal that is historical, very progressive, and reflects the community's vision and a future for our City. It is a vision that deals with the basic infrastructure of our City as well as a cultural fabric that can be interwoven into our community. It is a bold statement about our future.

City Manager Davis stated that for the past several months, dozens of citizens have been working on a future vision or strategic plan for our community. The effort has fittingly been called Gladstone on the Move. It is a vision that addresses both the basic needs of our community as well as the quality of life our citizens can and should expect. City Manager Davis said he was very proud to participate with Gladstone on the Move in moving forward their proposal, including a new community center all of our citizens can enjoy, and at the same time addressing the ambulance and emergency medical services our citizens should receive.

City Manager Davis continued by saying that on the agenda this evening is a proposal to certify ballot language for a February election that will help shape our future. Gladstone is a leader in the Northland; it is viewed as a progressive City – it has had a brilliant past. With this vision we can help assure it has a brilliant future, and that we are meeting the needs of our youth, our older adults, as well as the quality of life we all should expect from a progressive community.

City Manager Davis stated he would like to begin the presentation by asking Jean Moore and Don Horton, the Implementation Chairs of Gladstone on the Move to present this vision of Gladstone's future.

Jean Moore, Implementation Co-Chair for Gladstone on the Move, began the presentation, accompanied by PowerPoint slides, by saying in July, 2003, the Gladstone City Council approved a citizen-based project to evaluate current conditions in the City and recommend a long-range plan to ensure the vitality of this community. The Council established an Initiating Committee to develop a plan for this citizens' planning effort, and the National

Civic League agreed to serve as facilitator for the project. Gladstone on the Move – Citizens Making a Difference was born. Beginning in November of 2003, more than 100 Gladstone citizens began meeting to discuss their vision and goals for the future of this community, and to identify issues and areas of concern. This was a total grassroots effort, without additional involvement or participation by Council members or elected officials who might have a political agenda. From November 2003 through August 2004, this dedicated, hard-working group of individuals met 10 times as a large group and countless other times in small group settings to focus on six key performance areas or "KPAs": Business and Economic Development, Neighborhoods, Civic and Community Center, City Services, Education, and Identity and Regionalism. Each of these groups identified issues of concern for their KPA, their visions for the future, and strategies and action steps to meet their goals. Each of the six KPA groups presented their findings to the large group for discussion and ultimate endorsement by the entire group.

Ms. Moore reported the result from the efforts of Gladstone on the Move is a Community Plan for the future. It is a strategic plan, which categorizes three levels of priorities for the City—Phase I, Phase II and Phase III improvements. This plan has been submitted to the City Council and the City Council has endorsed the recommendations presented.

Don Horton, Implementation Co-Chair for Gladstone on the Move, reported the Gladstone on the Move committee worked seriously at engaging the public, and forming groups to work together to focus not only on our City issues, but also on the regional issues as they influence our City.

Mr. Horton said this effort also sought to bring forth new leaders with an emphasis on Open Government. In turn, this effort aimed toward improved communication to and from the citizens of the community.

Ms. Moore stated an essential component of the Gladstone on the Move Vision Statement, presents the view of Gladstone as a highly desirable residential and business location. The Business and Economic Development key performance area identified the need for comprehensive commercial redevelopment in the city, including the design and implementation of a commercial and residential land use plan and the revitalization of existing business areas.

Mr. Horton reported the second item, Residential Redevelopment, seeks to bring substandard areas up to par by using developers' plans and the work of groups like Neighbors Helping Neighbors.

Mr. Horton stated a third item, Quality Housing Codes, is hoped to be achieved by the enforcement of the City codes currently in place, through standards of code enforcement, and by improving and enhancing codes as necessary to maintain a pleasant, viable and healthy community.

Mr. Horton reported that regarding a fourth item, Enhanced Public Safety, the Gladstone on the Move committee supports the enhancement of the Public Safety Department and improvement of ambulance services. Mr. Horton stated, last but not least, the Committee seeks the improvement of our neighborhoods with additional lighting to improve safety and deter crime, and additional sidewalks to enhance the health of our citizens.

Ms. Moore reported the development of Village Centers became a central focus for the Gladstone on the Move vision. This was an idea that continually generated interest and enthusiasm from the citizen participants. The vision for this concept is one or more areas of the City that are pedestrian friendly, offer a mix of retail, residential, office space, entertainment and dining opportunities and are accessible by city transit options. These busy, vibrant areas create an identity for the City. They create excitement; they become a destination for area residents and visitors alike, and establish a *sense of place* in our community.

Mr. Horton stated the recommendations from the Gladstone on the Move committee include a new community center. The committee views this facility as a link to draw the entire community into the civic center of our City. Additional streetlights and sidewalks will improve the safety of our citizens, and the improvement of neighborhood services will improve neighborhoods and help citizens with their property.

Ms. Moore said other recommendations include the improvement and enhancement of the commercial areas of the City, including the development of Village Centers and the creation of a real "downtown" destination area, along with the revitalization of existing commercial spaces, and finally the exploration and development of public transit opportunities for Gladstone citizens

Ms. Moore concluded by introducing Sheila Lillis, Director of Parks and Recreation, to further explain the Gladstone on the Move committee's recommendation for the development of a community center and to present some ideas about the proposed plan.

Parks and Recreation Director Sheila Lillis began by saying in January 1999, the City contracted with Sports Management to conduct a feasibility study for a possible community center. Included in this study was a citizen survey and multiple resident meetings were held to gather input. However, due to other City and Council priorities, the decision was made to hold on the implementation process.

Director Lillis continued by saying that in August 2004, the Gladstone on the Move final report to City Council recommended that a community center be included in the Phase 1-core improvements. City staff then enlisted the services of Ballard \* King to review and update the 1999 feasibility study.

An additional piece of this proposed structure includes significant improvements to the Municipal Pool. These improvements are based upon the 2003 Municipal Pool Master Plan. Discussion was held by the Gladstone on the Move Committee regarding budget

parameters for the construction and operating costs of a community center, prioritization of facility and program components, development of phased site and facility plans, and facility benchmark analysis to other community centers in our neighboring communities, as well as Missouri at large. Another component discussed was an update to operations proforma.

Director Lillis continued by saying the proposed community center facility program amenities would include public areas, a lobby, exhibit areas, on-site child care, and a conference center large enough to handle 250 people that could be broken down to two rooms. Other amenities would be a kitchen with storage, a wellness and fitness area, including cardiovascular aerobics and a walking track, a multipurpose gym with two basketball courts, and support areas, which include locker rooms and storage space. An administration office is also included in the proposed amenities.

Director Lillis reported the proposed community center would be approximately \$6.3 million, with the municipal pool improvements estimated at approximately \$1 million. The total estimated cost is \$7.3 million. Director Lillis pointed out the amenities of the proposed community center on the PowerPoint slides being shown to the audience. Director Lillis said there is something for everyone, from toddlers to senior citizens, in this facility.

Director Lillis concluded by saying this proposed community center has also received the unanimous recommendation from our Parks and Recreation Advisory Board at their November 16, 2004 meeting. Staff awaits the challenge and looks forwards to an indoor facility for our residents and to expand the scope of our current programs and services.

Director Lillis introduced Director of Public Safety Bill Adamo.

Director Adamo began by saying the Gladstone on the Move committee recognized a very important need in our community, which is an expanded ambulance service. The initial price tag for this service is \$600,000. The \$600,000 includes \$50,000 in salary and benefits for six firefighter/paramedics for a total of \$300,000. A Type 3 ambulance, which is a top of the line vehicle, which we have and operate, carries a price tag of approximately \$150,000. The balance of \$150,000 left from the \$600,000 will be spent on maintaining a third ambulance, equipment, supplies, uniforms, and training.

Director Adamo reported the City currently has two ambulances in stock, and the proposal is to purchase another one. The City has to have a third ambulance in backup. The ambulance will have to be maintained, and the \$150,000 will provide that maintenance. That money will also be going towards the purchase of equipment for the new ambulance, upgrades on the third ambulance and the second ambulance in supply, medication soft goods, and any other supplies associated with that ambulance service. Currently the budget for the operation that is run today is approximately \$40,000 for supplies and equipment,

and that will need to be increased for the expanded ambulance service. The \$150,000 will be well used and will be spent for maintenance of the third ambulance.

Director Adamo pointed out on the Population Age Trend PowerPoint slide that in 1980, Gladstone citizens who were age 55 and over made up 15.3 percent of Gladstone's entire population. In 1990 the percentage of people age 55 and over was 19.7 percent; in 2000 the number of people age 55 and over is 27 percent of Gladstone's entire population.

Director Adamo continued by saying Public Safety was established in 1968, when the City combined police and fire services to form the Public Safety Department. At that time an ambulance was operated and was manned by the Public Safety Department. There were several competing ambulance services in this area north of the river that also provided ambulance services and served as our backup in that capacity. Director Adamo said, without having exact numbers in his head, our City ran approximately 1,550 ambulance calls in the year 2003. In 1968 and 1969, he believed the City ran approximately 200 ambulance calls per year, and when he began working for Gladstone in 1971, approximately one or two ambulance calls were run per week. There were not that many calls in our City, but as the population ages, those calls continue to increase. Our population has grown, and many things are occurring in our community.

Director Adamo said in 1986, Gladstone contracted with MAST (Metropolitan Services Trust) to provide ambulance services for our community and Public Safety backed away from the service. MAST responded to all calls for emergency services and non-emergency transports. What the City unfortunately experienced were 20 to 40 minute delays on not just minor calls, but on heart attacks, strokes, severe trauma, and motor vehicle accidents for which we needed paramedics quickly and we were not getting them. In 1988, the vote of the public reinstated the ambulance service, and it was going to be emergency and non-emergency transport. We would transport the emergencies; MAST would serve as our second ambulance backup for an emergency call, and they would do non-emergency transports. MAST was here for us and made the second calls for emergencies. They did all the emergency and non-emergency transports, when they were called.

Director Adamo explained in July 2003, he was notified by Jason White of MAST, that when a critical level of only seven ambulances is reached in the Kansas City, Missouri service area, they would not respond to our community. Director Adamo stated Mr. White kept his word and our City did not have anyone to help us, and we relied on mutual aid from Claycomo, North Kansas City, and Liberty. Claycomo in particular deserves a pat on the back because they have one ambulance. When our City had an ambulance call for a second ambulance, Claycomo sent us their only ambulance. We realized we could not continue that. MAST was responding when available, but we know from reports that response would be dwindling more and more. There was about a 30 percent reduction in their emergency and non-emergency responses. We could not get them to transport emergency calls and they were not coming out for non-emergency calls.

Director Adamo said in the past, we would stand by with a patient for non-emergency transport, such as a broken arm. MAST told us in July 2003 they will transport that non-emergency broken arm patient, but it might be 45 minutes to an hour. That leaves us with the decision as to whether to stay with the patient, (because once we have responded, they are our patient until they are transported to a provider), or do we take them to a hospital. The decision was made that for a 15-minute drive to a hospital, we transport non-emergencies. We had no choice. In September 2003, MAST is not there. They are no longer providing support and we could not count on them. Director Adamo said here is the critical issue - on duty fire personnel were staffing the second ambulance, and we continue to do that to this day. When we staff that second ambulance for emergency transport with fire personnel, we are reducing our fire strength, and we have no option for a major fire event - we have to rely on mutual aid agreements. Primarily our main call is to the City of Kansas City Fire Department, who is very responsive. We have a very good agreement and relationship with them, but they are becoming our provider once we are gone on that second call.

Director Adamo continued by saying the Ambulance Call Trend shows the ambulance calls in 2003 at around 1,550 calls. In 1994, there were approximately 1,150 or 1,160 calls. Ambulance calls are going up steadily, and there is no reason not to think this will continue. This is the trend and is documented in Public Safety's files. Director Adamo said our average response time in our City is 5.5 minutes. With the new Fire Station opened on North Oak Trafficway, Director Adamo said he suspects when a study is done in 6 to 8 months, that response time will go down from 5.5 minutes. Our City is running ambulances out of both stations, which is reducing our response time to different sections of the community. It is a balanced coverage now between all areas of service for Fire/EMS.

Director Adamo stated that MAST will contract with our City to run a second ambulance call for a fee established by their Board, and MAST will tell us, and has told Director Adamo, that they will not guarantee a response time under 12 minutes. In critical calls, such as a stroke, heart attack, trauma, electrocution, or anything critical for a child or adult, response needs to be there more quickly than 12 minutes. Our City is doing this, but we are taking from the Fire Division to staff the second ambulance.

City Manager Davis provided concluding remarks for the presentation. City Manager Davis thanked all the presenters, the leadership of Gladstone on the Move, and all the people in the audience who participated in this visionary product and process. City Manager Davis offered his appreciation and respect for the hours of dedicated service and leadership they have provided.

City Manager Davis addressed City Council members by saying they have heard the ambulance issue before and the details of the community center and the presentation from Gladstone on the Move, so the presentation tonight did not go into all the details, but the presenters and Staff will be happy to answer any questions. Staff wanted to provide an

overview that pointed out critical points, and yet was adequate in presenting the proposal to allow for a decision tonight from City Council.

City Manager Davis stated City Council members have heard from our presenters the request for basic infrastructure planning, such as more streetlights and sidewalks that will enhance our future and the viability of our neighborhoods. You have heard of the desire for a better quality of life and the needs of our youth and older adults. Many of the needs can be addressed through recreational and cultural enhancements that can be gained from a community center. You have heard of the MAST issue and the emergency medical service trends that we must address as a community. If we desire to continue to provide the highest quality of emergency medical care, then we must expand our ambulance service. This is a basic infrastructure need as well.

City Manager Davis said as the Council is aware, we are in the process of preliminary planning for a Village Center, a commercial core. This is an investment into our community's future. The vision that has been presented to you this evening can easily be incorporated into the Village Center vision. The Village Center should be a special place. It should represent the values of our community. It can be anchored on the east by a new, visually attractive community center that invites people into the area.

City Manager Davis stated that streetlights, streetscape, sidewalks, and transportation are all part of the developing vision of a Village Center. Quality of life, quality architecture, and entertainment opportunities are all part of the vision. The infrastructure proposed by Gladstone on the Move is consistent with the values of our community, the vision, the quality we should desire, and the Council's goals. The future economic life of our community is at stake. Our future as a community is at stake. It takes vision and leadership to assure our standing as a desired community in which to live. It takes vision to develop quality places, meet the basic infrastructure needs of a first tier suburb, provide quality public safety services, and provide the necessary quality of life to ensure our sustainability.

City Manager Davis continued by saying the proposal before City Council this evening would certify a ballot that extends a ¼ cent sales tax for the purpose of building and operating a new community center. By extending an existing sales tax, in effect this is a no tax increase issue. It would take effect in July of 2006 at the expiration of the current Fire Sales Tax. The City has delivered on all of the promises that were made with that sales tax. The citizens who participated in Gladstone on the Move are now requesting the opportunity to build a community center through a no tax increase issue. The proposals before Council this evening will also increase the property tax by \$.39 cents for the purpose of expanding the ambulance service, as well as providing the basic infrastructure and neighborhood services that were identified by Gladstone on the Move. This is the first property tax increase for the City in approximately 50 years.

City Manager thanked all of the citizens who participated in this strategic planning process – it is truly Gladstone on the Move, Progress through People. City Manager Davis said the presenters would be happy to answer any questions City Council members may have.

Mayor Beer thanked the presenters for the presentation and their efforts over the past year.

## **REGULAR AGENDA**

### **Item 7. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE.**

**John Rupert, 6407 North Wayne**, asked how this new progress would affect the completion of the stormwater project in his area. He has been waiting 25 years for something to be done in his area, and a stormwater project is supposed to be in the budget for 2006 and 2007. Would this proposal push that project to a later date?

Mayor Beer replied he could not say absolutely that the stormwater project would not be pushed to a later date, but the stormwater projects are completely separate and are ongoing projects.

Mr. Rupert stated that every time he brings up stormwater improvements in his area, he is told there is no money. So if there is no money, how is the City going to accomplish what was proposed tonight?

Mayor Beer replied it is not a matter of not having money – it is a matter of prioritizing the money that is there. Mayor Beer stated City Manager Davis has some information regarding Mr. Rupert's concerns.

Mr. Rupert said he spent over \$5,000 to have his basement wall reinforced. His next-door neighbor spent more than that because he had not installed drain tiles. The third house in his neighborhood that needs repairs, won't receive those repairs, as it is owned by an out of state owner.

City Manager Davis reported that Mr. Rupert has an issue with underground water drainage. It is not caused by surface drainage. However, he also is going to benefit from a stormwater project that was in the Stormwater Master Plan. Tonight's proposal does not affect the Stormwater Master Plan or the Capital Improvements Projects funding or priorities. The project Mr. Rupert is referring to is still on schedule for the time frames he mentioned, and in fact it may be slightly sooner. Mr. Rupert has a subsurface water condition and the project in his neighborhood will deal with some surface runoff.

Mr. Rupert stated his entire block has no means to getting rid of stormwater, and it also contributes to the rusting of water pipes. Mr. Rupert said the water pipes in his house only lasted 14 years from the time it was built, which is way too short of time. His neighbor across the street just replaced his water pipes two years ago. Mr. Rupert continued by saying his gas line rusted in 1985 and he replaced it. If there were improved drainage,



things would be better. Mr. Rupert said he has dug up his driveway three times because the pipes are lying in water or at least wet ground the biggest part of the time.

Mayor Beer informed Mr. Rupert that his project is on the books, and the City is working on it. Mayor Beer thanked Mr. Rupert for his time.

**Dennis Daly, 2309 NE 59<sup>th</sup> Street**, began by saying the Mayor said it best when he said we need to prioritize. A new City community center is a nice idea. The City market is a nice idea. It all looks well and good on paper. Down towards the bottom of the list is the ambulance and fire service. Mr. Daly said because of recent events that happened to him, he thinks the ambulance and fire service should be moved to the top of the list, and should be the City's priority. The City needs to give its citizens the basic protections for life and property that they deserve and need. Mr. Daly said he did not receive these basic protections and this is something that needs to be settled before consideration is given to a shopping area, community center, or anything. We need to properly staff our Fire Department and the ambulance service.

Mayor Beer stated that is certainly one of the top concerns.

Mr. Daly said that needs to be the top concern, and Public Safety Director Bill Adamo and City Manager Kirk Davis know what he is talking about. Mr. Daly stated before anything else is considered, the Public Safety Department needs to have the proper staffing level, so what happened to him, does not happen again in the City of Gladstone.

**Lee Bussinger, 3209 NE 59 Terrace**, stated he would like to support what Public Safety Director Adamo recommended for the ambulance, and feels it is a very good idea for the City, because the whiter his hair becomes, he realizes he may need an ambulance at some point. Mr. Bussinger inquired into the anticipated time element for the Gladstone Village and the community center. Mr. Bussinger said he is in favor of the community center, but would like to know the time element.

City Manager Davis replied the Request for Qualifications for the Village Center concept are scheduled to go out this December, with the Request for Proposals planned to go out in January for interested developers. Mr. Davis said he is optimistic there will be some interest in our plan from the development community. Development agreements and necessary ordinances will need to be reviewed, and a conceptual plan will have to be finalized. If all moves quickly, the timing relative to the community center and the Village Center concept should be fairly close. It will depend on the quality of the developer and their consistency with the City's vision.

Mr. Bussinger asked if we are successful with passing the sales tax for the community center, when would the City anticipate starting on it?

Mr. Davis replied bids would go out for architects in the spring of 2006. The current ¼ cent sales tax expires in June of 2006.

Mr. Bussinger said he felt it is important for people to know the time element, because this is a progressive move for the City and he feels it is great. Mr. Bussinger stated he is very interested in seeing the Village Center come to fruit, and the community center would probably have a good bearing in drawing businesses to the Village Center.

**Mark Frew, 6321 North Cleveland**, asked if there is an update on the Pleasant Valley Road improvement project that was looked into about a year ago.

Mayor Beer replied our City is still on the timeline with the City of Kansas City, who drives this project.

City Manager Davis stated Bucher Willis & Ratliff is still working on the plan, which stretches from I-435 all the way to old Antioch Road. The part in Gladstone, which has been conceptually agreed to, would straighten Pleasant Valley Road and bring it a little further north from where it is now. Our City staff has had some conversations with Kansas City, and this project will require federal funding for our City and Kansas City to be able to fund. There have been some discussions in the last month with Kansas City regarding a joint application for federal monies. The next year available for funding is 2010. The plan is the same as what came from the public meetings that were held. We are very supportive of that plan. The funding for it is the difficult part.

**Mary Abbott, 5905 North Broadway**, stated she feels the proposal is a fine project and she participated in nearly every meeting and had subsequent meetings of the neighborhood group at her house. Ms. Abbott said she is extremely interested in what is going to happen with North Broadway. There will be all those gorgeous things with the proposal, but west of North Oak there will be nothing; North Broadway is a mess and it is dangerous. The traffic on North Broadway was at a maximum for that kind of road, and now there are more apartments coming in on 72<sup>nd</sup> Street that feed into North Broadway. There are more apartments on Old Pike Road, south of Englewood Road, that will feed into North Broadway. The traffic is getting terrible. Ms. Abbott said it was her understanding that when 72<sup>nd</sup> Street was finished, application would be made for federal funding for refurbishing North Broadway, but she has not heard a word about it.

Mr. Davis replied that with the opening of the fire station on North Oak, the second ambulance will be staffed out of that facility, which hopefully will provide better emergency services for people on the west side.

Ms. Abbott agreed she is very happy about that.

Mr. Davis said application has been made, but it has not met the sufficient criteria to receive federal funding, so that looks like a project we may have to do alone. It is a big project and requires phasing from roughly 68<sup>th</sup> Street to 64<sup>th</sup> Street, 64<sup>th</sup> Street to Englewood, and then south of Englewood Road. That phasing plan has not yet been put together. There has not been available funding identified in the Five Year Capital

Improvement Plan. However, North Broadway, Old Pike Road, and Pleasant Valley Road are the three top major road projects that our City still needs to complete, for which there is no funding. Northeast 76<sup>th</sup> Street is another one, but it has received some funding. All of these will require some federal funding or grant assistance.

Mr. Davis said hopefully some of the things being discussed in the proposal will result in an investment that has a return on the future of our community, which is why this is so important. We have to generate and create economic opportunities for ourselves to increase our revenue opportunities. That is why the Village Center and Gladstone on the Move is so important. Mr. Davis said equally important to that, in his opinion, are some of the issues that have come through Gladstone on the Move and some of the work Ms. Abbott has done and other people on that committee. There are a lot of different pies that need to be pulled from to run a City like ours and to run our organization effectively. The Capital Improvement process is so vitally important. However, we have to invest in our community to get a return to our community. That is what this proposal is about, and this will hopefully help us address some of the issues that have been discussed.

Ms. Abbott inquired into the qualifications that we did not meet by the federal government.

Mr. Davis replied he did not have all the information at this time, but one critical qualification is that they are looking favorably upon joint applications, in other words roads that move from one city to another city or one state to another state, which is why Pleasant Valley Road might have a chance at federal funding, because we are looking at two communities. Mr. Davis said in the case of North Broadway, he does not believe Kansas City was interested north of 77<sup>th</sup> Street at this point in time, as it is not a high priority for them. The area south of 68<sup>th</sup> Street is all within our community. Mr. Davis stated we will keep trying and he agrees this is a road project that needs to have some priority in the Capital Improvement Plan.

Ms. Abbott said North Broadway is narrow for all the traffic it has and is "an accident waiting to happen".

**Donald Harper, 1606 NE 68 Terrace**, said he has lived in Gladstone over 35 years and is really excited about everything he is seeing and hearing tonight, especially the community center, which has been discussed for a long time. Mr. Harper said he is strongly convinced that the ambulance is a real necessity. The charts and census show the growing senior population and there are younger children moving into our City. All of this indicates a greater need for ambulance service. Mr. Harper said his suggestion would be to separate the property tax levy between the ambulance and the other items - \$.24 cents for the ambulance and \$.15 cents for the other items. This is a 72 percent increase, and it is too bad some of the increases haven't happened over a few years in the past, where it isn't such a big lump sum all at one time.

Mr. Harper said he has seen similar circumstances with the North Kansas City School Board failing with so much at one time, and other places as well. Mr. Harper said he didn't

wish to be pessimistic about this, but he would like to think Gladstone voters are intelligent enough to look at these as somewhat two separate issues, which should stand on their own merits. The ambulance is a totally separate issue from the sidewalks, gutters, streetlights, and other things we want to do for the City. Mr. Harper stated he would have liked to see them as two separate ballot issues, and let the citizens weigh it as they want to. It would be up to the people that are supporting it to sell it to the people of Gladstone for the vote that might be needed.

**Art Hammen, 7117 North Norton**, stated looking ahead on the agenda to Bills 04-45 and Bill 04-46, he sees that the suggestion is to deal with these on a Special Election on February 8, 2005. Mr. Hammen asked if there are any other Gladstone issues that would be on that ballot?

Mayor Beer replied, not at this time, and in fact the February ballot must be certified tomorrow.

Mr. Hammen asked the approximate cost of an election.

City Manager Davis replied it would be speculation.

City Clerk Cathy Swenson agreed it would be speculation, but it could be between \$3,200 to \$4,000. It really is difficult to say.

Mr. Hammen said the thought comes to mind that it would be fiscally prudent for the citizens of Gladstone to deal with these issues on the April 5, 2005 ballot, which is less than 60 days later.

**John Rupert, 6407 North Wayne**, stated he would approve the sidewalk plans, except Gladstone doesn't do a very good job of seeing that sidewalks are kept up now. There are sidewalks that are cracked and littered. People cut their grass and leave it on the sidewalks, and other people have trees growing over the sidewalks, and in some cases you can't walk under them. You have to bend over to get through on the sidewalks. If the City is going to do more, they need to enforce what there is now and get them up to condition where people can walk decently on them.

**Councilman Les Smith** stated Gladstone does have an ongoing sidewalk replacement program as part of our Capital Improvement Sales Tax program, and on a regular basis through City newsletters and through homeowner associations' newsletters, the City frequently requests that neighbors proactively keep their sidewalks cleared and tree limbs trimmed clear of the sidewalks and so forth. It is a tough situation, but many concerns can be addressed by the neighborhood and neighbors themselves. As far as sidewalk replacement and maintenance, there is an ongoing budgeted item in the Capital Improvement Projects Program for sidewalk improvements.

**Mayor Pro Tem Carol Rudi** stated that part of what has been proposed by Gladstone on the Move is increased code enforcement, and they have several ideas and recommendations as to how to go about that. This is part of the Committee's recommendation; it just is not spelled out tonight in detail.

**Anita Newsom, 7401 North Wabash**, began by saying there are several people present tonight that have had the privilege and responsibility of inhabiting the seats that City Council members now inhabit. Ms. Newsom said those who have served on City Council and the people who have been involved with the community a long time realize that we are not a large community. We are defined in a very small space, and we cannot grow and sprawl and have some of the economic opportunities that some of our large neighbors have. Our City has faced those challenges over the years as a community in a very fiscally prudent way. Things have been done in a very thoughtful way. Ms. Newsom complimented her predecessors who served on the City Council, those who served with her, and those who are serving after her, as looking at things in a very thoughtful and prudent way.

Ms. Newsom said unfortunately Gladstone, in her estimation, has reached a critical juncture where we must start looking at a very big picture, and look forward. If we do not, we will fall backward and become one of those first tier suburbs that has problems with blight and other issues that can't be dealt with in a simple ballot issue. As was explained earlier, without sustained economic development of some sort, we are not going to have the funds or resources to supply the basic services of which we as citizens of this community have become so accustomed - the Public Safety services, the Public Works services, and the things that Parks and Recreation provide for us on a daily basis. Along with that, the quality of life that things such as the community center would bring to our community are also very vital in providing the quality of life issues that are going to bring residents to our community and encourage residents to stay and support our community.

Ms. Newsom said she has been involved with our City for a long time, and was involved with the Gladstone on the Move effort. Ms. Newsom said she feels very dearly about a community center being a very important part of the community. After her time on the City Council, she feels very dearly that we need to be very aggressive with economic development. Ms. Newsom continued by saying she has always been a strong supporter of public safety and we must provide public safety services equally to all parts of our community. Ms. Newsom encouraged these issues be put on the ballot in February, so that we can get moving forward with them as a community. This will allow the City to provide the services and the quality of life issues for the citizens of Gladstone that we have all come to know and love, and maybe we have taken for granted, because we have paid a very low price for them in the past.

**Galen Neill, 6010 North Wyandotte**, stated he would like to address the issue in regard to the ambulance. Mr. Neill said he experienced a situation some time ago in regard to a call that was placed in Gladstone, and the Gladstone ambulances were both tied up that evening. MAST had to be called in, and it took longer than 12 minutes for them to

respond. He found out later that our ambulances were tied up at nursing facilities we have in Gladstone. Mr. Neill said he knows we have a number of nursing facilities in Gladstone, and assumes by what he has seen in some of the facilities that they keep the ambulance service pretty busy. Each and every time he has visited these facilities, he has noticed there is generally an ambulance on call or sitting there. Mr. Neill asked Director Adamo to explain the situation, as this has probably put undue pressure on his administration.

Mr. Neill said there is about a 73 percent increase in property taxes that is being discussed, and he thinks our voters in Gladstone are intelligent enough that they will look at this pretty hard, and Council should also look at this pretty hard. If the citizens think they are going to be gouged, they may vote against this increase, and he hopes Council will take this into consideration this evening.

Director Adamo stated there are three nursing home facilities in Gladstone. They are Heritage Village, the new one at Englewood and Main (Englewood Vista), and Woodbine. Woodbine is the largest facility of its type in the Midwest. As can be imagined, there are a lot of patients there. The new facility on North Main, is increasing ambulance calls for the Public Safety Department. Director Adamo said at one time, Woodbine accounted for probably 18 to 20 percent of our ambulance calls, and right now given the call volume the City is experiencing, which is 1,550 in 2003, at least 18 to 20 percent of the ambulance calls were to nursing home facilities. They are our residents and are a population to whom we must respond, and we will respond to them, but they are a percentage of our calls. They are the age 55 and over part of our population that is increasing in our City.

Councilman Smith reported City Council members did look at that issue, and the possibility of a surcharge for the senior care facilities was explored. A rate structure was considered for the folks living in a senior care facility. We are prohibited from doing that by various state and federal regulations. This was considered very carefully. Councilman Smith said he hears the ambulances going by frequently and he knows where they are going. However, these are legal residents of the City of Gladstone, and we cannot discriminate against them, including with our rates.

**Larry Thrasher, 2379 NE 68<sup>th</sup> Street**, stated he has heard some comments on the ambulance and the public improvements. Mr. Thrasher said he believes if the location is put forward where the sidewalks and the lighting and other public improvements are going to be located, it will help the tax pass much easier.

**Greg Strasser, 6709 North Agnes**, stated a couple of numbers have been heard this evening regarding a 72 percent or 73 percent property tax increase. Mr. Strasser encouraged all to realize that the proposed property tax increase would only apply to the portion of the property tax that Gladstone receives, making it more like a 7 percent increase.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Joe Evans** stated it was great to see such a large crowd in City Hall tonight, and thanked everyone for attending. These are very important issues that are being brought forward to the community, and are the result of tremendous efforts from the community. This has been over a year long project to arrive at these recommendations, and it is something that City Council is taking quite seriously in moving forward.

**Councilman Les Smith** thanked all the people who have been involved in the whole process over the past year in bringing forward tonight's recommendations.

**Councilman Bill Cross** stated he was glad to see such a nice crowd present at this meeting, and there was also a nice crowd at the Mayor's Holiday Tree Lighting Ceremony. Councilman Cross said he was glad so many showed up at both places. Councilman Cross said he appreciated the opportunity the citizens of Gladstone have provided to four of the City Council members to attend the National League of Cities conference. City Council members will be leaving tomorrow morning and will spend a few days in Indianapolis, talking and learning more about City government.

**Mayor Pro Tem Carol Rudi** stated she hoped everyone had a happy Thanksgiving, enjoyed their weekend, and are looking forward to great holidays through the end of the year. Councilman Rudi thanked Gladstone on the Move for all the work they have done. City Council members have heard these presentations, not just from Gladstone on the Move, but also from Public Safety and Staff on the ambulance issue, and also from Director Sheila Lillis in regard to the community center and the municipal pool. Councilman Rudi said she knows everyone has spent a great deal of time on the issues. There has been a great deal of hard work done by so many. Councilman Rudi thanked all who have worked so hard on these important issues. Councilman Rudi said she was glad to see so many in attendance this evening.

**Mayor Wayne Beer** thanked all who attended tonight's meeting. Mayor Beer said he would like to remark on Mr. Daly's comments. Because our City was unable to depend on MAST to provide the level of service that we expect, it became necessary for this City to staff its own ambulances with little or no regard to the chance of backup from MAST. In order to do so, it meant fire fighters had to be put on an ambulance, if a second ambulance were called out. At that point, if there is an emergency in the City, then it becomes necessary for us to respond with a short truck and mutual aid from Kansas City. That mutual aid from Kansas City or other cities that surround us increases our response times. As a result, we do not have the responses that we feel is necessary, and that is part of this proposal from Gladstone on the Move.

Mayor Beer explained the issues with the ambulance are to bring our response times and our manpower back into a level of responses that we believe we must provide to our citizens. Therefore, the property tax issue has come forward. If a property tax is approved by the citizens of Gladstone, it would provide a form of funding that would be stable and

would allow the City to address manpower issues that are more in line with what we desire and require.

Mayor Beer reported our current property tax rate is approximately \$.53 cents per \$100 assessed valuation. Before the Hancock Amendment began the rollbacks, the property tax in Gladstone was at \$.90 cents versus today's \$.53 cents. As property valuations increased, the Hancock Amendment requires a rollback, and as a result we are now down to a \$.53 cent property tax levy. It is our hope and desire that we can get tax revenues that will bring our City back to a level of services that were cut or reduced due to the Hancock Amendment rollbacks.

Mayor Beer stated the Mayor's Holiday Tree Lighting Ceremony was a nice event. The event's purpose is to solicit funding for two very deserving charitable agencies in the Northland area. One being the Northland Christmas Store and the other being Gladstone Neighbors Helping Neighbors. Those two entities depend entirely upon donations and volunteers. Mayor Beer encouraged all to give Roni McBride, Recreation Programmer at City Hall, a call and pledge to her a donation to the Mayor's Holiday Tree.

**Item 9. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis stated that he wished everyone a happy holiday season. He commented that we did not have a lot of tree damage from the last snowstorm, but if residents do have brush they need to dispose of, the Public Works facility will be open this week from 8:00 AM to 5:00 PM each day through Sunday for residents to drop off their brush.

**Item 10. on the Agenda.** **FIRST READING BILL 04-44**, calling a General Election for the election of two positions to the Gladstone City Council on Tuesday, April 5, 2005, 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 No. 04-44 on First Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 04-44, Waive the Rule and place the Bill on Second and Final Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 04-44 and enact the Bill as **Ordinance 3.934**. Councilman Joe Evans seconded.



Roll Call Vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

**Item 11. on the Agenda. FIRST READING BILL 04-45**, imposing a City Sales Tax at a rate of one-fourth of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the City of Gladstone, Missouri, to provide funding for a Community Center and City Parks, subject to the approval by the voters of the City at a Special Election to be held on Tuesday, February 8, 2005; calling an election for such purpose; designating the form of the ballot; and directing the City Clerk to provide notice of said election.

Councilman Les Smith moved to place Bill No. 04-45 on First Reading. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 04-45, Waive the Rule and place the Bill on Second and Final Reading. Councilman Bill Cross seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 04-45 and enact the Bill as **Ordinance 3.935**. Councilman Bill Cross seconded.

#### **Discussion.**

Councilman Les Smith stated that over the years he has not been a proponent of a sales tax without a sunset, as the City Manager can attest to, nor has he aggressively been a proponent of a community center. However, the issues that Gladstone on the Move has brought forward have opened his eyes to the different potential of the community center. It will be more than just a place to recreate and meet; it will truly be a community center for this town. We have no community center. Gladstone is known far and wide for being a great community but we have no real place we can call our heart. We have North Oak Trafficway and Antioch Road, which most people think of when they think of Gladstone.

Councilman Smith said development is occurring all around us. Our people are going out of our City. Instead of a hub that our people come into, we are a hub with people taking the spokes outward. Councilman Smith said he was not optimistic when he was first re-elected that what was planned for the Village Center would ever happen, but he is somewhat more optimistic that it will happen now. We have a great plan on the books. If developers can make money, and there are several developers in the audience, it will happen. If they cannot make money it will not happen. We have invested in this and provided an opportunity to where folks can make it happen. This community center cannot only help jump start this development and set the architectural tone, it can also attract further development. We can show people who want to invest in our area that we have a

community center. We are investing in it and people are investing in it and it is in the Village Center area.

Councilman Smith said we cannot allow the community center or any other entity to become a drain on the City's general revenues. By not sun setting the sales tax, we are not only projecting a way to pay for the community center, we are projecting a way, with conservative projections of revenue, to maintain, operate, and keep the community center up to date for years and years to come. Councilman Smith said he felt this is essential and hopes that as each Council member steps down over the years, that this philosophy is passed along.

Councilman Smith stated he heard it is costing North Kansas City nearly a quarter of a million dollars a year to operate their community center. We are not projecting our community center to be on the scale of the one in North Kansas City, but we cannot afford a couple of hundred thousand dollars or a quarter of a million dollars a year drain on the general fund. We are struggling to provide the services that our citizens expect as it is.

Councilman Smith said he believes this is a wonderful opportunity for Gladstone. We have heard some good comments from folks regarding sidewalks, storm drainage, and other issues. The folks who believed in the community center, which to them is a very integral part of our quality of life, have always taken a back seat to the priorities. As a City we prioritize. We have a Capital Improvements Sales Tax and are able to take care of storm drainage, sidewalks and curbs, and so forth. We also have a Transportation Sales Tax, and between these two funds, \$3.2 million dollars a year is generated to address those infrastructure needs. The Transportation Sales Tax is just as it sounds - transportation issues.

Councilman Smith continued by saying Water Bonds were passed a few years ago to continue to upgrade our City's water distribution system. When it was thought we might be able to talk about a community center, a fire safety sales tax was introduced to address fire service issues. The supporters of a community center have supported it all along, and they became involved in Gladstone on the Move and they furthered their cause. It is time to see if the citizens of Gladstone want to build a community center, and make an investment in what ultimately will be the downtown of Gladstone.

Councilman Smith said for all these reasons he wholeheartedly supports this issue, endorses it, and will work very hard for its passage.

Mayor Wayne Beer stated much of what Councilman Smith so eloquently stated was also on his mind, and he would also like to mention that the Citizens of Gladstone have always been very supportive of sales tax initiatives that have come to them in past years. The citizens have been supportive of those sales taxes because the City has been able to prove the need and show there are very specific uses for the taxes if they were to be approved by the citizens. Once these sales taxes have been enacted, the City has been excellent about doing exactly as they promised the citizens.

Mayor Beer said he hoped with all his heart that the citizens of our City have the same faith in this proposal for an increase in their property taxes and also as the ¼ cent sales tax falls off, the enactment of a follow-up ¼ cent sales tax. Mayor Beer stated he hopes the citizens of Gladstone will see the need of these two tax proposals, and hopes with all his heart they believe that we will do with these taxes exactly as we say we will do, just as we have done in the past.

Roll Call Vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

**Item 12, on the Agenda, FIRST READING BILL 04-46**, increasing the City Property Tax Levy by 39 cents per one hundred dollars of assessed valuation, subject to the approval by the voters of the City at a Special Election to be held on Tuesday February 8, 2005; calling an election for such purpose designating the form of the ballot; and directing the City Clerk to provide notice of said election.

Councilman Joe Evans moved to place Bill No. 04-46 on First Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the First Reading of Bill 04-46, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the Second and Final Reading of Bill 04-46 and enact the Bill as **Ordinance 3.936**. Mayor Pro Tem Carol Rudi seconded.

#### **Discussion.**

Councilman Les Smith stated it is not seen everyday, where a group of citizens come to City Hall asking for a tax increase. Councilman Smith said that being a property owner and a business owner, the property tax increase is fairly near and dear to his heart. There are folks in the room who probably own more property than all Council members combined.

Councilman Smith stated he was glad Mayor Beer explained the Hancock Amendment rollback provision. The rollback provision means that as a community, we have not been able to take advantage of our growth. At the same time, our expenses and our cost of services have continued to increase. So in essence, we have remained stable while our costs have gone through the roof.

Councilman Smith said, in approximately 1986, when he and Mr. Bussinger were on the City Council, the decision was made to contract with MAST because of what they promised our City. They promised all the services that we could provide at half the cost. It seemed like a "no brainer", until they began to not provide any of the services that we were accustomed to providing our citizens. We are here approximately 17 years later to where we have to rely on MAST to provide our back up ambulance service.

Councilman Smith continued by explaining what happened to Mr. Daly, and what Mr. Daly was talking about is that Public Safety was on an ambulance call, when a second ambulance call was received. Our fire fighters were out on a second ambulance call, when Mr. Daly's house caught on fire. We could not fight that fire. That should not happen to anyone in the City of Gladstone. In a City like ours with the population of approximately 27,000, and with the pride we have, we should never have to say we cannot respond to put out a house fire.

Councilman Smith stated the key component of a property tax increase is the ambulance service, and he feels it is reckless to base life and death service on a volatile, unstable and unpredictable revenue source such as a sales tax. Property taxes are stable, reliable, and predictable, and are the most sensible way for our City to provide a life and death service to our citizens. Council Smith said he feels very strongly we need to do this.

Councilman Smith stated that Mr. Harper mentioned that perhaps we should separate the \$.24 cents proposed for the ambulance service from the total \$.39 cent property tax increase. The other items that will benefit from the property tax increase are also quality of life issues in the City of Gladstone. All who live here know the City is starting to struggle just a little bit with providing some services. There is only so much money to go around, let alone improving our community. This will allow us to do so. One property tax increase every 50 to 52 years is not so bad. Councilman Smith said he hopes everyone supports it.

Councilman Smith addressed Mr. Hammen's comments regarding placing the ¼ cent sales tax and property tax increase on the April 5, 2005 ballot, by saying it was not known that Mayor Beer and Mayor Pro Tem Rudi would run unopposed for City Council seats, so it was thought there would be a primary election in February. Additionally, there are other entities, including the School District, who are looking at having an issue on the ballot in April. The beautiful thing about the residents of Gladstone is that if an issue is explained to them, and it is grasped what is proposed and why it is proposed, they generally will support the issue. It was felt the February 8, 2005 election was the greatest opportunity to have the full attention of our citizens and be able to explain exactly what is proposed with their tax dollars, and not have it confused with any other issues. It was felt fiscally prudent to have these ballots on the February election.

Councilman Smith challenged City Council members to continue as they have done. They have proven themselves through this entire process. City Council members were asked to stay away from the Gladstone on the Move meetings, and City Council were the ones who set the rules. City Council has supported the efforts of the Gladstone on the Move

Committee and the concept of tax increases, even though two Council members are in an election year, for which Council members are to be commended. Councilman Smith said his challenge is for each City Council member to actively support these issues, and he knows all City Council members will provide such support. Councilman Smith said he hopes Mayor Beer will allow each City Council member to do what they do best in the community, and not feel like he must support these issues by himself. As a five member City Council team, that can be done.

Councilman Smith said from a City staff's perspective, he challenges them to get our house in order. Our City does have some sidewalk issues, right-of-way maintenance issues, and streetlight issues. We do not want to ask for a property tax increase so that new street lights can be installed and citizens respond by asking about a streetlight that has not worked for three months. Councilman Smith said we need to get our house in order, and he is confident City staff will do that. They work very hard at that.

Councilman Smith addressed all who brought this proposal forward by saying there are different components in this proposal that each person likes and components they may not feel so strongly about, but to remember there is someone else who feels strongly about those components. Councilman Smith challenged all to pitch in and do what they can for the entire sales tax package and the entire property tax package. Councilman Smith said with that, he does not see how we cannot be successful.

Councilman Cross said that over 40 years ago he was on the City's Fire Board and they had to go to the citizens and City Council and say that a fire truck was needed that would reach above a second story building. At that time there were no buildings bigger than that. It became necessary to buy a fire truck, looking ahead that there may be buildings at some time in Gladstone that would be more than two stories high. Councilman Cross continued by saying 27 years ago, it was proposed to the City Council a new aquatic center that was said could possibly come close to breaking even financially. Councilman Cross said he believes our City is the only City that paid off its swimming pool within 20 years time, and made money during all 20 of those years.

Councilman Cross said he appreciated the support shown by the group here tonight, and the amount of study and effort that has gone on in the different groups that have met. If we can each go back to our own neighborhoods and explain to the homeowners what is necessary and what we can do with the money that is being proposed, it will greatly aid this effort. Councilman Cross referenced a chart showing the property taxes and the sales tax in surrounding communities and said this is useful information to share with people and should be beneficial in providing a better understanding of the need for these two proposals. If we educate the people in Gladstone as to what the Gladstone on the Move committee has put together, it will not be that difficult to sell the total package.

Mayor Pro Tem Rudi began by saying Councilman Smith covered much of what she wished to say. One thing she would like to add to what Mr. Harper brought up was that our City has not had a property tax increase in 50 years. It is too bad we didn't do it a little bit

at a time so this wasn't so much of an increase. This proposed property tax increase will bring our City closer to a level we have been at in the past, prior to the Hancock Amendment erosion factor. We will probably have to do this again because of the erosion factor of Hancock. Councilman Rudi said this could be the beginning of a little property tax increase at a time and hopes everyone keeps this in mind, and continues to support this initiative. This is what will make our City stay the same City that we live in and love. Councilman Rudi thanked everyone and encouraged those present to talk to Ms. Moore or Mr. Horton, if anyone would like to sign up to help or has any ideas or suggestions.

Mayor Beer stated our City has always been very proud of itself in the fact that it has not raised property taxes in 52 years. Previous City Councils and City staff have always found ways to provide services with the eroding factor of the Hancock Amendment notwithstanding. In that regard, this City really should greatly commend itself for providing the level of services that it has with the revenues on hand. However, as Councilman Smith and Mayor Pro Tem Rudi have mentioned, it has probably hurt us a little bit, too, in the fact when it does become necessary for a tax proposal, then it looks pretty heavy.

Mayor Beer said he hopes with all his heart that the citizens of our City have the same faith in this Council and this Staff and this City that it has in the past with regards to its sales tax proposals. We have been able to prove our need and we have been able to demonstrate that we have done precisely what the citizens expected us to do. Mayor Beer said he hopes that the citizens believe in us today with this proposal as well.

Roll Call Vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

**Item 13. on the Agenda.      OTHER BUSINESS.**

**Donald Harper** stated that since two City Council members mentioned him in their discussion, he wished to clarify that in no way was he not supporting everything that is proposed tonight. His comments were just a thought of a strategy that he thought might be a little easier to go with before the public. This is all very great, and he will be out supporting this effort, and he just wanted to make this clear at this time.

Mayor Beer thanked Mr. Harper and said Council members understood his remarks.

Mr. Harper said Council's leadership will be most important in this initiative.

**Item 14. on the Agenda.      QUESTIONS FROM THE NEWS MEDIA.**

There were no questions or comments from the News Media.

**Item 15. on the Agenda.**      **ADJOURNMENT.**

There being no further business to come before the November 29, 2004 Gladstone City Council Meeting, Mayor Wayne Beer adjourned the Regular Meeting.

Respectfully submitted:

Cathy Swenson

Cathy Swenson, City Clerk

Approved as submitted: ✓

Approved as corrected/amended:       

Wayne Beer

Mayor Wayne Beer



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, DECEMBER 13, 2004**

**OPEN STUDY SESSION: 6:30 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will hold a Closed Executive Session immediately following 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 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(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 29, 2004 City Council Meeting Minutes.
- 4a. **PRESENTATION TO CITY OF STORM READY COMMUNITY AWARD.**
5. **CONSENT AGENDA**

**RESOLUTION R-04-83**, authorizing acceptance of work under contract with Pyramid Excavation & Construction, Incorporated for the 59<sup>th</sup> Terrace Drainage Improvements Project and authorizing final payment in the amount of \$11,803.84 for Project 025009.

**RESOLUTION R-04-84**, authorizing execution of a contract with Dennis Johnson Construction, Incorporated, in the total amount not to exceed \$75,176.00 for the 2200 Block of the 60<sup>th</sup> Street Drainage Improvements Project 045030.

**RESOLUTION R-04-85**, authorizing execution of a contract with WCI, Incorporated, for the total amount not to exceed \$210,995.13 for the 67<sup>th</sup> and Forest Drainage Improvements Project 045033.



**RESOLUTION R-04-86**, authorizing acceptance of work under contract with Miller Paving & Construction, LLC., for the 2003 Arterial Sidewalk and 2004 Curb and Sidewalk Programs and authorizing final payment in the amount of \$15,148.26 for Project 035011-045007.

**RESOLUTION R-04-87**, authorizing acceptance of work under contract with Irvinbilt Company for the Drop Slide for the Municipal Pool Project and authorizing final payment in the amount of \$2,530.89 for Project 046050.

**APPROVAL OF LIMITED ONE DAY BEER & WINE LICENSE** to St. Charles Borromeo Church, 804 Shady Lane Drive, for a parish event on Saturday, January 8, 2005. Hours: 6:00 PM - 12:00 Midnight. Managing Officer: Mr. Paul G. Danaher.

**APPROVAL OF FINANCIAL REPORTS FOR OCTOBER 2004.**

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **PUBLIC HEARING:** on a request to rezone from R-1 (Single Family Residential) and C3 (Commercial District) to CP-2 (Commercial District Planned) and a Site Plan Revision at property located at 5711 N. Antioch Road, including the vacant parcel to the north and east. Applicant/Owner: Terry Morgason. (File #1238)

**AUDIENCE NOTE: This Public Hearing will be opened and immediately continued to the Monday, January 10, 2005, City Council Meeting at the request of City Staff.**

10. **PUBLIC HEARING:** for consideration of a Site Plan at property generally located at 6051 North Chestnut. Applicant: DDG, Inc. Owner: Aly-Beck. (File #1240)

**AUDIENCE NOTE: This Public Hearing will be opened and immediately continued to the Monday, January 10, 2005, City Council Meeting at the request of City Staff.**

11. **PUBLIC HEARING:** for consideration of a Site Plan at property generally located at 5615 North Antioch Road. Applicant: United States Construction Owner: Sylvia Gould Trust. (File #1241)

**AUDIENCE NOTE: This Public Hearing will be opened and immediately continued to the Monday, January 10, 2005, City Council Meeting at the request of City Staff.**

12. **CITY COUNCIL ACCEPTANCE OF FISCAL YEAR 2003-2004 CITY OF GLADSTONE ANNUAL FINANCIAL REPORT.**

13. **FIRST READING BILL 04-47**, repealing certain provisions and enacting new provisions of the City's Traffic Code for the regulation of motor vehicle and pedestrian traffic within the City.
14. **FIRST READING BILL 04-48**, prohibiting overnight parking of commercial vehicles on commercial property where such parking is expressly prohibited by signs posted by the property owner.
15. Other Business.
16. Questions from the News Media.
17. Adjournment.



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

**MONDAY DECEMBER 13, 2004**

**PRESENT:** Mayor Wayne Beer  
Mayor Pro Tem Carol Rudi  
Councilman Bill Cross  
Councilman Les Smith  
Councilman Joe Evans  
  
City Manager Kirk Davis  
City Counselor David Ramsay  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

Mayor Wayne Beer opened the Regular December 13, 2004, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR NOVEMBER 29, 2004 CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular November 29, 2004, City Council Meeting Minutes as presented. Councilman Joe Evans seconded the motion.

The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi and Mayor Wayne Beer. (5-0)

**Item 4a. on the Agenda.**

**PRESENTATION TO THE CITY OF THE STORM  
READY COMMUNITY AWARD.**

Mayor Beer invited Fire Inspector Chuck Duddy to step forward.

Fire Inspector Duddy recognized Mr. Lynn Maximuk, from the National Oceanic and Atmospheric Administration (NOAA) Weather Service who was in attendance to present to the City the Storm Ready Community Award.

Lynn Maximuk, Meteorologist in Charge at the National Weather Service office in Pleasant Hill, stated it gave him great pleasure to recognize the Gladstone community and Chuck Duddy for their hard work to enable the community to receive the status of a storm ready community. There are only about 22 storm ready communities in this part of Missouri for whom his office is responsible. This award means Gladstone's administration has supported its safety forces in developing a severe weather preparedness plan to allow the community to respond to a national disaster. Mr. Maximuk pointed out the fact that there was a good size tornado in Gladstone in May 2003, to which the City responded in a very capable manner.

Mr. Maximuk stated part of being ready for a national disaster is having a good working relationship with different governmental agencies, which is one of the things that was considered by his office before recognizing our community. This is a national recognition, which is granted by the State Emergency Management Agency. The National Weather Service also reviews the applications.

Mr. Maximuk presented to Mayor Beer and Fire Inspector Duddy a letter of appreciation, and said he hoped the letter is displayed with pride within the City. Mr. Maximuk offered congratulations for the hard work that was necessary to earn the Storm Ready Community Award, and thanked Mr. Duddy for his hard work. Mr. Maximuk presented two signs to place at roadside that recognize our community's recognition as a Storm Ready Community. Mr. Maximuk explained that every couple of years the City's status will be reviewed to be certain our community is keeping up with the high standards that have been met. Mr. Maximuk again offered his congratulations, and stated he looked forward to continuing to work with the City of Gladstone.

Mayor Beer stated as long as the City has employees such as Chuck Duddy, the GEMA (Gladstone Emergency Management Agency) folks, and our Public Safety staff, he is certain the City will have no problem maintaining the status of a Storm Ready Community. Mayor Beer thanked Mr. Maximuk for this award. Mayor Beer thanked Mr. Duddy for his efforts with regard to making Gladstone a storm ready City. There was a fairly good plan two years ago that the City was able to put into action with the 2003 tornado, but again that was because of Mr. Duddy and his folks putting together a good plan. That plan came under baptism by fire and it worked well. There have been changes and improvements to the plan, and as a result our City is now designated a Storm Ready Community.

Mr. Chuck Duddy introduced GEMA volunteers in attendance, Jim Olshefski, Janet McCloud, Tim Kamphetner, and Mike Webb.

Councilman Bill Cross thanked Mr. Duddy, and stated he has seen GEMA volunteers at work, but it is nice to have them introduced by name. Councilman Cross thanked GEMA volunteers for all their hard work.

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

**CONSENT AGENDA DETAIL**

Following the Clerk's reading, Councilman Bill Cross moved to accept the Consent Agenda as presented. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-04-83**, authorizing acceptance of work under contract with Pyramid Excavation & Construction, Incorporated for the 59<sup>th</sup> Terrace Drainage Improvements Project and authorizing final payment in the amount of \$11,803.84 for Project 025009. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-04-84**, authorizing execution of a contract with Dennis Johnson Construction, Incorporated, in the total amount not to exceed \$75,176.00 for the 2200 Block of the 60<sup>th</sup> Street Drainage Improvements Project 045030. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-04-85**, authorizing execution of a contract with WCI, Incorporated, for the total amount not to exceed \$210,995.13 for the 67<sup>th</sup> and Forest Drainage Improvements Project 045033. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-04-86**, authorizing acceptance of work under contract with Miller Paving & Construction, LLC., for the 2003 Arterial Sidewalk and 2004 Curb and Sidewalk Programs and authorizing final payment in the amount of \$15,148.26 for Project 035011-045007. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-04-87**, authorizing acceptance of work under contract with Irvinbilt Company for the Drop Slide for the Municipal Pool

Project and authorizing final payment in the amount of \$2,530.89 for Project 046050. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross 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, January 8, 2005. Hours: 6:00 PM – 12:00 Midnight. Managing Officer: Mr. Paul G. Danaher. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve the **FINANCIAL REPORTS FOR OCTOBER 2004**. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Mayor Beer stated there has been a recent loss to our City and to the area with the death of State Representative Dan Bishop. Mr. Bishop passed away just last week very unexpectedly. Representative Bishop, prior to being elected to the State Assembly, was previously a Councilman and Mayor of the City of Gladstone. Prior to that he was a graduate of Oak Park High School, graduated magna cum laude from Westminster College in Fulton, and received his Juris Doctor from the University of North Carolina, Chapel Hill. Representative Bishop had been involved in a great number of civic affairs in this area, and as a result, he will be missed by many.

Mayor Beer asked for a few moments of meditation in Representative Bishop's honor.

## **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 Bill Cross** thanked the City and Administrative staff for sending City Council members to the National League of Cities Conference in Indianapolis. It was a good learning experience in meeting and visiting with other Councilmen from throughout the United States. Councilman Cross stated he and fellow Council members took part in the Boards and Commission interviews. There are some wonderful people who are willing to become part of the City. Council members are in the process of making assignments to various Boards and Commissions.

Councilman Cross welcomed Melinda Mehaffy, Economic Development Administrator, to her first City Council meeting, and said he hoped there would be many more she would have the opportunity to attend. Councilman Cross addressed Finance Director Cash Sweiven by saying he noticed the sales tax is up \$25,000 over this time last year, which is heading in the right direction.

**Councilman Les Smith** welcomed Ms. Mehaffy. Councilman Smith asked Finance Director Cash Sweiven if it was his last City Council meeting before beginning his new job in the City of O'Fallon, Missouri. Director Sweiven confirmed that was correct. Councilman Smith asked that the record show that Director Sweiven has been more than the City could have asked for in a Finance Director, and City Council members wish him well in his future endeavors.

Councilman Smith said there is much that could be said in regard to the passing of former Mayor Dan Bishop. No one worked any harder than Mr. Bishop to keep Councilman Smith out of the City Council seat, and yet they were still able to become friends. Councilman Smith said there are a lot of stories he could tell, as Mr. Bishop and he had epic battles. Fortunately they were willing to have those battles outside of the City Council Chambers. Through all that, they began to agree on issues and became friends. Councilman Smith said some of the stories would be pretty funny, and some would explain a lot of things, but at this point, he would like to keep those stories between the two of them. Dan Bishop was very dedicated, honorable, and had a passion for public service, the likes of which may not be seen again. None of that really matters now. There is a wife without a husband, and two little boys without a father. Councilman Smith said he wondered when the reality of Dan Bishop's passing would sink in, and he believed it had this evening.

**Councilman Joe Evans** stated he, too, mourns the loss of Representative Dan Bishop. Although he knew him for a short time, he was very passionate about public service. He will be missed.

Councilman Evans addressed Finance Director Cash Sweiven by saying he too would be missed. Councilman Evans said he hates to see Director Sweiven leave the City of Gladstone, but he understands.

Councilman Evans inquired into the status of the 6615 North Antioch Road issue.

Assistant City Manager Scott Wingerson stated the City has continued to investigate the business use at this address, and continued to work through the issues with the property owner that would be consistent with the Council's action on the Special Use Permit. The latest attempt is to coordinate a meeting with the applicant's lawyer to see what options might be available for them as well as for the City. City staff is following up with this issue on a routine basis. There has been some correspondence from Mr. Wingerson shared with City Council members in City Council's informational newsletter. This correspondence requests that the business cease and desist, and that the owner visit with

Mr. Wingerson regarding this issue. Mr. Wingerson reported to date the applicant has been non-responsive, but he is optimistic the lawyer will return the call to the City and progress will be made towards complying with City code, and complying with Council's action.

Councilman Evans stated this is an issue that has been brewing for many months.

Assistant City Manager Wingerson agreed and said the owner continues to make improvements on the property that are consistent with residential use, although it could be taken another way.

Councilman Evans replied there is the appearance that the owner is continuing to "thumb their nose" at the City, City staff, and City Council. Councilman Evans asked if Staff is stepping up anything at all in regard to enforcement of these issues. Councilman Evans stated he knows there is a restriction as to the number of trucks, trailers, and equipment that can be at the site. Friday evening there were 15 vehicles on the property. There was at least 10 vehicles on Sunday morning, and this evening there is a large trailer parked on the detached garage portion of the property. Councilman Evans said he was just curious as to where the City is with this issue, and maybe Counselor Ramsay can provide information he has received from the owner's attorney.

City Counselor David Ramsay said the last time he heard from the owner's attorney, he wanted to have a meeting. However, Mr. Ramsay has phoned him a few times, the latest being this afternoon, and he has not received a response as to how the owner's attorney wishes to structure the meeting. Counselor Ramsay said when the attorney does phone Mr. Ramsay, he will inform him that the City is at the point of some enforcement action. That should encourage them to meet with the City.

Councilman Evans stated he fears that after six months or nine months passes, the owner will re-apply for a rezoning and a variance as they did before, and will have continued to make improvements to what is zoned as a residential property. Councilman Evans asked City staff to stay on top of this issue.

Mr. Wingerson stated he is not sure of the owner's intent. They would be able to apply to the Planning Commission and ultimately the City Council for those types of requests. Mr. Wingerson said he believes the last correspondence to the owner indicated there would be a limit to the amount of time before the issue would be moved forward to our municipal court, if that was the only choice the owner left to the City. Mr. Wingerson stated Staff would appreciate just a little more time to give the owner every benefit of the doubt, before that step is taken, but Staff is certainly willing to allow the court to assist with this issue.

Councilman Smith asked how long it has been since the Special Use Permit was rejected.

Mr. Wingerson replied he was not certain.



Councilman Smith stated he did not understand why City staff is waiting for the owner's attorney to return a phone call, so Staff can tell the attorney the City might take action to enforce our ordinances. Councilman Smith said he did not understand why we don't take action. We have been here before, and enough is enough.

Mayor Beer agreed with Councilman Smith, and stated he believes the owner had adequate opportunity to respond. City staff has made many attempts to contact them and to come to some kind of resolution of their issues. It appears from the correspondence, they have been almost completely non-responsive. It is time to force a response.

Mr. Wingerson replied, if it meets with City Council's approval, the enforcement action will be turned up a notch beginning tomorrow morning. Something should be in City Council's informational packet by the end of the week.

**Mayor Pro Tem Carol Rudi** extended her condolences to Mr. Bishop's family. They have a hard road, and she feels greatly for them.

Councilman Rudi said she cannot believe Finance Director Sweiven is leaving, and offered her congratulations and said he certainly will be missed.

Councilman Rudi stated she has seen other communities with the storm ready signs, and wondered why we did not have one. Now we have one, and Councilman Rudi said she is very excited and thinks it is wonderful. Councilman Rudi wished everyone happy holidays.

**Mayor Wayne Beer** extended best Christmas wishes to everyone, and a happy New Year. Mayor Beer said he will be leaving town on Wednesday of this week and will be back the first week in January. Mayor Beer stated there will soon be a reception in honor of Cash Sweiven, and he has personally thanked Director Sweiven for everything he has done for this City and offered congratulations for his appointment to a nice job in O'Fallon, Missouri, and expressed his misgivings in seeing Director Sweiven leave. Mayor Beer said perhaps in the future we will see Director Sweiven return in another capacity, if not in Gladstone, in the general area. Mayor Beer congratulated Director Sweiven and wished him good luck.

Mayor Beer stated when he has been in the administrative offices he has heard Santa Claus making phone calls. Santa Claus is so busy and such a master at multi tasking, that it sounds as if there are close to a half of a dozen Santas making calls to children in the Gladstone community. Mayor Beer said that is great and he hopes we continue with this program. Mayor Beer introduced Melinda Mehaffy as the newly hired Economic Development Administrator. Ms. Mehaffy comes to our City from the Chamber of Commerce in Liberty. Mayor Beer said he was fortunate to be part of the hiring process, and from everything he has seen, she is going to be an outstanding Economic Development Administrator. Mayor Beer welcomed Ms. Mehaffy and stated he was happy to have her in Gladstone.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER**

City Manager Kirk Davis reported the next City Council meeting is January 10, 2005, and wished everyone safe and happy holidays. City Manager Davis said it was his pleasure to announce the hiring of a new Public Works Director, Chuck Williams, who has 29 years of experience with the City of Manhattan, Kansas. Mr. Williams will begin work with Gladstone on January 3, 2005. City Manager Davis said he believes Mr. Williams and Acting Public Works Director, Kirk Rome, will make a great team.

City Manager Davis stated he will miss Finance Director Sweiven and his sense of humor, his "can do" attitude, and his willingness to do what it takes to solve problems. City Manager Davis said he believes Director Sweiven has grown in his job, and he is extremely proud of him, and Director Sweiven has taught him a lot about finance. City Manager Davis stated Director Sweiven has a good future ahead of him, and he hopes he comes back to the good side of the state, into the Kansas City area. There will be an opportunity to toast Director Sweiven at his reception on December 22<sup>nd</sup> at 3:00 PM, and everyone is invited and encouraged to attend.

**Item 9. on the Agenda.**

**PUBLIC HEARING:** on a request to rezone from R-1 (Single family Residential) and C3 (Commercial District) to CP-2 (Commercial District Planned) and a Site Plan Revision at property located at 5711 North Antioch Road, including the vacant parcel to the north and east. Applicant/Owner: Terry Morgason (File #1238)

**Mayor Beer opened the Public Hearing and immediately continued the Public Hearing to the Monday, January 10, 2005, City Council meeting at the request of City Staff.**

**Item 10. on the Agenda.**

**PUBLIC HEARING:** for consideration of a Site Plan at property generally located at 6051 North Chestnut. Applicant: DDG, Inc. Owner: Aly-Beck. (#1240).

**Mayor Beer opened the Public Hearing and immediately continued the Public Hearing to the Monday, January 10, 2005, City Council meeting at the request of City Staff.**

**Item 11. on the Agenda.**

**PUBLIC HEARING:** for consideration of a Site Plan at property generally located at 5615 North Antioch Road. Applicant: United States Construction. Owner: Sylvia Gould Trust. (#1241).

**Mayor Beer opened the Public Hearing and immediately continued the Public Hearing to the Monday, January 10, 2005, City Council meeting at the request of City Staff.**

**Item 12. on the Agenda.**      **CITY COUNCIL ACCEPTANCE OF FISCAL YEAR 2003-2004 CITY OF GLADSTONE ANNUAL FINANCIAL REPORT.**

Councilman Bill Cross moved to accept the Fiscal Year 2003-2004 City of Gladstone Annual Financial Report. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

**Item 13. on the Agenda.**      **FIRST READING BILL 04-47**, repealing certain provisions and enacting new provisions of the City's Traffic Code for the regulation of motor vehicles and pedestrian traffic within the City.

Councilman Les Smith moved to place Bill 04-47 on First Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 04-47, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the Second and Final Reading of Bill 04-47 and enact the Bill as **Ordinance 3.937**. Mayor Pro Tem Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

**Item 14. on the Agenda.**      **FIRST READING BILL 04-48**, prohibiting overnight parking of commercial vehicles on commercial property where such parking is expressly prohibited by signs posted by the property owner.

Councilman Joe Evans moved to place Bill 04-48 on First Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the First Reading of Bill 04-48, Waive the Rule and place the Bill on Second and Final Reading. Councilman Les Smith seconded.

**Discussion.**

Councilman Les Smith thanked City Counselor Ramsay for bringing this Bill forward to City Council so quickly. However it was Councilman Smith's intent, as a proponent of this Bill, to make this a 24 hours per day, seven days per week restriction not just an

overnight parking restriction. Councilman Smith said there are just as many trucks that show up on his property during the day as at night. The issue is not when the trucks are parked on property from a timing standpoint, it is what the trucks do to property. Obviously a truck weighs the same during the day as it does at night.

Councilman Les Smith moved to **amend Bill 04-48** to a 24 hours per day, seven days per week restriction of parking of commercial vehicles on commercial property where such parking is expressly prohibited by signs posted by the property owner. Councilman Bill Cross seconded.

Mayor Beer stated he believed this would apply to unauthorized parking, and the basis for being unauthorized would be the owner's complaint, and asked if this was correct.

Councilman Smith replied that is not how the Bill is written. The Bill is written so that the property owner would have to post the "no parking" restriction by signage, and the only way that could be waived is by placing a permitted tag on the windshield of the vehicle. Our City's officers could issue a citation for unauthorized vehicles parked on commercial property. The purpose from the property owner's standpoint is not to just have the citation issued, but to be able to get assistance from Public Safety to have a vehicle towed. Councilman Smith said he does not look for Public Safety officers to drive around looking for unauthorized parked vehicles, but none-the-less if they see them, they would have the right to ticket them.

Mayor Beer stated his question was regarding differentiating between commercial vehicles parked on commercial property for legitimate reasons, such as deliveries, and vehicles not parked for legitimate reasons, and would the Public Safety officers be able to make an accurate determination without the appearance of harassment for someone parked legitimately.

Councilman Smith asked City Counselor Ramsay if there was a definition of parking in the Bill.

Counselor Ramsay replied the Bill just refers to unauthorized parking as being in violation of the time restrictions designated on the signs that are posted.

Councilman Smith suggested perhaps language could be added to the Bill, such as "unattended vehicle", or language Counselor Ramsay determines, that would differentiate between a parked vehicle and a stopped vehicle used for deliveries.

Mayor Beer suggested it might be appropriate to table both motions until Counselor Ramsay can research and draft a Bill that would address the concerns expressed here tonight.

Councilman Smith stated there are an inordinate number of such violations on his and other commercial properties over the holidays. It would be nice to have some relief.

Councilman Smith said, however, Mayor Beer's suggestion was fine with him, if this was the wish of City Council members.

Mayor Beer stated he had concerns about enacting an Ordinance without clear definition.

Councilman Smith suggested City Council members vote on the amendment and then at the next meeting, take up the second reading of the Bill.

Mayor Beer explained he felt the amendment might be the concern.

Councilman Smith replied Mayor Beer raised a valid point, but if the amendment is voted upon to give Counselor Ramsay direction to bring the Bill back with the additional language as discussed, then the second reading could take place at the next City Council meeting.

The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Evans requested the City Clerk to read back for Council members the second motion.

City Clerk Cathy Swenson stated the motion was made to amend Bill 04-48 to read as a 24 hours per day, seven days per week restriction of parking of commercial vehicles on commercial property where such parking is expressly prohibited by signs posted by the property owner.

Mayor Beer suggested tabling the prior motion made by Councilman Evans.

Councilman Joe Evans withdrew his motion and Councilman Les Smith withdrew his second to that motion.

Mayor Beer asked Counselor Ramsay if there was further action necessary from Council members regarding the first motion.

Counselor Ramsay stated there would be no further action necessary at this point, if Council were not moving to the second reading of the Bill at this meeting. Counselor Ramsay said he would have the changes to the Bill made by the next City Council meeting.

**Item 15. on the Agenda.**      **OTHER BUSINESS**

Mayor Pro Tem Carol Rudi moved to approve the following Boards and Commission appointments:

**PLANNING COMMISSION**

Reappointment	Brian Hill	December 2008
New Appointment	James Shevling	December 2008
New Appointment	C. Loren Boor	December 2008
New Appointment	Edwin Stanley	December 2006
New Appointment	Dave Reynolds	December 2005

(effective upon the anticipated vacancy of a position)

**TERM EXPIRATION**

**CAPITAL IMPROVEMENTS PROGRAM**

Reappointment	Ron Guglielmino	December 2007
Reappointment	Lee Laramore	December 2007
Chair	Pete Hall	

**BOARD OF ZONING ADJUSTMENT**

New Appointment	Dan Young	December 2006
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**CODE BOARD OF APPEALS**

Reappointment	Charles Logan	December 2007
Chair	Charles Logan	
Vacancy	John Green (plumbing)	

**INDUSTRIAL DEVELOPMENT AUTHORITY**

Reappointment	Russell Tluscik	December 2010
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**PARKS and RECREATION**

Reappointment	Roger Shannon	December 2007
New Appointment	Kate Miner	December 2007
New Appointment	Jo Ann Bryant	December 2007

**TELECOMMUNICATIONS**

Reappointment	Larry Thrasher	December 2007
New Appointment	Robert Cornick	December 2007

**RECYCLING and SOLID WASTE**

Reappointment	Eugene Suter	December 2007
New Appointment	Patty Ibarra	December 2007
New Appointment	Jim Olshefski	December 2007
Chair	Burt Comstock	

**TAX INCREMENT FINANCING (TIF)**

Reappointment	Dan Davis	January 2009
Reappointment	John Stueve	January 2009

**SISTER CITIES**

Inactive Commission. All appointments remain at this time.

Chair

George Campbell

**ARTS COUNCIL**

Vacancy-Brad Bowers

Councilman Les Smith seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

**Item 16. on the Agenda.**

**QUESTIONS FROM THE NEWS 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 13, 2004 Gladstone City Council Meeting, Mayor Wayne Beer adjourned the Regular Meeting.

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, and 610.021(3) for Personnel Discussion. Councilman Joe Evans seconded the motion.

Roll Call Vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

**CLOSED EXECUTIVE SESSION ACTION**

At the Closed Executive Session, City Council authorized the following contracts:

1. Real Estate Contract for the purchase of the Atkins-Johnson historical home site located at 6508 North Jackson in Gladstone. The purchase price is \$95,000.00 and the contract is contingent upon environmental, structural, and historical inspections to be conducted on behalf of the City to assess the feasibility of renovating the historical home on the property for use as a public historical site.
2. Contract for Historical Assessment and Feasibility Study with Susan Richards Johnson and Associates, Inc., to determine the condition, historical significance, and feasibility of preserving the Atkins-Johnson home site. The contract provides for initial assessment services at a cost of \$14,560.00.

Respectfully submitted:

Cathy Swenson

Cathy Swenson, City Clerk

Approved as submitted: X

Approved as corrected/amended:       

Wayne Beer

Mayor Wayne Beer





**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JANUARY 10, 2005**

**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 December 13, 2004 City Council Meeting Minutes.
- 4a. Presentation of a United States Flag that was flown over Iraqi soil. Police Officer Kelly Kirk, who also serves as a Drilling Reservist in the United States Navy, will make the presentation.
5. **CONSENT AGENDA**

**RESOLUTION R-05-01**, authorizing acceptance of work under contract with Larkin Excavating, Incorporated for the North Main Street Reconstruction, Northeast 64<sup>th</sup> Street to Northeast 60<sup>th</sup> Street, and authorizing final payment in the amount of \$97,680.29 for Project 025015.

**RESOLUTION R-05-02**, authorizing acceptance of work under contract with George Butler Associates for the Design of North Oak Turn Lanes at Northeast 76<sup>th</sup> Street, and authorizing final payment in the amount of \$1,300.00 for Project 025018.

**RESOLUTION R-05-03**, authorizing Change Order No. 3 in the amount of \$43,909.00 to the contract with Damon Pursell Construction, Incorporated for the Happy Rock West Project 025025.

**RESOLUTION R-05-04**, authorizing acceptance of work under contract with J&N Utilities for the Garfield, 57<sup>th</sup> Terrace, and 67<sup>th</sup> Street Water Main Replacements, and authorizing final payment in the amount of \$31,686.39 for Project 024092.

**RESOLUTION R-05-05**, accepting a Temporary Construction Easement and a Permanent Easement from a property owner in conjunction with the Northwest 58<sup>th</sup> and Broadway Street Improvements Project (035034).

**APPROVAL OF BUILDING PERMIT:** for the addition of a second floor to the existing St. Andrew the Apostle Church School, 6415 North Antioch Road. Applicant: Gastinger Walker Harden Architects. Owner: Catholic Diocese of KC - St. Joseph. (BP 04-10000001)

**APPROVAL OF BUILDING PERMIT:** for an addition to the existing Lawson Bank building, 6303 North Antioch Road, and remodeling of the interior. Applicant: Williams Spurgeon Kuhl & Freshnock. Owner: Lawson Bank. (BP 04-10000002)

**APPROVAL OF LIMITED ONE DAY LIQUOR BY THE DRINK LICENSE** to Oakhill Day School, 7019 North Cherry, for the annual auction event on Saturday, February 26, 2005. Hours: 5:30 PM - 12:00 Midnight. Managing Officer: Mr. Mark D. Schirmer.

**APPROVAL OF FINANCIAL REPORTS FOR NOVEMBER 2004.**

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **FIRST READING SUBSTITUTE BILL 04-48**, prohibiting parking of commercial vehicles on commercial property where such parking is expressly prohibited by signs posted by the property owner.
10. **CONTINUED PUBLIC HEARING:** on a request to rezone from R-1 (Single Family Residential) and C3 (Commercial District) to CP-2 (Commercial District Planned) and a Site Plan Revision at property located at 5711 N. Antioch Road, including the vacant parcel to the north and east. Applicant/Owner: Terry Morgason. (File #1238)
- 10a. **FIRST READING BILL 05-01**, 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 05-02**, approving a site plan revision for property legally described as all of lot 95, except the east 5' thereof and all of lot 96, Evanston Place, an addition in according to the recorded plat thereof and to the City of Gladstone, Clay County, Missouri except that part conveyed to the state of Missouri for road purposes as set forth in deed filed of record as document #c24933 and recorded in book 993, page 496. this property is more commonly known as 5711 N. Antioch including the vacant

parcel to the north and east; and specifically relating to construction of an auto sales facility.

11. **CONTINUED PUBLIC HEARING:** on a request to rezone from CP-3 (Commercial Planned Business) to CP-1 (Commercial Planned Local Business) and a Site Plan Revision at property located at 6051 North Chestnut. Applicant: DDG, Inc. Owner: Aly-Beck. (File #1240)
- 11a. **FIRST READING BILL 05-03,** 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.
- 11b. **FIRST READING BILL 05-04,** approving a Site Plan Revision in a CP-1 Zone for property legally described as Lot 1, Replat of Part Tracts 11 and 12, Kendallwood Commercial Center, more commonly known as 6051 North Chestnut.
12. **APPROVAL OF BUILDING PERMIT:** for construction of a new office building at 6051 North Chestnut Avenue. Applicant: DDG, Inc. Owner: Aly-Beck. (BP 04-10000016)
13. **CONTINUED PUBLIC HEARING:** for consideration of a Site Plan at property generally located at 5615 North Antioch Road. Applicant: United States Construction Owner: Sylvia Gould Trust. (File #1241)

**AUDIENCE NOTE:** Applicant has withdrawn this request, therefore no Public Hearing will be held.

14. **PUBLIC HEARING:** for consideration of a Rezoning and Site Plan at property generally located at 64<sup>th</sup> Street and North Prospect Avenue. Applicant: Northlander Properties, LLC. Owner: Curry Investment Company. (File #1242)

**AUDIENCE NOTE:** This Public Hearing will be opened and immediately continued to the Monday, February 28, 2005, City Council meeting pending a recommendation from the Planning Commission.

15. Other Business.
16. Questions from the News Media.
17. Adjournment.



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

**MONDAY JANUARY 10, 2005**

**PRESENT:**

Mayor Wayne Beer  
Mayor Pro Tem Carol Rudi  
Councilman Les Smith  
Councilman Joe Evans

City Manager Kirk Davis  
City Counselor David Ramsay  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

**ABSENT:**

Councilman Bill Cross

Mayor Wayne Beer opened the Regular January 10, 2005, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 3. on the Agenda.**

**PLEDGE OF ALLEGIANCE.**

Mayor Wayne Beer introduced Boy Scout Troop #247, who presented the Color Guard and led the Pledge of Allegiance, in which all joined.

Boy Scout Leader Jim Fluker introduced Skyler Linderburg, Craig Norris, and Cody Offert who were members of the Color Guard.

Mayor Wayne Beer thanked members of Boy Scout Troop 247 and invited them to attend future City Council meetings.

**Item 4. on the Agenda.**      **APPROVAL OF THE REGULAR DECEMBER 13, 2004 CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Carol Rudi moved to approve the Regular December 13, 2004, City Council Meeting Minutes as presented. Councilman Joe Evans seconded the motion.

The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Wayne Beer. (4-0)

**Item 4a. on the Agenda.**      **PRESENTATION OF A UNITED STATES FLAG THAT WAS FLOWN OVER IRAQI SOIL. POLICE OFFICER KELLY KIRK, WHO ALSO SERVES AS A DRILLING RESERVIST IN THE UNITED STATES NAVY, WILL MAKE THE PRESENTATION.**

Mayor Beer informed the audience that Gladstone Police Officer, Kelly Kirk was deployed to the Iraq region and has recently returned. Officer Kirk secured a flag that was flown over Iraqi soil during his deployment. Mayor Beer invited Officer Kelly Kirk to join him at the podium. Officer Kirk presented to Mayor Beer a framed United States Flag along with a certificate that stated the flag was flown over LSA Anaconda, Iraq, an American base used for the global war on terrorism. The certificate was signed by Kenneth Branch, Task Force Sierra Commander and Thomas M. Risse, NMCB Fifteen Air Detachment, OIC. (Please note the flag and certificate are displayed in a case in the lobby of Gladstone City Hall.)

Following applause, Mayor Beer stated the City of Gladstone pledged their ESGR (Employer Support for the Guard and Reserve) at a previous City Council meeting. Mayor Beer said although his former employer did not provide a formal proclamation of support, in practice, they did provide support. Mayor Beer stated he felt very grateful to his former employer and the City of Gladstone for their support of the Guard and Reserve forces. Mayor Beer stated this is very emotional for him as it is for all veterans and others who are involved in community activities. Mayor Beer thanked Officer Kirk for his presentation. Mayor Beer stated he has a deep regard for veterans and for our military members who are currently serving our country, and is so deeply proud of each one of them.

Mayor Pro Tem Carol Rudi stated she is happy Officer Kirk has returned to Gladstone.

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

**CONSENT AGENDA DETAIL**

Following the Clerk's reading, Councilman Les Smith moved to accept the Consent Agenda as presented. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (4-0)

Councilman Les Smith moved to accept **RESOLUTION R-05-01**, authorizing acceptance of work under contract with Larkin Excavating, Incorporated for the North Main Street Reconstruction, Northeast 64<sup>th</sup> Street to Northeast 60<sup>th</sup> Street, and authorizing final payment in the amount of \$97,680.29 for Project 025015. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (4-0)

Councilman Les Smith moved to adopt **RESOLUTION R-05-02**, authorizing acceptance of work under contract with George Butler Associates for the Design of North Oak Turn Lanes at Northeast 76<sup>th</sup> Street, and authorizing final payment in the amount of \$1,300.00 for Project 025018. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (4-0)

Councilman Les Smith moved to adopt **RESOLUTION R-05-03**, authorizing Change Order No. 3 in the amount of \$43,909.00 to the contract with Damon Pursell Construction, Incorporated for the Happy Rock West Project 025025. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (4-0)

Councilman Les Smith moved to adopt **RESOLUTION R-05-04**, authorizing acceptance of work under contract with J & N Utilities for the Garfield, 57<sup>th</sup> Terrace, and 67<sup>th</sup> Street Water Main Replacements, and authorizing final payment in the amount of \$31,686.39 for Project 024092. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (4-0)

Councilman Les Smith moved to adopt **RESOLUTION R-05-05**, accepting a Temporary Construction Easement and a Permanent Easement from a property owner in conjunction with the Northwest 58<sup>th</sup> and Broadway Street Improvements Project (035034). Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (4-0)

Councilman Les Smith moved to approve a **BUILDING PERMIT** for the addition of a second floor to the existing St. Andrew the Apostle Church School, 6415 North Antioch Road. Applicant: Gastinger Walker Harden Architects. Owner: Catholic Diocese of KC-St. Joseph. (BP 04-10000001). Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (4-0)

Councilman Les Smith moved to approve a **BUILDING PERMIT** for an addition to the existing Lawson Bank building, 6303 North Antioch Road, and remodeling of the interior. Applicant: Williams, Spurgeon, Kuhl, & Freshnock. Owner: Lawson Bank. (BP 04-

10000002). Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (4-0)

Councilman Les Smith moved to approve a **LIMITED ONE DAY LIQUOR BY THE DRINK LICENSE** to Oakhill Day School, 7019 North Cherry, for the annual auction event on Saturday, February 26, 2005. Hours: 5:30 PM-12:00 Midnight. Managing Officer: Mr. Mark D. Schirmer. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (4-0)

Councilman Les Smith moved to approve the **FINANCIAL REPORTS FOR NOVEMBER 2004**. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (4-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE**

Galen Neill, 6010 North Wyandotte, stated he was present at the meeting to discuss snow removal problems he observed this past week in regard to ice and snow and through the 59-61 Watch Group, which covers North Broadway to North Oak Trafficway, and 59<sup>th</sup> Street to 61<sup>st</sup> Terrace. Mr. Neill stated the group noticed the snow removal situation has deteriorated by comparison to past performance in the City. During the last ice storm the streets were plowed in one direction, like an eight-foot strip, and not doubled like is normally done. An eight foot strip was all that was plowed in the areas he just mentioned, and not cleaned to the curbs as has been done in previous snow storms. In the past, snow removal personnel would return after the snow and ice, and would drop their snowplow blade and push the snow to the curb. This was not done in this past storm. Mr. Neill said he has always been very impressed with the snow removal in Gladstone, and he has in the past commended the City Council and City Management. This is the first time he has seen this type of deterioration, and he would appreciate it being recognized.

Mr. Neill stated on 61<sup>st</sup> Street, west of North Oak Trafficway, there is a barricade on the south side of the street, where there was some excavation done in regard to new construction that was taking place on the north side in the location of the car lot. It seems the barricade has been there forever. Mr. Neill said he wondered why the asphalt overlay could not be laid in this particular excavation area to bring the street back to its original form.

Mr. Neill continued by pointing out the vacant retention area behind Priscilla's at 61<sup>st</sup> Street and North Oak, and said he thought the road was to be eliminated in the initial stages of the planning. Mr. Neill said he was at the Planning Commission meeting where the motion was made to have the road behind Priscilla's removed from the plan. However, since the recent snow, Mr. Neill has noticed car tracks, which were heading up towards the

new car lot that has been built north of Priscilla's. It seems this is a possible violation and Mr. Neill said he wondered why the proprietor has not sodded the area, since this was a construction site for the retention pond. Mr. Neill said it seems like the loose dirt is eroding in that area and filling up the detention basin. Mr. Neill asked if the car lot has had its final inspection.

City Manager Kirk Davis addressed the snow removal issue by saying the City received possibly two complaints about snow removal services during the last storm, and he felt Staff did a great job in trying to address a unique storm. Part of the reason Mr. Neill may not have been satisfied with the snow removal is because there was not only approximately ¼ inch of ice that fell first, but there was plummeting temperatures that occurred shortly afterward along with about an inch of snow. The plummeting temperatures prohibited the salt from working. Normally it would be possible to melt the ice and then push the slush off to the side of the road in such a fashion as most folks are used to in Gladstone. Because of the plummeting temperatures, the salt did not work. In many cases it is better to leave snow on top of the ice to provide some traction until the salt can take effect.

City Manager Davis introduced Mr. Chuck Williams who is Gladstone's new Public Works Director, who comes to us from the City of Manhattan, Kansas, and has 29 years of experience working in Manhattan. City Manager Davis said he is very pleased to bring Mr. Williams on board. City Manager Davis asked Mr. Williams if he had further remarks regarding Mr. Neill's concern.

Mr. Williams stated Mr. Davis had given an accurate explanation.

City Manager Davis continued by saying that obviously Staff wants to remove the snow to the curbs and go over all the streets a couple of times. The City has a policy that says the collector and arterial streets will be cleaned in 24 hours and a time frame of 48 hours for the rest of the City's streets and finally the cul-de-sacs are cleaned of snow. The City generally meets that policy all of the time. This was a unique storm because of the ice and then the plummeting temperatures, which prohibited the salt from working.

City Manager Davis stated in regard to Mr. Neill's second concern, Staff will check on the barricade located at 61<sup>st</sup> Street, west of North Oak Trafficway. Reconstruction of 61<sup>st</sup> Street is being planned for next year. There is erosion occurring on one side of the street, and drainage over the course of a number of years has worn away the sub-grade under the road. There is some failure in the asphalt and curb in a couple of areas. This project has been under consideration by the City, and Mr. Birt, who owns Bircain Apartments, has been in contact with the City. Some roadwork will be seen in this area next spring and summer. City Manager Davis asked Assistant City Manager Scott Wingerson to provide the current status of the road behind Priscilla's.

Assistant City Manager Scott Wingerson began by saying Mr. Neill raised several points related to Northland Auto Sales. The road Mr. Neill refers to is a temporary situation located west behind the Priscilla's facility. The road is really used to construct the storm



water detention basin, and provides heavy equipment access to the main site, rather than using North Oak Trafficway.

Mr. Wingerson said Mr. Neill asked about sodding, and it is correct that sodding is required. However, the timing of the finishing of the auto sales facility was such that it wouldn't allow the sod to survive the winter. The sodding will be done in the spring. Mr. Wingerson stated the erosion in the basin is a concern, and Staff will investigate that. Mr. Wingerson was at the facility in the last 10 days, but did not see the erosion Mr. Neill mentioned, but Staff will investigate this matter. If there is erosion, it will be necessary to re-contour the area before restoration can take place so the basin will work as designed. There has been a final inspection, but that does not mean the project is complete. There has been issued a temporary Certificate of Occupancy, which allows people to be in the building. However, there are certain weather related punch list items that need to be corrected in the future. The owner will address the sodding and the other punch list items in early spring. Once that is complete, the City will issue a final Certificate of Occupancy.

Councilman Les Smith asked for clarification regarding the road barricade and asked if it was placed for a road failure issue or related to the construction.

Mr. Wingerson said he believed it may have been placed for the tap for the fire service line, but he will check to be sure that is correct. As City Manager Davis indicated, Staff will investigate this and try to remove the barricade as soon as possible.

Mayor Pro Tem Carol Rudi asked if the reconstruction of 61<sup>st</sup> Street is planned for 2005 or 2006.

City Manager Davis replied the project is planned for 2005. The full extent of the subgrade issue needs to be explored further, and there is a storm water issue. Potentially road widening may need to occur. The scope of the project needs to be further evaluated. At the minimum there will probably be significant patching and curb work, which will include storm water work. City Manager Davis said this could probably be a bigger road project, if portions of North Oak Trafficway is included in the area. The entire road network in this area needs to be reviewed.

#### **Item 7. on the Agenda.**

#### **COMMUNICATIONS FROM THE CITY COUNCIL**

**Councilman Joe Evans** welcomed Mr. Chuck Williams to the City and stated he was sure his first week was busy. Councilman Evans thanked the Public Safety Department for their great work with a mishap he had over the weekend. Councilman Evans said he lost his money clip in Lenexa, Kansas. The City of Lenexa contacted Gladstone Public Safety and our Public Safety officers returned the money clip to Councilman Evans. The I.D. card that Council members carry was instrumental in the return of the money clip.

Councilman Evans asked if there has been any action on the property at 6615 NE Antioch Road.

Assistant City Manager Scott Wingerson replied Staff is continuing to document the activity at this address, although it has been difficult the last two weeks because of the weather and the holidays. It was anticipated to receive a letter from the owner's lawyer, which he believes has not yet been received.

City Counselor David Ramsay agreed the letter has not been received. It was expected last week, but it did not arrive. He will follow up on this.

Mr. Wingerson stated Staff continues to document the activity and will move forward accordingly.

**Councilman Les Smith** began by saying he knows one of the provisions of home occupancy is that there will be no visible signs of activity, including the storage of vehicles and trailers. Councilman Smith said he feels confident there have been at least two or three such vehicles at this address since the last City Council meeting.

Councilman Smith welcomed Mr. Chuck Williams and said he has had a "baptism by fire" with the recent weather events. Rightfully so, in Gladstone, folks do expect the snow to be caught before it hits the ground. Councilman Smith inquired into the property at 207 NE 72<sup>nd</sup> Street, which is an office building in a state of what appears to be disrepair, although it may be nothing more than paint. Councilman Smith said he believes this code enforcement case has been continued a couple of times at the municipal court level. That same person owns property just to the north of the Quik Trip on Prospect. It is a boarded up house, with a large picture window completely broken out, and located on a major entrance point to our City. Councilman Smith said he did not know if this location has been to the courts yet, but this particular property owner continues to apparently not care about what the property he owns looks like in our City. That is not in any way at all enhancing our ability to attract business to our City, and causes an image problem. Councilman Smith asked how long these two locations have been under review for City codes violation, where they stand, and if the judges are not acting aggressively enough, he would like to know that.

Assistant City Manager Wingerson reported the North Prospect property is under a demolition order and Staff is just waiting for an additional notice period to expire. The property on 72<sup>nd</sup> Street is a little more complex. The issue at that address is rust on the side of the building. The building is faced with real stucco and the owner's argument to the municipal court system is that it is very difficult to find a product to paint it in an appropriate fashion. The court system is involved and when the case is heard, City staff will testify as to what our research indicates as it relates to painting stucco.

Councilman Smith said he would be happy to provide some information tomorrow morning on material used to do such painting.

**Mayor Pro Tem Carol Rudi** welcomed Mr. Williams and Melinda Mehaffy, the new Economic Development Administrator. Councilman Rudi stated she is glad Mr. Williams and Ms. Mehaffy have joined the City.

**Mayor Wayne Beer** welcomed Mr. Williams, and said he was not in town last week during the ice storm, but he knows Mr. Williams came on board on Monday and work began in earnest on Tuesday.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER**

City Manager Kirk Davis welcomed everyone back from the holidays, and stated the fallout from the recent storm dictated that the Public Works site be opened for the public to drop off their their brush. The drop off site will be opened this week, this weekend, and all of next week and the following weekend. The need will be monitored from there. Hopefully, residents will take advantage of this opportunity.

City Manager Davis stated the Distinguished Budget Award was presented to our City again this year, and he acknowledged former Finance Director Cash Sweiven and his involvement in this budget.

**Item 9. on the Agenda.**

**FIRST READING SUBSTITUTE BILL 04-48,**

prohibiting parking of commercial vehicles on commercial property where such parking is expressly prohibited by signs posted by the property owner.

Councilman Les Smith moved to place Substitute Bill No. 04-48 on First Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Substitute Bill 04-48, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 04-48 and enact the Bill as **Ordinance 3.938**. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Councilman Les Smith thanked the Council for discussion on this Bill at the last meeting and also City Counselor Ramsay for incorporating all of the changes that were requested. This Bill allows relief to those who need it, but also places a burden on the property owner to make it happen.

Roll Call Vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0).

**Item 10. on the Agenda.** **CONTINUED PUBLIC HEARING:** on a request to rezone from R-1 (Single family Residential) and C3 (Commercial District) to CP-2 (Commercial District Planned) and a Site Plan Revision at property located at 5711 North Antioch Road, including the vacant parcel to the north and east. Applicant/Owner: Terry Morgason. (File #1238)

Mayor Beer 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 he would like to begin with a small bit of housekeeping and said Item 10b. on the Agenda, Bill 05-02, references the construction of an auto sales facility. That is incorrect, and he asked that Bill 05-02 be changed to read as a retail facility.

Mr. Wingerson stated the applicant is requesting two actions from City Council. The first is a zoning change. The current zoning of the property is split, with one portion of the property located at the southwest corner zoned as C3. It was home to Precision Tune and it is now currently vacant. The second parcel wraps that parcel to the north and to the east, and is currently zoned R-1. The applicant is requesting zoning change from those two classifications to CP-2 as the agenda indicates. The second action requested of Council is a site plan approval, which would allow construction of approximately 16,000 square feet of retail space together with normal accessories such as parking, trash delivery and those types of items.

Mr. Wingerson said there were two issues raised during the Public Hearing process. The first was the location of the dumpster. Originally the dumpster enclosure was to be located at the southeast corner of the facility. That has been relocated to the northwest portion of the property. One of the conditions of Staff is that the dumpster is enclosed with materials consistent with the primary building. The other issue had to do with ingress and egress. The property is proposed to have a single ingress/egress point on Antioch Road. The applicant has coordinated with the Missouri Department of Transportation, and Staff believes that will be satisfactory to the Missouri Department of Transportation. Mr. Wingerson said the second point of ingress/egress is on 57<sup>th</sup> Terrace at the south edge of the project. During the site visit, it was determined that there is a grade concern on 57<sup>th</sup> Terrace, for cars traveling westbound on 57<sup>th</sup> Terrace approaching Antioch Road, or Route 1. The Planning Commission asks that a strategy be developed to address that concern for the development of this property, as well as potential development to the south on 57<sup>th</sup> Terrace.

Mr. Wingerson asked that a condition be added to Bill 05-02 that requires the negotiation and execution of a development agreement and approval of City Council to address the grade concerns at 57<sup>th</sup> Terrace. The applicant/owner is agreeable to this condition and would like the project to move forward. Mr. Wingerson said there are a couple of Staff conditions having to do with operation of the facility in terms of the trash and tractor-trailer deliveries limited to the hours of 7:00 AM to 10:00 PM. There are several closed driveway points, and Staff would like those to be replaced with curb, gutter and sidewalk. Other conditions include the typical public and neighborhood preservation type issues. The Planning Commission recommends unanimous approval of this application with a vote of 11-0.

### **Applicant Presentation**

Dennis Markey, Architect with Rees, Masilionis, Turley Architecture, stated the owner, Terry Morgason, was present at the meeting. Mr. Markey stated that early on this site was looked at in several different fashions as to things that could be done with it. There were several options of ways to incorporate the best use for this project. Through a series of evolution the applicant decided on the 16,000 square foot retail facility as shown. The building is on a piece of land that slopes from the north to south, and the proposal shows that they will be raising the lower end of the lot, lowering the higher end, and flattening out most of the site by removing quite a bit of dirt. The site will end up with a fairly flat profile when completed. In moving the dirt, the water detention requirements are also being considered. Mr. Markey pointed out on a drawing that along Antioch Road there is a retaining wall that is against the parking lot, which is raising up the parking lot from the existing height of about 3 feet and taking off about 10 feet from the back. The second retaining wall, closer to Antioch Road, will actually retain the water runoff from the parking lot.

Mr. Markey stated to address traffic flow, a widened area has been added to the access to Antioch Road. The purpose of that is to have two lanes going out and to allow for a left hand turning lane. The second access to the site is on 57<sup>th</sup> Terrace, and through a series of site visits, it was determined that this is probably the best location given the distance from Antioch Road and from the property line to the east. As part of the project, it is planned to lower a hump on 57<sup>th</sup> Terrace about three feet. This should help with site distance in seeing oncoming traffic. The trash enclosure has been moved from the south side of the building to the north end of the project, and given the same materials of the building. Mr. Markey pointed out on the drawings the different types of materials for the proposed building. The building has been designed for maximum flexibility and will be on one elevation. Tenants of various sizes can be considered over the years.

### **Comments from those in Favor of the Application**

Terry Hoppenhaler, 2076 NE 57<sup>th</sup> Terrace, stated she appreciated the applicant addressing the neighborhood's concerns and she looks forward to the development.

**Comments from those Opposed to the Application**

There was no one to speak in opposition to the application.

**Mayor Beer closed the Public Hearing.**

**Item 10a. on the Agenda.**      **FIRST READING BILL 05-01**, 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 Carol Rudi moved to place Bill No. 05-01 on First Reading. Councilman Joe Evans seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Mayor Pro Tem Carol Rudi moved to accept the First Reading of Bill 05-01, Waive the Rule and place the Bill on Second and Final Reading. Councilman Joe Evans seconded. The vote: All "aye" -- Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Mayor Pro Tem Carol Rudi moved to accept the Second and Final Reading of Bill 05-01 and enact the Bill as **Ordinance 3.939**. Councilman Joe Evans seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Councilman Les Smith asked Mr. Wingerson if the deliveries and trash service between the hours of 7:00 AM and 10:00 PM is consistent with the City's regulations.

Mr. Wingerson replied, yes, it is generally consistent, but is on the restrictive side, because of the proximity to the single-family homes to the south and to the east.

Roll Call Vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0).

**Item 10b. on the Agenda.**      **FIRST READING BILL 05-02**, approving a site plan revision for property legally described as all of lot 95, except the east 5' thereof and all of lot 96, Evanston Place, an addition in accordance with the recorded plat thereof and to the City of Gladstone, Clay County, Missouri except that part conveyed to the state of Missouri for road purposes as set forth in deed filed of record as document #c24933 and recorded in book 993, page 496. this property is more commonly known as 5711 N. Antioch including the vacant parcel to the north and east; and specifically relating to construction of a retail facility.

Councilman Les Smith moved to place Bill No. 05-02 on First Reading, adding Condition Number 8, which shall state the Developer shall negotiate and execute a mutually acceptable development agreement with the City related to the partial reconstruction of NE

57 Terrace. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 05-02 as amended, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 05-02 as amended and enact the Bill as **Ordinance 3.940**. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Roll Call Vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0).

**Item 11, on the Agenda.** **CONTINUED PUBLIC HEARING** on a request to rezone from CP-3 (Commercial Planned Business) to CP-1 (Commercial Planned Local Business) and a Site Plan Revision at property located at 6051 North Chestnut. Applicant DDG. Inc. Owner: Aty-Beck. (File #1240)

Mayor Beer opened the Public Hearing and explained the hearing process would be the same as before with City Staff making 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 is requesting three actions from City Council members tonight. The first is a zoning change that was originated by the Planning Commission from the current zoning of CP-3 to CP-1. The second action is a site plan approval to consider development of a 3,600 square foot office building. The third is a building permit consideration for approval to construct the facility. Mr. Wingerson reported there are seven recommended Staff conditions. The Planning Commission voted 11-0 in favor of recommending approval by City Council of this application.

#### **Applicant Presentation**

Marcus Thomas, Architect for DDG, Incorporated, stated a 3,600 square foot facility is proposed. The project is in an existing commercial center, and is one of the remaining lots that has not been completed. Mr. Thomas pointed out displayed renderings and said it is proposed that approximately one half of the building will be occupied by the owner of the building, who operates a medical staffing office, with very little walk-in traffic. The office coordinates and arranges for nurses and emergency doctors to work in emergency rooms

and offices that require emergency services. The remaining half of the building will be for leasing purposes to another Type B occupancy. It is the intent of the owner to market the facility to professional offices, such as accountant, doctors, or something in this range. They do not desire a lot of retail traffic in the building. Mr. Thomas pointed out on the rendering the building materials for the proposed professional office building, and stated the only signage would be the address letters.

**Comments from those in Favor of the Application**

There was no one to speak in favor of the application.

**Comments from those Opposed to the Application**

There was no one to speak in opposition to the application.

**Mayor Beer closed the Public Hearing.**

**Item 11a. on the Agenda.** **FIRST READING BILL 05-03**, 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.

Councilman Les Smith moved to place Bill No. 05-03 on First Reading. Councilman Joe Evans seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 05-03, Waive the Rule and place the Bill on Second and Final Reading. Councilman Joe Evans seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 05-03 and enact the Bill as **Ordinance 3.941**. Councilman Joe Evans seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Roll Call Vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0).

**Item 11b. on the Agenda.** **FIRST READING BILL 05-04**, approving a Site Plan Revision in a CP-1 Zone for property legally described as Lot 1, Replat of Part Tracts 11 and 12, Kendallwood Commercial Center, more commonly known as 6051 North Chestnut.



Councilman Joe Evans moved to place Bill No. 05-04 on First Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the First Reading of Bill 05-04, Waive the Rule and place the Bill on Second and Final Reading. Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the Second and Final Reading of Bill 05-04 and enact the Bill as **Ordinance 3.942**. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Roll Call Vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0).

**Item 12. on the Agenda.**      **APPROVAL OF BUILDING PERMIT** for construction of a new office building at 6051 North Chestnut Avenue. Applicant: DDG, Inc. Owner: Aly-Beck. (BP 04-10000016)

Mayor Pro Tem Carol Rudi moved to approve a Building Permit for construction of a new office building at 6051 North Chestnut Avenue. Applicant: DDG, Inc. Owner: Aly-Beck. (BP 04-10000016). Councilman Joe Evans seconded.

Mayor Pro Tem Carol Rudi pointed out that on the second page of the Staff Report, Item Number 3 states that "if a fire alarm is to be installed". Mayor Pro Tem Rudi asked if that should really say "if".

Assistant City Manager Scott Wingerson replied that in the Staff Reports there is always the opportunity for an architect to provide alternatives. If required, the fire alarm will be installed. If it is not required, then the architect can demonstrate that to the Fire Marshall and Building Official, and that comment would be removed.

Councilman Les Smith asked Mr. Wingerson if in approving a building permit when there are various comments from the different City divisions, is City Council's approval in essence subject to those conditions being met?

Mr. Wingerson replied that was correct.

The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (4-0)

**Item 13. on the Agenda.**      **PUBLIC HEARING:** for consideration of a Site Plan at property generally located at 5615 North Antioch Road. Applicant: United States Construction. Owner: Sylvia Gould Trust. (#1241).

**Mayor Beer explained the Applicant has withdrawn this request, therefore no Public Hearing will be held.**

**Item 14. on the Agenda.**      **PUBLIC HEARING:** for consideration of a Rezoning and Site Plan at property generally located at 64th Street and North Prospect Avenue. Applicant: Northlander Properties, LLC. Owner: Curry Investment Company. (File #1242)

**Mayor Beer opened the Public Hearing and immediately continued to the Monday, February 28, 2005, City Council meeting pending a recommendation from the Planning Commission.**

**Item 15. on the Agenda.**      **OTHER BUSINESS**

Councilman Les Smith stated relative to a Study Session item that was on City Council's agenda earlier this evening, he would like to make a motion that authorizes the Parks and Recreation Department to pursue providing in-house concession service at the Municipal Swimming Pool and at Happy Rock Park, subject to final approval by the City Manager as to its structure. Mayor Pro Tem Carol Rudi seconded.

Councilman Joe Evans stated he believed the Gladstone Amphitheatre was to be included, but with a 501 (c) 3 designation, and asked if it should be included in the motion.

Councilman Smith replied that as he read the Staff memo it was specific to in-house concession services at the two facilities mentioned in the motion. Councilman Smith stated it might be worthwhile to note, as part of this discussion, that, yes, it is the intent for the Amphitheatre's concession services not to be in-house, but for Staff to organize its concessions with a 501 (c) 3 organization. The in-house service, which would cause the City some expense and exposure is limited to the Municipal Pool and Happy Rock Park. Councilman Smith continued by saying that although Staff's report did reference the Happy Rock Park Softball Complex, he would like for it to be for the entire Happy Rock Park Complex, which would include the addition on the west side of Antioch Road, should there ever be a concession stand there.

The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (4-0)

Councilman Smith asked because there were two projects approved this evening that have worked very well through the process with the Planning Commission and there have been some changes, if the Planning Commission should add or delete recommendations, to the

original Staff Report , are those automatically included in what comes before City Council, or do they need to be added or deleted by City Council.

Mr. Wingerson replied what the Planning Commission recommends is what Staff presents to the City Council. Unless there is a specific reference, such as in the case of the first change this evening, which was the addition of a developer's agreement. The developer's agreement addition was based on a Planning Commission recommendation and was added verbally this evening, and on the second change, it was the zoning change that the Planning Commission requested. In these cases Mr. Wingerson tries to bring Council's attention to them, but if he does not, they are included in the Ordinance that is provided to City Council members.

**Item 16. on the Agenda.**

**QUESTIONS FROM THE NEWS 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 13, 2004 Gladstone City Council Meeting, Mayor Wayne Beer adjourned the Regular Meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Wayne Beer



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JANUARY 24, 2005**

**OPEN STUDY SESSION: 6:30 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will hold a Closed Executive Session immediately following 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 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(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 354 sponsored by Meadowbrook United Methodist Church.
4. Approval of Regular January 10, 2005 City Council Meeting Minutes.
- 4a. **Presentation of Mayor Holiday Tree Lighting Check to Neighbors Helping Neighbors.**
- 4b. **PRESENTATION OF BOARD AND COMMISSION APPRECIATION PLAQUES.**

**Richard Powers, Parks and Recreation Advisory Board**  
January 1991 – December 2004

**David Stanley, Parks and Recreation Advisory Board**  
January 1991 – December 2004

**Terry Hoppenthaler, Board of Zoning Adjustment**  
June 2004 – December 2004

**Dick Davis, Planning Commission**  
May 2003 – December 2004

**Allen Dillingham, Planning Commission**  
January 2001 – December 2004

**Wendell Kiser, Planning Commission**  
January 1997 – December 2004

**Diane McGuire, Planning Commission**  
January 2004 – December 2004

**Dan Young, Telecommunications Advisory Board**  
January 1999 – December 2004

**Don Horton, Recycling and Solid Waste Committee**  
June 2001- December 2004

**John Nord, Recycling and Solid Waste Committee**  
January 2001 – December 2004

**Brad Bowers, Arts Council**  
December 2002 – December 2004

4c. **Appointment to the University of Missouri Extension**

5. **CONSENT AGENDA**

**RESOLUTION R-05-06**, adopting the 2005 State Legislative Program for the City of Gladstone, Missouri.

**RESOLUTION R-05-07**, authorizing the City Manager to accept a Bill of Sale from Gladstone Senior Partners, L.P. conveying to the City a Water Line, Sanitary Sewer Line, Storm Sewer Line and Street built in conjunction with construction at Gladstone Senior Living.

**RESOLUTION R-05-08**, authorizing execution of a contract with Greater Kansas City Umpires Association to provide Umpire Services for the City of Gladstone for one year and three optional terms of one year each at the cost of \$21.00 per league game and \$21.00 per tournament game.

**RESOLUTION R-05-09**, authorizing acceptance of work under contract with Metro Asphalt, Incorporated for the Happy Rock Park Trail Replacement, Phase 2, and authorizing final payment in the amount of \$9,042.20 for Project 055032.

**RESOLUTION R-05-10**, authorizing execution of a contract with Haworth, Incorporated through Contract Studios for the Furniture for the Public Safety Headquarters Renovation; Project 025608.

**RESOLUTION R-05-11**, authorizing Change Order No. 3 in the amount of \$38,301.00 for the contract with Harmon Construction, Incorporated, for the Public Safety Headquarters Renovation Project; Project 025603.

**RESOLUTION R-05-12**, authorizing acceptance of a proposal from Layne-Western of Kansas City, Kansas for the purchase of a Backwash Pump for the net purchase amount of \$41,106.

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **FIRST READING BILL 05-05**, approving the Final Plat of "Gladstone Plaza, Lot #1, Final Plat (Bank Midwest)", a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said plat for recording.
10. Other Business.
11. Questions from the News Media.
12. Adjournment.



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

**MONDAY JANUARY 24, 2005**

**PRESENT:** Mayor Wayne Beer  
Mayor Pro Tem Carol Rudi  
Councilman Bill Cross  
Councilman Les Smith  
  
City Manager Kirk Davis  
City Counselor David Ramsay  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

**ABSENT:** Councilman Joe Evans

Mayor Wayne Beer opened the Regular January 24, 2005, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers. Mayor Beer stated, for the record, that Councilman Evans was not present as he was taking his father to receive medical care.

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

Mayor Wayne Beer introduced Boy Scout Troop #354, sponsored by the Meadowbrook United Methodist Church, who presented the Color Guard and led the Pledge of Allegiance, in which all joined.

Mayor Beer asked Assistant Troop Leader David Stanley to introduce the members of the Color Guard.

Mr. Stanley introduced Michael Baharacen, Andrew Martin, Erik and Taylor Walsh, and Brad Ebinger. Mr. Stanley also introduced Mrs. Walsh, Mrs. Martin and Mrs. Stanley.

Mayor Beer thanked the Color Guard members, parents, and Troop leaders for attending the meeting, and invited them to attend future meetings.

**Item 4. on the Agenda. APPROVAL OF THE REGULAR JANUARY 10, 2005 CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Carol Rudi moved to approve the Regular January 10, 2005, City Council Meeting Minutes as presented. Councilman Les Smith seconded the motion.

Councilman Bill Cross explained he would abstain from voting as he was absent from the last City Council meeting, as he was in Washington, D.C.

The vote: "Aye" – Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Wayne Beer. "Abstain" – Councilman Bill Cross. (3-0-1)

**Item 4a. on the Agenda. PRESENTATION OF MAYOR HOLIDAY TREE LIGHTING CHECK TO GLADSTONE NEIGHBORS HELPING NEIGHBORS.**

Mayor Wayne Beer presented to Mr. Art Hammen, Executive Director of Gladstone Neighbors Helping Neighbors, a check for \$1,212.81. Mayor Beer stated the money was raised through the Mayor's Holiday Tree Lighting Fund, and he was pleased to give the check to Neighbors Helping Neighbors.

Mr. Hammen thanked the Mayor and City Council for their support of Gladstone Neighbors Helping Neighbors. On behalf of the Board of Directors, the volunteers, and especially the residents of Gladstone who Gladstone Neighbors Helping Neighbors serve, Mr. Hammen extended thanks to the Mayor and City Council, and to the citizens who made this very generous gift possible. Mr. Hammen stated that 100 percent of the money donated tonight would go towards assisting Gladstone residents.

Mr. Hammen continued by saying Gladstone Neighbors Helping Neighbors was conceived to assist Gladstone residents who for physical or financial reasons cannot maintain their property properly. That is where Gladstone Neighbors Helping Neighbors comes in. A Gladstone resident can contact Gladstone Neighbors Helping Neighbors, and after meeting some minimal income guidelines, receive assistance. The organization's goal is to make sure no Gladstone homeowner has a problem they cannot afford to fix. This is the third year that volunteers of the organization have worked with homeowners with winterization and weatherization of their homes by doing such work as re-insulating attics, and caulking and weather stripping. Gladstone Neighbors Helping Neighbors performs these services with no charge to the recipient. Mr. Hammen once again offered his thanks.

Mayor Beer presented a \$25 gift certificate from Walmart to Mr. Hammen to be used by Gladstone Neighbors Helping Neighbors.



Mayor Beer stated he has been a volunteer with Gladstone Neighbors Helping Neighbors since the ice storm a few years ago, and by virtue of being Mayor, he serves on the Board of Directors. Mayor Beer said there is no finer organization.

**Item 4b. on the Agenda.**      **PRESENTATION OF BOARD AND COMMISSION  
APRECIATION PLAQUES.**

Mayor Wayne Beer presented appreciation plaques to outgoing Board and Commission members in recognition of their service to the City as follows: Richard Powers, Parks & Recreation Advisory Board, January 1991 – December 2004; David Stanley, Parks & Recreation Advisory Board, January 1991 – December 2004; Terry Hoppenthaler, Board of Zoning Adjustment, June 2004 – December 2004; Dick Davis, Planning Commission, May 2003 – December 2004; Allen Dillingham, Planning Commission, January 2001 – December 2004; Wendell Kiser, Planning Commission, January 1997 – December 2004; Diane McGuire, Planning Commission, January 2004 – December 2004; Dan Young, Telecommunications Advisory Board, January 1999 – December 2004; Don Horton, Recycling and Solid Waste Committee, June 2001 – December 2004; John Nord, Recycling and Solid Waste Committee, January 2001 - December 2004; and Brad Bowers, Arts Council, December 2002 - December 2004.

Mayor Beer thanked the outgoing Boards and Commissions members and stated the City depends greatly upon the volunteer Board and Commission members. Their volunteer efforts make Gladstone the great place that it is.

**Item 4c. on the Agenda.**      **APPOINTMENT TO THE UNIVERSITY OF  
MISSOURI EXTENSION.**

Councilman Bill Cross moved to appoint Beth Houlihan to the University of Missouri Extension. Councilman Les Smith seconded. The vote: All "aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi and Mayor Wayne Beer. (4-0)

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

**CONSENT AGENDA DETAIL**

Following the Clerk's reading, Councilman Bill Cross moved to accept the Consent Agenda as presented. Councilman Les Smith seconded. The vote: All "aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (4-0)

Councilman Bill Cross moved to accept **RESOLUTION R-05-06**, adopting the 2005 State Legislative Program for the City of Gladstone, Missouri. Councilman Les Smith seconded. The vote: All "aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (4-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-05-07**, authorizing the City Manager to accept a Bill of Sale from Gladstone Senior Partners, L.P. conveying to the City a Water Line, Sanitary Sewer Line, Storm Sewer Line and Street built in conjunction with construction at Gladstone Senior Living. Councilman Les Smith seconded. The vote: All "aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (4-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-05-08**, authorizing execution of a contract with Greater Kansas City Umpires Association to provide Umpire Services for the City of Gladstone for one year and three optional terms of one year each at the cost of \$21.00 per league game and \$21.00 per tournament game. Councilman Les Smith seconded. The vote: All "aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (4-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-05-09**, authorizing acceptance of work under contract with Metro Asphalt, Incorporated for the Happy Rock Park Trail Replacement, Phase 2, and authorizing final payment in the amount of \$9,042.20 for Project 055032. Councilman Les Smith seconded. The vote: All "aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (4-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-05-10**, authorizing execution of a contract with Haworth, Incorporated through Contract Studios for the Furniture for the Public Safety Headquarters Renovation; Project 025608. Councilman Les Smith seconded. The vote: All "aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (4-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-05-11**, authorizing Change Order No. 3 in the amount of \$38,301.00 for the contract with Harmon Construction, Incorporated, for the Public Safety Headquarters Renovation, Project 025603. Councilman Les Smith seconded. The vote: All "aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (4-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-05-12**, authorizing acceptance of a proposal from Layne-Western of Kansas City, Kansas for the purchase of a Backwash Pump for the net purchase amount of \$41,106.00. Councilman Les Smith seconded. The vote: All "aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (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 Les Smith** had no comments at this time.

**Councilman Bill Cross** thanked City Clerk Cathy Swenson for preparing the dinner meeting of the Westgate Missouri Municipal League, at which over 65 people were in attendance from northwest Missouri. There were 14 in attendance from the City of Gladstone. It was a wonderful experience and a good speaker. Councilman Cross thanked City Clerk Swenson and Staff for an outstanding job.

Councilman Cross stated there were many people present in the audience who are working extremely hard to promote the February 8<sup>th</sup> election, and if anyone would like to have a sign for their yard, to please contact someone in the audience.

**Mayor Pro Tem Carol Rudi** stated she was sad that some Board and Commission members are leaving their positions, but is happy that some are transferring to other Boards and Commission positions. Mayor Pro Tem Carol Rudi thanked them for their time and hard work.

**Mayor Wayne Beer** had no comments at this time.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER**

City Manager Kirk Davis reported that brush disposal remains available through the weekend. Any tree damage from the ice storm of three weeks ago, may be disposed at the Public Works facility.

**Item 9. on the Agenda.**

**FIRST READING BILL 05-05**, approving the Final Plat of "Gladstone Plaza, Lot #1, Final Plat (Bank Midwest)", a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said plat for recording.

Councilman Les Smith moved to place Bill No. 05-05 on First Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 05-05, Waive the Rule and place the Bill on Second and Final Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 05-05 and enact the Bill as **Ordinance 3.943**. Councilman Bill Cross seconded.

Councilman Smith asked City Manager Davis to explain what approval of this Bill means, as there are many in the audience who are familiar with the ongoing Gladstone Plaza redevelopment effort.

Mayor Beer asked City Manager Davis to also explain for the benefit of the Boy Scouts who were present, the reason for the multiple readings of the Bill.

City Manager Davis began by saying that Bank Midwest is a very good corporate resident in our community, and is situated in the front of Gladstone Plaza in one of the parcels adjacent to North Oak Trafficway at 65<sup>th</sup> Street. Mr. Davis said, as most people in the audience are aware, there have been an ongoing series of activities relative to encouraging the redevelopment of Gladstone Plaza. In fact, approximately a year ago the City Council declared Gladstone Plaza as blighted, and the City is currently working with a developer to locate some tenants that would allow for the renovation of the facility. Bank Midwest built their building, but leased their property from Mrs. Wolfe, who lives in St. Louis.

The action on this bill gives Bank Midwest a little more control over their parcel. The City is pleased Bank Midwest is remaining in Gladstone, as they are a very valuable corporate resident. The City will be working with them with issues such as ingress and egress, and parking lot arrangements relative to their particular site. The action of this Bill does give Bank Midwest some autonomy, however they recognize they are also part of the bigger redevelopment. Mr. Davis said he believes Bank Midwest is pleased with the redevelopment of Gladstone Plaza, and this is one step of many in the redevelopment of the center.

City Manager Davis said in regard to the readings, City Council followed State Statutes which require two readings for an Ordinance. The two readings may take place during one meeting, by "waiving the rule" which is allowed by State Statute. In the old days, the readings took place over a period of two weeks. Having both readings in one night, expedites the process, and does a favor for business, and saves costs for the citizens of our City in terms of being able to move the Bill forward in one session.

Mayor Beer explained that if this Bill were for a development or a proposal that was in any way of a contentious nature, the readings of the Bill probably would be read on separate nights to allow the public to have better input.

City Manager Davis stated the Bill tonight is for a Plat, which as City Council knows is almost a ministerial act and does not require a Public Hearing. If a Public Hearing were held, such as in the case of a Special Use Permit, the Public Hearing may be held at one City Council meeting and the readings of Bill at the next City Council meeting.

Roll Call Vote: All "aye" - Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0).

**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.

**Item 12. on the Agenda.**


**ADJOURNMENT**

There being no further business to come before the January 24, 2005, Gladstone City Council Meeting, Mayor Wayne Beer adjourned the Regular Meeting.

Mayor Pro Tem 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, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Councilman Bill Cross seconded the motion.


Roll Call Vote: All "aye" - Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (4-0).

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

  
Mayor Wayne Beer



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, FEBRUARY 14, 2005**

**OPEN STUDY SESSION: 6:45 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will hold a Closed Executive Session immediately following 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 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(3) for Personnel Discussion.

**AMENDED AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular January 24, 2005, City Council Meeting Minutes.
- 4a. **PROCLAMATION:** recognizing **DR. STEPHEN PELKEY** as a recipient of **THE HOLLAND'S OPUS FOUNDATION AWARD.**
- 4b. **PRESENTATION OF GLADSTONE ON THE MOVE/CITIZENS MAKING A DIFFERENCE APPRECIATION PLAQUES.**

Nancy Thompson, Co-Chairman  
Dick Davis, Co-Chairman

- 4c. **PRESENTATION OF GLADSTONE ON THE MOVE CAMPAIGN COMMITTEE APPRECIATION PLAQUES.**

Jean Moore, Co-Chairman  
Don Horton, Co-Chairman

**5. CONSENT AGENDA**

**RESOLUTION R-05-13**, authorizing acceptance of work under contract with Dennis Johnson Construction for the Old Maid's Creek, Cave Creek, and East Creek Sanitary Sewer Pipeline Replacements; and authorizing final payment in the amount of \$16,111.60 for Project 034093.

**RESOLUTION R-05-14**, authorizing acceptance of work under contract with Insituform Technologies USA for the Old Maid's Creek, Cave Creek, and East Creek Sanitary Sewer Pipeline Rehabilitation; and authorizing final payment in the amount of \$22,818.50 for Project 034094.

**RESOLUTION R-05-15**, authorizing execution of a contract with Mega Industries Corporation in the total amount not to exceed \$178,710.00 for the Broadway and NW 58<sup>th</sup> Street Improvements; Project 035034.

**RESOLUTION R-05-16**, authorizing the City Manager to enter into an agreement with Kansas City Power and Light Company to provide and install a transformer and other related equipment for the purpose of providing electrical service to Happy Rock Park, at a cost not to exceed \$21,694.57.

**RESOLUTION R-05-17**, accepting a Road Right of Way Warranty Deed and Water Line Easement from Larry and Connie Myers concerning property located at 6110 North Oak Trafficway.

**RESOLUTION R-05-18**, accepting a Standard Utility Easement from Eagle River Investments, LLC concerning property located at Old Pike Villas, 5510 North Broadway.

**APPROVAL OF NEW CLASS "A" LIQUOR BY THE DRINK LICENSE**, The Hide Out Bar & Grill, 6948 North Oak Trafficway. Managing Officer: Frank J. Gabel.

**APPROVAL OF LIMITED ONE DAY BEER & WINE LICENSE** to St. Charles Borromeo Church, 804 Shady Lane Drive, for February 19, March 5 and March 19, 2005 for three fundraisers for a new school gym floor. Hours: 6:00 PM - 12:00 Midnight. Managing Officer: Mr. Paul G. Danaher.

**APPROVAL OF FINANCIAL REPORTS FOR DECEMBER 2004.****REGULAR AGENDA**

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

9. **FIRST READING BILL 05-06**, declaring the results of the **Special Election** held in the City of Gladstone, Missouri on **Tuesday, February 8, 2005**, at which election the following proposition was submitted to the qualified voters of said City as Question 1, to wit: "Shall the City of Gladstone, Missouri, impose a Sales Tax of one-fourth of one percent for the purpose of providing funding for a community center and City parks, commencing on July 1, 2006, upon the termination of the existing one-fourth of one percent City sales tax?".
10. **FIRST READING BILL 05-07**, declaring the results of the **Special Election** held in the City of Gladstone, Missouri on **Tuesday, February 8, 2005**, at which election the following proposition was submitted to the qualified voters of said City as Question 2, to wit: "Shall the City of Gladstone, Missouri, be authorized to increase the property tax levy by up to 39 cents per one hundred dollars of assessed valuation to provide funds for emergency ambulance service, infrastructure improvements, and neighborhood services" .
11. **FIRST READING BILL 05-08**, approving the Final Plat, of Gladstone Plaza 2<sup>nd</sup> Plat (Rod's Hallmark), a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said plat for recording.
12. **FIRST READING BILL 05-09**, amending Chapter 34 and various other chapters of the City Code by repealing certain provisions contained therein and enacting in lieu thereof new City Code provisions designated as Chapter 34 relating to the construction and maintenance of structures and property within the City and designated as the "Building and Construction Ordinance" of the City of Gladstone; Missouri.
13. **FIRST READING BILL 05-10**, revising certain fees and charges for services and activities provided by the City of Gladstone, Missouri, and amending all prior ordinances inconsistent therewith particularly Ordinance Nos. 2.082, 2.615, 2.858, 3.082, 3.555, and 3.755.
14. **RESOLUTION NO. R-05-19**, amending the 2005 Annual General Fund, Combined Water and Sewerage System Fund, and Municipal Pool Fund for the City of Gladstone, Missouri, and authorizing expenditures of funds.
15. **RESOLUTION NO. R-05-20**, expressing City Council opposition to HB209 and similar legislation that will reduce municipalities revenues from telecommunications business licenses, gross receipts taxes, and other funding sources.
16. Other Business.
17. Questions from the News Media.
18. Adjournment.





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

**MONDAY FEBRUARY 14, 2005**

**PRESENT:** Mayor Wayne Beer  
Mayor Pro Tem Carol Rudi  
Councilman Bill Cross  
Councilman Les Smith  
Councilman Joe Evans  
  
City Manager Kirk Davis  
City Counselor David Ramsay  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

Mayor Wayne Beer opened the Regular February 14, 2005, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR JANUARY 24, 2005  
CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular January 24, 2005, City Council Meeting Minutes as presented. Mayor Pro Tem Carol Rudi seconded the motion.

The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi and Mayor Wayne Beer.

Mayor Wayne Beer announced there would be an item added to the agenda as Item 4d., which is a presentation to the Northland Christmas Store.

**Item 4a. on the Agenda.** Mayor Beer read a **PROCLAMATION** recognizing Dr. Stephen Pelkey as a recipient of the **HOLLAND'S OPUS FOUNDATION AWARD**. Dr. Pelkey accepted the proclamation and offered his thanks to Mayor Beer and City Council members.

Mayor Beer stated that Dr. Pelkey is the strings and orchestra teacher at Antioch Middle School and Clardy Elementary School, and Mayor Beer has attended some of his performances. Dr. Pelkey has gained a great deal of renown in the music education field.

Mayor Beer introduced Robert Russell who is the principal of Antioch Middle School, and without his support to Dr. Pelkey, this award may not have been possible.

**Item 4b. on the Agenda.** **PRESENTATION OF GLADSTONE ON THE MOVE/CITIZENS MAKING A DIFFERENCE APPRECIATION PLAQUE.**

Mayor Beer began by saying the City enjoyed a nice success in regard to the passage of the ¼ Cent Sales Tax and the Property Tax increase. This effort began about 18 months ago with the formation of a group of approximately 100 Gladstone citizens that became known as Gladstone on the Move/Citizens Making a Difference. This group was headed by two Chairmen, Dick Davis and Nancy Thompson, without whose efforts this tax issue would never have come before City Council, and the City would not have enjoyed this successful election.

Mayor Beer read and presented an appreciation plaque to Nancy Thompson, and thanked her for her hard work on this effort.

Nancy Thompson thanked Mayor Beer and City Council members and stated that this effort began approximately 18 months ago with 250 post-it notes, through which it was identified that a community identity was one of the major issues for Gladstone. Over the next year, the group narrowed the process down to identifying the community center as an important component, and it was on the ballot last Tuesday.

Ms. Thompson thanked all who supported the community center at last Tuesday's election, as well as the public improvements, such as streetlights and neighborhood preservation, which were part of the Property Tax initiative. The group believed another issue that really stood out in the City of Gladstone is the exceptional Public Safety services, which is something of which Gladstone is proud and needed to continue to support in maintaining a major influence in the Northland. Ms. Thompson thanked Mayor Beer and City Council members for putting these initiatives on the ballot.

Mayor Beer stated this was a community based and community driven effort that brought forward recommendations identified by the citizens of Gladstone that became part of our

recent tax campaign. Without the input and support of the citizens, this successful tax campaign would not have happened. Because of Nancy Thompson and Dick Davis who were able to put together the vision, we are here tonight celebrating this occasion. Mayor Beer stated that neither Don Horton nor Dick Davis were able to be here tonight.

**Item 4c. on the Agenda.      PRESENTATION OF GLADSTONE ON THE MOVE CAMPAIGN COMMITTEE APPRECIATION PLAQUE.**

Mayor Beer introduced Jean Moore as the Co-Chairman for the tax campaign committee. Once Gladstone on the Move strategic planning took place, it was then handed-off by Gladstone on the Move/Citizens Making a Difference Chairmen Nancy Thompson and Dick Davis, to Gladstone on the Move Campaign Committee Chairmen Jean Moore and Don Horton. Ms. Moore and Mr. Horton were responsible for putting together the tax campaign and making it all come together. Without these two people we would not be celebrating this successful election tonight.

Mayor Beer read and presented an appreciation plaque to Jean Moore, and thanked her for her hard work on the tax campaign.

Ms. Moore stated it was an honor and privilege to serve in this role. Ms. Moore said thanks are not due to Mr. Horton and her, but thanks should go to all the citizens who were involved with Gladstone on the Move and all the voters who chose to make their voices heard for the future of Gladstone.

**Item 4d. on the Agenda.      PRESENTATION OF MAYOR HOLIDAY TREE LIGHTING CHECK TO THE NORTHLAND CHRISTMAS STORE.**

Mayor Wayne Beer presented to Mrs. Ikey Harris, Chairman of **The Northland Christmas Store**, a check for \$7,237.81. Mayor Beer stated the money was raised through the Mayor's Holiday Tree Lighting Fund, and through the fund raising efforts of the Gladstone Rotary. Mayor Beer said he was pleased to present this check to a group of individuals that does outstanding, wonderful things during the holiday season for those in need in the Northland.

Mrs. Harris thanked Mayor Beer and City Council members.

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

**CONSENT AGENDA DETAIL**

Following the Clerk's reading, Councilman Les Smith asked that Resolution R-05-18 be removed from the Consent Agenda to be considered as Item 5a. under the Regular Agenda.

Councilman Bill Cross moved to accept the Consent Agenda as amended. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-05-13**, authorizing acceptance of work under contract with Dennis Johnson Construction for the Old Maid's Creek, Cave Creek, and East Creek Sanitary Sewer Pipeline Replacements; and authorizing final payment in the amount of \$16,111.60 for Project 034093. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-05-14**, authorizing acceptance of work under contract with Insituform Technologies USA for the Old Maid's Creek, Cave Creek, and East Creek Sanitary Sewer Pipeline Rehabilitation; and authorizing final payment in the amount of \$22,818.50 for Project 034094. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-05-15**, authorizing execution of a contract with Mega Industries Corporation in the total amount not to exceed \$178,710.00 for the Broadway and NW 58th Street Improvements; Project 035034. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-05-16**, authorizing the City Manager to enter into an agreement with Kansas City Power and Light Company to provide and install a transformer and other related equipment for the purpose of providing electrical service to Happy Rock Park, at a cost not to exceed \$21,694.57. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-05-17**, accepting a Road Right of Way Warranty Deed and Water Line Easement from Larry and Connie Myers concerning property located at 6110 North Oak Trafficway. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve a **NEW CLASS "A" LIQUOR BY THE DRINK LICENSE** for The Hide Out Bar & Grill, 6948 North Oak Trafficway. Managing Officer: Frank J. Gabel. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve a **LIMITED ONE DAY BEER & WINE LICENSE** to St. Charles Borromeo Church, 804 Shady Lane Drive, for February 19,

**March 5 and March 19, 2005** for three fundraisers for a new school gym floor. Hours: 6:00 PM - 12:00 Midnight. Managing Officer: Mr. Paul G. Danaher. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve the **FINANCIAL REPORTS FOR DECEMBER 2004**. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

## **REGULAR AGENDA**

**Item 5a. on the Agenda.** **RESOLUTION R-05-18**, accepting a Standard Utility Easement from Eagle River Investments, LLC concerning property located at Old Pike Villas, 5510 North Broadway.

Councilman Les Smith moved to adopt **RESOLUTION R-05-18**, accepting a Standard Utility Easement from Eagle River Investments, LLC concerning property located at Old Pike Villas, 5510 North Broadway. Councilman Joe Evans seconded.

Councilman Smith explained he would be abstaining from voting on this resolution as he has ownership interest in the project.

The vote: "Aye" – Councilman Joe Evans, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. "Abstain" – Councilman Les Smith (4-0-1)

## **Item 6. on the Agenda.** **COMMUNICATIONS FROM THE AUDIENCE**

**Elizabeth Murtagh-Yaw, 5928 North Liston Court, Kansas City, Missouri**, stated a letter was sent in December 2004 by the President of Kansas City Siamese Rescue to the City Council, the Mayor's office, and the City Manager's office. Ms. Murtagh-Yaw stated the letter requested the return to the policy of being able to transfer specific breeds of cats from the Gladstone Animal Shelter to their animal shelter. There has been no response to this letter, which is why she came to the City Council meeting. Ms. Murtagh-Yaw said she wished to point out their animal shelter is licensed by the State of Missouri and are a 501(c)3 not for profit, private animal shelter. There are shelter-to-shelter transfer arrangements with other local animal shelters, such as the Humane Society of Greater Kansas City, Independence Animal Shelter, Lee's Summit Animal Shelter, and others. There is an infirmary at their shelter for nursing sick cats back to health, and there are several local veterinarians that work with them to vaccinate and spay or neuter all cats before they are adopted out of their shelter.

Ms. Murtagh-Yaw stated it would benefit the City of Gladstone to work with them to transfer Siamese cats and other breeds of cats from the Gladstone Animal Shelter to their shelter by reducing the cost of euthanizing sick and over crowded cats. Her organization

would take sick Siamese and other specific breeds of cats that would otherwise be euthanitized, thereby freeing up space in the City's shelter. Ms. Murtagh-Yaw said she would appreciate a response from the City, and said her organization has references from the Missouri Department of Agriculture Inspector who annually inspects their shelter, as well as a number of veterinarians who work with them.

Mayor Beer thanked Ms. Murtagh-Yaw, and said he did recall receiving her letter and forwarded it on to the City Manager. Mayor Beer said he believed a response has not been formulated yet, so he cannot answer at this time.

**Merry Drew, 3609 NE 76<sup>th</sup> Terrace, Gladstone**, stated she does volunteer work at the shelter and helps socialize the cats. Ms. Drew said she sees the need for working with the rescue groups. It is a matter that she holds very dear to her heart and she saw a number of kittens this past year that came down with upper respiratory illnesses and had to be euthanitized. These are kittens that could have been nursed back to health by her rescue group and given a lovely home. Ms. Drew said it is heartbreaking to see kittens become ill, knowing you can help; yet knowing your hands are tied. Ms. Drew said she would very much appreciate City Council's consideration of this request.

Mayor Pro Tem Carol Rudi said she received the letter and spoke with City Manager Davis very briefly. As can be noted tonight, the City has been in the midst of a tax campaign for the last month or so, and has been pre-occupied with that campaign. This may not be a good reason, when talking about saving lives, especially as Councilman Rudi is a cat person. Mayor Pro Tem Rudi said this issue will be investigated and contact will be made before the next City Council meeting in two weeks, and asked Ms. Murtagh-Yaw to leave her telephone number with City Manager Davis this evening.

City Manager Davis said he would like to have the opportunity to follow up on some internal discussions on this issue and two weeks will be an adequate time for that follow-up, but a response will be made as quickly as possible.

Mayor Pro Tem Carol Rudi provided her home telephone number to Ms. Murtagh-Yaw for follow-up if necessary, and thanked her for attending tonight's meeting.

**Rodney Robinson** said his address this evening is **6118 North Oak Trafficway**, but he actually lives by Raytown. Mr. Robinson said he was in attendance at the meeting on behalf of the brothers and sisters of the International Association of Fire Fighters Local 3228, who want to thank the Mayor and City Council members for having the courage to put the tax issues on the ballot. Mr. Robinson said in his hometown, this is called political suicide. The tax issues were passed in Gladstone particularly because of the efforts of Gladstone on the Move and Nancy Thompson and Dick Davis for their planning. Mr. Robinson said he would like to particularly honor the campaign workers headed by Jean Moore and Don Horton. They worked tirelessly and got in touch with the Fire Fighter's Local 3228 who got in touch with the bigger Local in town, the AFL-CIO. The fire fighters helped with yard signs and made phone calls along with other assistance. The

campaign committee, however, did the majority of the work and they worked very hard. The brothers and sisters of the International Association of Fire Fighters Local 3228 wish to thank Jean Moore, Don Horton and the campaign committee for their efforts.

Mayor Beer thanked Mr. Robinson and the fire fighters and paramedics for their assistance at a critical time for the City.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL**

**Councilman Joe Evans** thanked and congratulated the Gladstone on the Move Committee and the Campaign Committee and the Chairmen for the successful election. They put in a tremendous amount of time to ensure the successful outcome of the election.

Councilman Evans asked for an update on the property at 6615 NE Antioch Road.

Assistant City Manager Scott Wingerson replied there was a marginally productive meeting with the owner and the lawyer last Friday. The owner continues to assert that this address is primarily a residence and the business activity that is occurring there is a home based business similar to many others in town. City staff has continued to document the activities on the property over the past month or five weeks. Staff should receive this week a letter detailing the business activity and its compliance with the local Ordinances, and Staff requested the ability to make an inspection of the property when we receive the letter. Hopefully, very soon we will have a reading one way or the other on what direction we should go.

**Councilman Les Smith** mentioned the passing of Mr. Paul Groscclose, who was an avid supporter of our community and of the Gladstone Area Chamber of Commerce. His funeral was today. He was a great American and a great supporter of Gladstone. He will be missed. Councilman Smith said he passed along the condolences of all the Council at today's service.

Councilman Smith congratulated the citizens who have been involved in the Gladstone on the Move process that was started a couple of years ago. Councilman Smith said through the persistence of City Manager Davis this actually got onto a Council agenda and was approved by this City Council. The work is not over. The issues on the ballot last Tuesday are just a first phase of a very multi-tiered, long-termed initiative for years to come. It is our responsibility, as a City Council and City staff to see to it, as has happened in the past, that we stay on track, on budget, and fulfill the promises that we made to the citizens of Gladstone.

Councilman Smith said he felt very strongly that the professionalism and the integrity shown by the leaders of not only the Gladstone on the Move Group, but the Campaign Committee were very much why this was a successful effort. It is important that every member of our City team know that every time we answer a phone call, go to someone's home or business, or every policy decision that is made is part of the reason that people

trust us, and they believe we will do what we tell them. The bottom line is Gladstone is on the move and the citizens are making a difference. Councilman Smith expressed his thanks and congratulations to those who made this election successful.

**Councilman Bill Cross** stated he would like to echo Councilman Smith's remarks; City Council members very much appreciate the work of the entire team that made the election successful. Councilman Cross said he is looking forward to meeting with some of the State and Federal Senators and Representatives at Council's next few meetings coming up in Jefferson City and Washington, D.C. Councilman Cross stated he hoped if there are issues with which the citizens of Gladstone have concern and wish City Council members to share with some of these people, to be sure to let Council members know and they would carry forward those concerns at the meetings. Councilman Cross said he is looking forward to the City projects that will be coming forward as a result of the successful election.

**Mayor Pro Tem Carol Rudi** thanked the Gladstone on the Move/Citizens Making a Difference committee and the Gladstone on the Move Campaign Committee. Councilman Rudi said the citizen group thanked City Council members for putting the issues on the ballot last Tuesday, but when 100 people come forward to say they want their taxes raised, they made it really easy to do that. Councilman Rudi thanked the committees and Chairmen for all their hard work and said it is very much appreciated.

**Mayor Wayne Beer** stated even though 100 citizens did request that taxes be raised, it was not an easy task and it took a lot of courage on the part of the citizens who made the request and the citizens who passed the initiatives by their "yes" vote. There was a much larger turnout of voters than was anticipated. It was expected to have 1,700 to 1,800 voters, and approximately 3,100 voters turned out to vote, which is remarkable. This says the residents of Gladstone have faith in the City government. Mayor Beer said Gladstone officials and Staff would do everything possible to continue to earn that faith as the City moves forward on the projects. Mayor Beer offered his thanks to all who made the election successful.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER**

**City Manager Kirk Davis** stated he would like to echo some of the words that were made about the election and the whole process, and thanked Councilman Smith for his comments. City Manager Davis said, on behalf of Staff, it was a pleasure to work with the Chairmen through both efforts. Their leadership went a long way towards ensuring the City had a successful election. City Manager Davis offered appreciation to them on behalf of himself and City staff.

City Manager Davis said he has received several phone calls as to what is next, and he has tried to respond to those questions, especially to the media. Staff is currently putting together a plan. There are some areas in the plan still being considered, such as financing. City staff is currently in the process of researching information that will dictate how soon



some items may be moved forward. A memorandum regarding this whole issue will probably be coming forward either as an Open Study Session item or as a fairly lengthy item in City Council's newsletter in the next week to ten days, so Council members understand what the issues are and what direction is being considered in terms of Staff making a recommendation to City Council on the process.

City Manager Davis mentioned that Mr. Jack Dickson, a former Gladstone Councilman, passed away last week. Our thoughts are with his family.

City Manager Davis reported that City Hall would be closed on Monday, President's Day, February 21<sup>st</sup>.

**Item 9. on the Agenda.** **FIRST READING BILL. 05-06**, declaring the results of the Special Election held in the City of Gladstone, Missouri on Tuesday, February 8, 2005, at which election the following proposition was submitted to the qualified voters of said City as Question 1, to wit: "Shall the City of Gladstone, Missouri, impose a Sales Tax of one-fourth of one percent for the purpose of providing funding for a community center and City parks, commencing on July 1, 2006, upon the termination of the existing one-fourth of one percent City sales tax?"

Councilman Bill Cross moved to place Bill No. 05-06 on First Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 05-06, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 05-06 and enact the Bill as **Ordinance 3.944**. Mayor Pro Tem Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

**Item 10. on the Agenda.** **FIRST READING BILL 05-07**, declaring the results of the Special Election held in the City of Gladstone, Missouri on Tuesday, February 8, 2005, at which election the following proposition was submitted to the qualified voters of said City as Question 2, to wit: "Shall the City of Gladstone, Missouri, be authorized to increase the property tax levy by up to 39 cents per one hundred dollars of assessed valuation to provide funds for emergency ambulance service, infrastructure improvements, and neighborhood services".

Mayor Pro Tem Carol Rudi moved to place Bill No. 05-07 on First Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Mayor Pro Tem Carol Rudi moved to accept the First Reading of Bill 05-07, Waive the Rule and place the Bill on Second and Final Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Mayor Pro Tem Carol Rudi moved to accept the Second and Final Reading of Bill 05-07 and enact the Bill as **Ordinance 3.945**. Councilman Joe Evans seconded.

Mayor Pro Tem Carol Rudi expressed her appreciation for the passage of this election initiative.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

**Item 11. on the Agenda.** **FIRST READING BILL 05-08**, approving the Final Plat, of Gladstone Plaza 2nd Plat (Rod's Hallmark), a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said plat for recording.

Councilman Les Smith moved to place Bill No. 05-08 on First Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 05-08, Waive the Rule and place the Bill on Second and Final Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 05-08 and enact the Bill as **Ordinance 3.946**. Councilman Joe Evans seconded.

Councilman Smith asked City Manager Davis to explain for the audience what passage of this Bill means.

City Manager Davis replied the owner of this business, Mr. Rod Henning, who was in the audience, has been working with Mrs. Wolfe, the owner of Gladstone Plaza, to acquire the parcel where his business sits. City Manager Davis said Mr. Henning is very supportive of the renovation of Gladstone Plaza and would like to see some improvements made, but is interested in controlling his own destiny at that location. City Manager Davis said he did

not wish to speak for Mr. Henning, and welcomed comment from him. City Manager Davis said the passage of this Bill would create a plat on Mr. Henning's site, and believes Mr. Henning is interested in participating in some of the funding scenarios, but would do so as the owner of the parcel on which his building sits.

**Mr. Rod Henning** said he appreciates what the City Council and the Planning Commission has done so far. Mr. Henning said he does want to own his own building and does want to be a part of the total plan for Gladstone Plaza and be very progressive and helpful with the total renovation of Gladstone Plaza.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

**Item 12, on the Agenda.** **FIRST READING BILL 05-09**, amending Chapter 34 and various other chapters of the City Code by repealing certain provisions contained therein and enacting in lieu thereof new City Code provisions designated as Chapter 34 relating to the construction and maintenance of structures and property within the City and designated as the "Building and Construction Ordinance" of the City of Gladstone, Missouri.

Councilman Joe Evans moved to place Bill No. 05-09 on First Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the First Reading of Bill 05-09, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 05-09 and enact the Bill as **Ordinance 3.947**. Mayor Pro Tem Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

**Item 13, on the Agenda.** **FIRST READING BILL 05-10**, revising certain fees and charges for services and activities provided by the City of Gladstone, Missouri, and amending all prior ordinances inconsistent therewith particularly Ordinance Nos. 2.082, 2.615, 2.858, 3.082, 3.555, and 3.755.

Councilman Les Smith moved to place Bill No. 05-10 on First Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 05-10, Waive the Rule and place the Bill on Second and Final Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 05-10 and enact the Bill as **Ordinance 3.948**. Councilman Bill Cross seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

**Item 14. on the Agenda.**      **RESOLUTION NO. R-05-19**, amending the 2005 Annual General Fund, Combined Water and Sewerage System Fund, and Municipal Pool Fund for the City of Gladstone, Missouri, and authorizing expenditures of funds.

Councilman Bill Cross moved to adopt Resolution R-05-19. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

**Item 15. on the Agenda.**      **RESOLUTION NO. R-05-20**, expressing City Council opposition to HB209 and similar legislation that will reduce municipalities' revenues from telecommunications business licenses, gross receipts taxes, and other funding sources.

Mayor Pro Tem Carol Rudi moved to adopt Resolution No. R-05-20. Councilman Les Smith seconded.

Mayor Pro Tem Rudi asked City Counselor David Ramsay to briefly explain for the audience the importance of this Resolution.

City Counselor David Ramsay began by saying the reason this item was added late to the agenda was the work in the State Legislature on House Bill 209 developed late Friday afternoon, and Counselor Ramsay received notice from the Missouri Municipal League late Friday afternoon that there would be a hearing this coming Wednesday in Jefferson City on this Bill.

Counselor Ramsay said the Bill is an effort somewhat similar to the one last year in the General Assembly under which the various segments of the telecommunications industry, being the traditional land lines, principally Southwestern Bell, the cellular telephone companies, such as Verizon and Cingular, and the cable television companies, principally Time Warner, are seeking from the State Legislature the enactment of a uniform and reduced telecommunications tax.

Counselor Ramsay explained the City of Gladstone has for most of its existence levied a tax on telephone service of seven percent of the gross receipts. This has been a standard, typical municipal tax that's been in existence in the State of Missouri for most of the 20<sup>th</sup>

century. The issues began to immerge attacking this tax when the cellular telephone companies refused to pay the city tax, both to Gladstone and most of the other cities in the State of Missouri. Cellular telephone companies claimed they were not actually telephone companies, but rather wireless communication companies. As a result there was a lawsuit filed by some 22 Missouri municipalities, joined in by some 40 others seeking to enforce this tax. In response to those actions by the municipalities, the telecommunications industry has sought to have the individual city gross receipts taxes on telephone service terminated or annulled by the State Legislature and in its place enact a state wide tax that would be at a reduced level. Mr. Ramsay said several of those provisions would affect Gladstone, as they would reduce our revenues from telephone telecommunications. It has always been interesting to note that these are taxes that are collected by the telephone companies but are actually paid for by the consumers, similar to the sales tax. Despite the fact that some of these taxes have been collected and placed in escrow by some of the companies since 2002, there have been virtually no complaints from citizens.

Counselor Ramsay continued by saying our citizens probably realize that this is a tax that is available for the City and helps to generate upwards of \$500,000 for the City General Fund. There are various provisions of House Bill 209 that would remove not only the City's authority to impose the tax as it exists, but reduce that tax from the current seven percent to a maximum of one percent in the year 2010. It also would require the collection by the Missouri Director of Revenue Office, which would be of no benefit to the City, because we already collect the tax ourselves.

Counselor Ramsay stated the combination of the two percent collection fee imposed by the Director of Revenue, and the inevitable delays in reimbursing the cities for taxes that have been collected, and the loss of investment interest, makes collection by the Director of Revenue's office disadvantageous to the cities. For these reasons, the Missouri Municipal League has opposed this Bill and has asked its member cities to take whatever action they deem appropriate to indicate to the State Legislature and to their individual legislative delegations that they oppose this Bill, so Resolution No. R-05-20, opposing House Bill 209 was prepared and City Council members are asked to consider its approval.

Mayor Beer stated our citizens approved this tax as a method by which to help fund the operation of this City. This Bill would remove our authority for collecting that tax, and \$500,000 is a very significant part of our budget. It is awfully important to us that House Bill 209 be defeated or significantly amended in such a way that it wouldn't have such a negative impact on cities such as Gladstone.

The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

Mayor Beer asked if this Resolution would be sent to our representatives.

Counselor Ramsay replied he plans to send copies of the Resolution to Senator Ridgeway, Representative Nolte and to the Missouri Municipal League, and will inquire of the Missouri Municipal League any other recipients they would like us to contact.

Mayor Beer suggested that while Representative Skaggs does not have representation for Gladstone, he might be a good person to receive a copy of the Resolution, as he does have an interest in Gladstone affairs. Gladstone does not have a 38<sup>th</sup> District Representative at this point. Mayor Beer asked that a cover letter be attached to the Resolution with the Mayor and City Council members signatures attached.

Councilman Cross said he hopes the information will be received by Senator Ridgeway and Representative Nolte before City Council members meet with them next week.

Counselor Ramsay stated he would at least have time to send facsimile copies tomorrow before the hearing on the Bill on Wednesday.

Mayor Beer agreed that facsimile copies is what he intended.

Mayor Pro Tem Carol Rudi asked if the Telecommunication Advisory Board has been notified of this.

Counselor Ramsay replied he has not discussed this House Bill 209 with the Telecommunications Advisory Board, as he just learned of the Bill, but he will make that communication.

Mayor Pro Tem Rudi asked if we have all of the Board's e-mail addresses.

Counselor Ramsay replied he believed we do have those e-mail addresses. The Board has discussed these issues in a more general fashion, and he believes they are aware there was at least the possibility of State Legislators considering these issues. However, Counselor Ramsay said, he does not know that they are aware it has been identified as a particular House Bill at this point.

Mayor Pro Tem Rudi asked if Counselor Ramsay would communicate with them about this House Bill and possibly get a Resolution from the Board to go along with this communication. Councilman Rudi suggested perhaps telephoning the Board members would facilitate the process.

Counselor Ramsay explained the Board could not conduct a formal vote by telephone, and it would require a 24 hour posted notice to meet the Sunshine Law requirements. Counselor Ramsay suggested he could ask the Telecommunications Advisory Board members to directly send letters.

**Item 16. on the Agenda.**

**OTHER BUSINESS**

Councilman Smith commended Rodney Robinson of International Association of Fire Fighters Local 3228 for his leadership and the other people of his Local who worked so hard on the recent election campaign. They are an example of folks of whom we are so proud. Councilman Smith asked City Manager Davis what the plans are to fill the Finance Director's position.

City Manager Davis replied an advertisement has been placed in various publications and the closing date to receive applications occurred today. Applications will be reviewed over the next couple of weeks and the process of phone screening will begin along with setting up an assessment center similar to what has been done in the past.

**Item 17. on the Agenda.**

**QUESTIONS FROM THE NEWS MEDIA**

There were no questions from the News Media.

**Item 18. on the Agenda.**

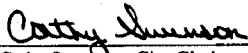
**ADJOURNMENT**


There being no further business to come before the February 14, 2005, Gladstone City Council Meeting, Mayor Wayne Beer adjourned the Regular Meeting.

Mayor Pro Tem 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, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Councilman Joe Evans seconded the motion.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Wayne Beer



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, FEBRUARY 28, 2005**

**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 February 14, 2005, City Council Meeting Minutes.
- 4a. **PRESENTATION OF GLADSTONE ON THE MOVE/CITIZENS MAKING A DIFFERENCE CO-CHAIRMAN APPRECIATION PLAQUE.**  
Dick Davis, Co-Chairman
- 4b. **PRESENTATION OF GLADSTONE ON THE MOVE CAMPAIGN COMMITTEE CO-CHAIRMAN APPRECIATION PLAQUE.**  
Don Horton, Co-Chairman
5. **CONSENT AGENDA**

**RESOLUTION R-05-21**, adopting changes to the structure and allowing enhancements of the benefits of the City of Gladstone, Missouri Flexible Benefits Plan.

**APPROVAL OF NEW CLASS "A & B" 7-DAY LIQUOR BY THE DRINK LICENSE.**  
Dominic's Pizza & Pasta, Inc., 6300 North Oak Trafficway. Managing Officer: Dominic Carl Spino.

**APPROVAL OF FINANCIAL REPORTS FOR JANUARY 2005.**



## REGULAR AGENDA

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **CONTINUED PUBLIC HEARING:** for consideration of a request to rezone from RCH-1 (Cluster Housing) to CP-1 (Commercial Planned Local Business) and a Site Plan revision at property generally located at 64<sup>th</sup> Street and North Prospect Avenue. Applicant: Northlander Properties, LLC. Owner: Curry Investment Company. (File #1242)
- 9a. **FIRST READING BILL 05-11**, 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.
- 9b. **FIRST READING BILL 05-12**, approving a Site Plan revision in a CP-1 (Commercial Planned Local Business) Zone for property at 64<sup>th</sup> Street and North Prospect Avenue.
10. **PUBLIC HEARING:** for consideration of a request to rezone from R-3 (Garden Apartments) to R-1 (Single Family) for "The Preserve at Carriage Hill Estates" at approximately Northeast Antioch Road east of Northeast 68<sup>th</sup> Terrace. Applicant/Owner: J.A. Peterson Enterprises, Inc. (File #1239).
- 10a. **FIRST READING BILL 05-13**, 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.
11. **RESOLUTION R-05-22**, disclosing and ratifying the City Council's prior action in purchasing the Atkins-Johnson Home Historical Site.
12. Other Business.
13. Questions from the News Media.
14. Adjournment.



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

**MONDAY FEBRUARY 28, 2005**

**PRESENT:**

Mayor Wayne Beer  
Mayor Pro Tem Carol Rudi  
Councilman Bill Cross  
Councilman Les Smith  
Councilman Joe Evans

City Manager Kirk Davis  
City Counselor David Ramsay  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

Mayor Wayne Beer opened the Regular February 28, 2005, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

Following is a transcript of the meeting as provided by Action Court Reporters, Inc.

CITY OF GLADSTONE, MISSOURI

CITY COUNCIL MEETING

TRANSCRIPT OF PUBLIC HEARING

February 28, 2005

City Hall  
Gladstone, Missouri

Attendance:

City Council Members:

Mr. Wayne Beer, Mayor  
Ms. Carol Rudi, Mayor Pro Tem  
Mr. Joe Evans, Councilman  
Mr. Bill Cross, Councilman  
Mr. Les Smith, Councilman

Staff:

Mr. Scott Wingerson, Assistant City Manager  
Mr. Dave Ramsay, City Attorney  
Ms. Cathy Swenson, Clerk  
Mr. Kirk Davis, City Manager

Ms. Janet Wimer  
Certified Court Reporter

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ACTION COURT REPORTERS, INC.

816-454-4224

6 N.E. 53rd Terrace  
Kansas City, MO 64118

fax 816-455-4488

I N D E X

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PUBLIC HEARING

ITEM 1:

MAYOR BEER: It's nearly 7:30. If we could please be seated and we'll take a few more seconds here before we commence. Okay. If we could call the meeting to order for the Gladscone City Council Meeting, regularly scheduled tonight, the 28<sup>th</sup> of February of 2005.

ITEM 2:

MAYOR BEER: Madame Clerk, would you please note that all Council Members are present.

ITEM 3:

MAYOR BEER: Would you all please rise and join me in the recitation of the Pledge of Allegiance. (Wherein the Pledge of Allegiance was said)

ITEM 4:

MAYOR BEER: Item number 4 on the agenda is Approval of the Regular February 14, 2005 City Council Meeting Minutes.

COUNCILMAN CROSS: Mayor Beer.

MAYOR BEER: Councilman Cross.

COUNCILMAN CROSS: I move to approve the Regular February 14, 2005 City Council Meeting Minutes.

COUNCILMAN EVANS: Second.

MAYOR BEER: Motion is made and seconded to approve

1 the meeting minutes as presented. Is there any  
2 discussion? All those, then, in favor please say  
3 aye?  
4 (Wherein all members said aye)  
5 MAYOR BEER: Opposed?  
6 (Wherein there was no response)  
7 MAYOR BEER: The meeting minutes are approved as  
8 presented.  
9 ITEM 4A:  
10 MAYOR BEER: Item number 4A is an issue that I find  
11 great pleasure in doing and that's a couple of  
12 recognitions I would like to make. And would Dick  
13 Davis, would you please join me at the podium?  
14 This plaque I'm about to present to Dick Davis is  
15 in recognition to his leadership role that he took  
16 with regards to the first phases of putting  
17 together a tax campaign, which was equally  
18 successfully passed by the citizens of Gladstone.  
19 Dick Davis was one of the two co-chairs on a group  
20 of citizens, which at one time or another numbered  
21 approximately 100 people. It was a group that was  
22 called Gladstone on the Move/Citizens Making a  
23 Difference and their mission was to take a look at  
24 where Gladstone is and envision where they, the  
25 citizens, these 100 people, envisioned the City to

1       be in 15, 10, 15, 20 years time. And this was a  
2       process that started about a year and a half ago  
3       and these folks, Dick and Nancy Thompson were the  
4       two co-chairs, put together an outstanding effort  
5       and envisioned where they believe Gladstone needs  
6       to be in 15 years. And this plaque, then, is  
7       presented to Dick, as Co-Chairman of Gladstone on  
8       the Move/Citizens Making a Difference, in sincere  
9       appreciation of your leadership and commitment to  
10      success of the community based strategic planning  
11      process, which resulted in the 2005-2020 community  
12      plan, presented this 14<sup>th</sup> day of February of 2005  
13      by the Gladstone City Council, Wayne Beer, Mayor,  
14      Council Mayor Pro Tem Carol Rudi and Councilman  
15      Bill Cross, Councilman Les Smith and Councilman  
16      Joe Evans.

17     MR. DAVIS: Mr. Mayor, two things. First of all,  
18     when you co-chair an effort like this, the chair  
19     gets too much of the credit and the other 98 get  
20     too little. It took a lot of hard work by the 100  
21     people and I get more recognition than I deserve  
22     for it. The other thing I want to say is, as you  
23     know, it resulted in the package of a tax increase  
24     and a tax extension with a big majority and I  
25     think, Mr. Mayor, it's something that you as

1 Mayor, every member of the City Council, every  
2 member of the Administration Staff, should be  
3 proud of because what that election really  
4 represented is the great confidence of the people  
5 in this City to think Gladstone is just one of the  
6 best when it comes to responsiveness and listens  
7 to its people and that's why the election passed  
8 and I think we all should be proud of that and I'm  
9 proud to be part of it. Thank you.

10 MAYOR BEER: It was a difficult thing, I know, for  
11 the group Citizens Gladstone on the Move to  
12 suggest that the Council raise our taxes. That  
13 had to be very difficult for them to say and to  
14 suggest. I know that everyone in this room was  
15 thinking to himself just a year ago, gee, I wonder  
16 if we could maybe do something here to raise my  
17 taxes. Well, we've found a way and we believe  
18 that we found that way because of this group and  
19 then the succeeding group, which I'm just about to  
20 recognize, people in this room and, in fact, the  
21 entire City of Gladstone saw the merits in the tax  
22 increase request and it's now up to us to follow  
23 through with the things that we promised to do and  
24 that's something that this City has always done in  
25 its past and it's one of the reasons I believe



1       that this City had faith in passing this tax this  
2       time because they knew, because of Gladstone's  
3       history, that this will, that we will still follow  
4       through as we always have in the past.

5       ITEM 4b:

6       MAYOR BEER: Don Horton, would you please come  
7       forward? Gladstone on the Move/Citizens Making a  
8       Difference, after Gladstone on the Move/Citizens  
9       Making a Difference had made their recommendations  
10      to Council and the Council then adopted, by  
11      resolution, that we move forward, then, with this  
12      tax process. Dick and Nancy handed off the reins  
13      of the group to two other individuals who then  
14      became responsible for putting together the tax  
15      campaign, the actual tax campaign itself, Don  
16      Horton and Jeanne Moore. And we were, again we,  
17      two weeks ago we were able to honor Jeanne Moore.  
18      Don, I guess, he felt like he needed to be  
19      elsewhere, and so we let him do that. Well, Don  
20      was one of the co-chairs, then, of Gladstone on  
21      the Move/Citizens Making a Difference, and this is  
22      in sincere appreciation of your leadership and  
23      commitment to the success of the community based  
24      strategic planning process, which resulted in the  
25      2005-2020 community plan implementation, presented

1 on this 14<sup>th</sup> day, February, 2005, Gladstone City  
2 Council, Mayor and Council. Thank you very much  
3 for the leadership that you took in putting this  
4 thing together and making it happen. Recognizing  
5 people for fine things is just so much fun.

6 ITEM 5:

7 MAYOR BEER: Item number 5 is the Consent Agenda.  
8 Madame Clerk, would you please explain and read  
9 the consent agenda?

10 MS. SWENSON: Yes, sir. A consent agenda allows  
11 the City Council to consider and approve routine  
12 items of business without discussion. Any member  
13 of the City Council, the City Staff, or the public  
14 may request removal of any item from the consent  
15 agenda and request that it be considered under the  
16 regular agenda if discussion or debate of the item  
17 is desired. Items not removed from the consent  
18 agenda will stand approved upon motion by any  
19 Council Member, second, and unanimous vote to  
20 approve the consent agenda as published or  
21 modified. The consent agenda is as follows:  
22 Resolution R-05-21, adopting changes to the  
23 structure and allowing enhancements of the  
24 benefits of the City of Gladstone, Missouri  
25 Flexible Benefits Plan. Approval of a new Class A

1       & B 7-day liquor by the drink license for  
2       Dominic's Pizza & Pasta, Inc. at 6300 North Oak  
3       Trafficway. Managing officer, Dominic Carl Spino.  
4       And approval of the financial reports for January,  
5       2005.  
6       COUNCILMAN CROSS: Mayor Beer.  
7       MAYOR BEER: Councilman Cross.  
8       COUNCILMAN CROSS: I move to approve the consent  
9       agenda.  
10      COUNCILMAN EVANS: Second.  
11      MAYOR BEER: Motion is made to approve the consent  
12      agenda as presented. All those in favor, please  
13      say aye?  
14      COUNCILMAN CROSS: Removal.  
15      MAYOR BEER: My mistake. Thank you very much.  
16      Point of order here is that one of the provisions  
17      of the consent agenda is that anyone in the  
18      audience may seek to have an item removed from the  
19      consent agenda for separate consideration. Is  
20      there anyone in the audience who would like to see  
21      a consent agenda item removed?  
22      (Wherein there was no response)  
23      MAYOR BEER: Council?  
24      COUNCIL: No.  
25      MAYOR BEER: Staff?

1 STAFF: No, sir.

2 MAYOR BEER: Now, then, motion is made and seconded

3 to approve the consent agenda. All those in favor

4 please say aye?

5 (Wherein all said aye)

6 MAYOR BEER: Opposed?

7 (Wherein there was no response)

8 MAYOR BEER: The consent agenda is approved as

9 presented.

10 ITEM 6:

11 Mayor beer: Item number 6 is Communications from

12 the Audience. We would take, if there is anyone

13 who is in the audience who would like to address

14 the City Council on any item which is not on the

15 agenda, please come forward, state your name and

16 address and say your peace. Seeing none.

17 ITEM 7:

18 MAYOR BEER: Communications from the City Council.

19 Let me start with Councilman Evans.

20 COUNCILMAN EVANS: I have nothing this evening,

21 Mayor Beer.

22 MAYOR BEER: Councilman Smith.

23 COUNCILMAN SMITH: I'm thinking, Mayor, I would

24 just like to echo your sentiments to former Mayor

25 Dick Davis, as a matter of fact, and to Don

1 Horton. Tax campaigns are tough. And Dick had  
2 hair and Don's was dark black when they started  
3 this, but thank you very much for what you did in  
4 helping move our community forward. And there's a  
5 person, I believe, in the audience, she is here,  
6 who, you know, we had in our Boards and  
7 Commissions banquet Friday night, we had about a  
8 half a dozen former Mayors who are still actively  
9 involved in the City. And one of those who really  
10 stood up without being asked and took a leadership  
11 role in this campaign is former Mayor Anita  
12 Newsom, and I would like to commend her and thank  
13 her for her efforts in this as well. Please pass  
14 along to everyone who worked, both on the  
15 Gladstone on the Move and on the tax campaign, our  
16 thanks. And it should be from all the residents  
17 of Gladstone.

18 MAYOR BEER: Councilman Cross.

19 COUNCILMAN CROSS: Yes, sir. I would like to add  
20 to some of the things that they said, but also to  
21 the fact that we had, last Friday night, over 130  
22 people on the different Boards and Commissions  
23 volunteers that have worked with the City of  
24 Gladstone over the past year. We certainly  
25 appreciate the 130 that did show up and we hope we

1 can do this quite often. I think it is something  
2 very, very worthwhile. Also, I would like to  
3 thank the City Administration, and actually the  
4 State of Missouri, for giving us the opportunity  
5 to go to Jeff City last week. We did a little  
6 lobbying. We met with a few of our  
7 Representatives and Senators and let them know  
8 exactly how we felt, in Jeff City, what we thought  
9 we needed in Gladstone and we thought they  
10 believed what we had to say and we hope that we  
11 can get these things passed in Jeff City, but we  
12 would like to thank them for the opportunity to  
13 being able to do that.

14 MAYOR BEER: Mayor Pro Tem Rudi.

15 MS. RUDI: Actually, I have just two things  
16 tonight. First of all, I was not able to attend  
17 Friday night's Board and Commission dinner. Much  
18 to my regret, I had to work that night. And I  
19 would like to thank everyone who has served on  
20 Boards and Commissions for us in the last couple  
21 of years. So for all your time and effort, I  
22 really do appreciate all the work you've done.  
23 And secondly, I've got a publication that's just  
24 recently come out from the Parks and Rec.  
25 Department. I would like to say thank you very

1 much, another nice piece of work, Director Lillis.  
2 MAYOR BEER: I think everything's just about been  
3 said, so I have nothing more.  
4 ITEM 8:  
5 MAYOR BEER: Item number 8 is Communications from  
6 the City Manager.  
7 MR. DAVIS: I have nothing tonight, sir.  
8 ITEM 9:  
9 MAYOR BEER: Item number 9 is a Continued Public  
10 Hearing for consideration of a request to rezone  
11 from RCH-1 (Cluster Housing) to CP-1 (Commercial  
12 Planned Local Business) and a Site Plan revision  
13 at property generally located at 64<sup>th</sup> Street and  
14 North Prospect Avenue. The applicant is  
15 Northlander Properties, LLC. The owner, Curry  
16 Investment Company. And this is file number 1242.  
17 And the public hearing is now reopened and the  
18 conduct of the public hearing will be that we will  
19 hear first from Staff with regards to this  
20 project, who then will, we will then hear from the  
21 applicant. It would be followed by those who are  
22 in favor of the project and those, then, who are  
23 opposed to the project. Mr. Wingerson.  
24 MR. WINGERSON: Mayor Beer and members of the  
25 Council, thank you very much. I would like to

1 start by explaining some of the information that's  
2 at your disposal. Attached is a packet that was  
3 provided tonight with communications from  
4 residents who called today, as well as a letter  
5 that was provided today. I just wanted to make  
6 you aware of those. Two phone messages. One from  
7 Ms. Segal(ph) and one from Ms. Rattan and then a  
8 letter from Mr. and Mrs. Clayton, available for  
9 your review. The packet that was provided last  
10 week contains a lot of information. As usual, it  
11 will be in the Staff report and, in this case, a  
12 supplemental description of the request, draft of  
13 bills for your consideration and site visit report  
14 from the Planning Commission, a Planning  
15 Commission public hearing transcripts and minutes,  
16 other resident correspondence, a petition that  
17 we'll talk about more in just a second and then  
18 all of the development plan and the history of the  
19 development plan and the issue that's pending  
20 before you tonight. The applicant is requesting  
21 two actions from the City Council this evening.  
22 The first is a zoning change from its current  
23 classification of RCH-1 to that of a CP-1. That  
24 contains 3.43 acres. The eastern portion of the  
25 site, you'll see graphically in just a minute, is



1 currently zoned CP-1, the western half is  
2 currently zoned RCH-1. It's only the western  
3 portion that is the subject of the zoning change.  
4 The zoning change is also subject to a protest  
5 petition that's in effect. It's only on the  
6 zoning change and does not apply to the site plan  
7 and requires full Council votes to pass  
8 affirmatively. Of the protest petition, it's been  
9 determined to be valid, containing approximately  
10 79 percent of the adjacent property owners that  
11 qualify to sign the petition itself. The second  
12 action is site plan approval that's pretty overall  
13 on a site which is just short of 8 acres. And  
14 there's a whole host of additional action, should  
15 the Council reach a decision on this matter to  
16 move it forward, you have final plat development  
17 permits, construction permits and then the  
18 development process will start pending your  
19 decision. The site itself is generally located at  
20 the northwest corner of 64<sup>th</sup> Street and Antioch  
21 Road. You can see 72<sup>nd</sup> Street as an arterial to  
22 the north. Englewood Road is an arterial to the  
23 south. 64<sup>th</sup> Street and Pleasant Valley road  
24 leading to 435 on the east and 64<sup>th</sup> Street leading  
25 towards North Oak Trafficway to the west. The

1 surrounding land uses to the site are for mainly  
2 single family to the north a dance studio and  
3 single family residential to the south. East is  
4 retail in the form of Prospect Plaza and west is  
5 single family residential. An aerial photograph  
6 allows you to begin to see this site itself. You  
7 can see an area of fill that will be brown in  
8 color on the screen. You can see the arterial  
9 roadway, State right of way, North Prospect, or M-  
10 1, to the east of the site and the right side of  
11 the drawing, 64<sup>th</sup> Street to the south. You begin  
12 to see the neighborhoods and single family homes  
13 to the north, southwest, and a little bit of a  
14 dance studio to the south. You can see that this  
15 site has significant topography. You can see that  
16 primarily the west and north edges of the site are  
17 fairly heavily wooded. Graphically, the zoning  
18 looks a little bit like this. The blue area at  
19 the northwest corner of North Prospect at 64<sup>th</sup>  
20 Street is currently zoned CP-1. The green portion  
21 is the area in discussion for the zoning change.  
22 Currently, it's zoned to RCH-1. You can see  
23 commercial zoning to the east, a little bit to the  
24 south, and single family, as you would expect,  
25 with the surrounding lines uses to the southwest.

1 This property has a zoning history. In May of  
2 1978, the entire parcel was zoned R-1. In May, it  
3 was changed, the eastern portion, to CP-1. It's  
4 the first introduction of commercial zoning on  
5 this piece of property. In June of 1990, the  
6 western portion was changed from R-1 to RCH-1.  
7 And then in March of 2000, there was a special use  
8 permit and a site plan, that was actually  
9 withdrawn by the applicant for the Green Lantern.  
10 This is a currently approved development plan. It  
11 was approved in approximately 1978 and I would  
12 like to highlight just a couple of things for you.  
13 One, you start to see commercial activity on the  
14 eastern portion, residential activity on the  
15 western portion, as you would expect with the  
16 current zoning. Please note, full access driveway  
17 is proposed on North Prospect, as well as on 64<sup>th</sup>  
18 Street in the form of the extension of North  
19 Wabash. These uses are restaurant, bank and  
20 retail strip that are proposed here. It's  
21 currently zoned CP-1. At this point, it would be  
22 necessary to implement this development plan to  
23 seek the appropriate building permit and construct  
24 the improvements. This is a Green Lantern plan,  
25 just to refresh the Council's memory. You can

1 see, again, full access driveway on North  
2 Prospect, full access driveway on 64<sup>th</sup> Street.  
3 The Green Lantern was a convenience store, guest  
4 pump and car wash facility located mainly at the  
5 intersection. Again, you see the remainder being  
6 residential in compliance with the current zoning.  
7 The proposed land development, overall, is  
8 approximately 7.9 acres. Again, 3.4 acres is  
9 subject to the zoning change. The overall  
10 development plan includes 33,000 square feet of  
11 retail. It's anticipated the site would be  
12 subdivided into 4 lots. There's over 200 parking  
13 spaces. A significant use of retaining walls to  
14 mitigate grade concerns and typical accessory  
15 improvements, such as drives, trash enclosures,  
16 landscaping, lighting and things like that. This  
17 is the first view of the development plan. I  
18 would just like to highlight a couple of notes.  
19 There's a total of 5 buildings. One on the  
20 northeast corner and 1 on the southeast corner, 1  
21 kind of centrally located and then 2 on the  
22 western portion. The first 3, typically referred  
23 to as pad sites or free standing buildings, the  
24 back 2 buildings are more considered strip retail.  
25 The developer has provided, and will explain to

1       you, architectural elevations for these back 2  
2       buildings and explain to you their concepts and  
3       theories in achieving that design and style.  
4       Elevations for the front are not available, mainly  
5       because the tenant, or tenants, or occupants of  
6       those pad sites have yet to be determined.  
7       There's been an awful lot of discussion about the  
8       specific uses, specifically relating to these 3  
9       areas. At this point, those aren't known;  
10      however, this is very, very normal in the planning  
11      process as the developer seeks City approval and  
12      then begins the tenant recruitment process  
13      ultimately resulting in the physical development  
14      of the property. Here is another view, a little  
15      bit closer view, of the proposed site plan.  
16      Again, if you note the access onto North Prospect,  
17      aligns with Prospect Plaza directly on the east  
18      side, full access roadway at 64<sup>th</sup> Street just west  
19      of the intersection at 64<sup>th</sup> and Prospect and then  
20      the proposed right in, right out only access  
21      point, it aligns generally with North Wabash.  
22      This is a very busy drawing. The main intent in  
23      here is to show the significant topography that  
24      exists on the site and how it would be mitigated  
25      with the use of retaining walls, also begins to

1 highlight storm water concerns in the form of  
2 detention basin at the northwest corner and north  
3 centrally located on the property in accordance  
4 with City standards. During the public hearing,  
5 there was significant discussion about lighting  
6 and overflow lighting into the site. Here are  
7 some illustrative examples as provided by the  
8 developer as to what they would propose for zoning  
9 lighting. As you can see, it's very directional  
10 and intended to light only what it's intended to  
11 light. Site lighting guidelines are generally  
12 universal in that you only light as much as you  
13 need to light. There are different types of  
14 lighting patterns, a more general broad lighting  
15 pattern or a more directive lighting pattern. The  
16 light fixtures that are proposed by the developer  
17 are fully adjustable to achieve all of those  
18 patterns and would be utilized in a way to  
19 minimize the overflow lighting into adjacent  
20 areas. Staff, there's a lot of retaining walls in  
21 the project. Staff, one of the Staff  
22 recommendations is to require a rough textured  
23 retaining wall. Here are 2 examples, again  
24 provided by the developer, of rough textured  
25 retaining walls. There will be more discussion of

1       that as we get to the conditions. Grading and  
2       erosion control plan was raised at the public  
3       hearing. This drawing shows the use of silt fence  
4       with the heavy black line with circles on it.  
5       Rock filters near the proposed inlets to ensure a  
6       minimal amount of erosion and sedimentation end up  
7       downstream. You can also again begin to see very  
8       well the drainage system itself from the parking  
9       lot to the detention basins and then to the  
10      channel to the north and that's consistent for  
11      both portions of the property, north, south, east  
12      and west. The system is designed, overall, to  
13      accommodate a 100 year storm and it is calculated  
14      to run off as calculated in its vegetative state.  
15      So it would not be any worse than that now. This  
16      is a landscape plan. Again, it's a busy drawing  
17      with a lot of topography, but you can see an  
18      extensive use of landscape islands in the parking  
19      lots, heavy use of trees, and vegetative plantings  
20      surrounding the buildings to create an entry way  
21      from both North Prospect and Northeast 64<sup>th</sup>  
22      Street. This is a good drawing to show that the  
23      buildings on the western portion, the strip  
24      buildings do not have any vehicular access.  
25      Originally, that was a concern due to fire

1 protection. The developer has done a good job  
2 working with our fire division personnel in  
3 placing hydrants so that vehicular access for fire  
4 safety is not required and servicing of the  
5 buildings can be handled provided by a single  
6 person walkway. This is a detail of the proposed  
7 right in, right out intersection. As you can see,  
8 this is certainly designed to encourage travelers  
9 to go west on 64<sup>th</sup> Street and not try to make a U-  
10 turn and go east. In fact, the U-turn requires  
11 the driver to hop the curb on 64<sup>th</sup> Street before  
12 proceeding to the east toward the single lane  
13 intersection. One of the issues we've continued  
14 to wrestle with just a little bit is significant  
15 hump, as a technical term, on 64<sup>th</sup> Street. What  
16 the developer has proposed is to reduce the height  
17 of the vertical curve in 64<sup>th</sup> Street by filling  
18 certain areas of the roadway and cuttings some  
19 areas of the roadway. What that results is a  
20 safer roadway system, entire road network, for  
21 64<sup>th</sup> Street, Waldron and Park, and for  
22 pedestrians. This would also include the  
23 provision of sidewalks on the south side of 64<sup>th</sup>  
24 Street from generally North Park to Antioch Road,  
25 from North Park to Antioch Road on the north side,



1 as well as sidewalks heading north along the  
2 development site. This is the beginning of the  
3 recommended conditions of the Staff. Let me just  
4 highlight some of the original conditions.  
5 They're all contained in your draft bill. As  
6 usual, we're requiring for appropriate storm water  
7 and traffic studies, will require MODOT approval;  
8 however, I'll tell you MODOT is currently in  
9 concurrence with this development plan, which  
10 provides an acceleration/deceleration lane on M-1  
11 from a proposed jut to the south and a  
12 deceleration lane on 64<sup>th</sup> Street heading west from  
13 the intersection. Of course, compliance with all  
14 public improvements and construction requirements  
15 are pretty much a normal thing. Rough textured  
16 retaining walls. You saw examples of that earlier  
17 in the presentation. We're proposing that hours  
18 of operation be limited from 6:00 a.m. to 12  
19 midnight. Trash pickup between 8:00 a.m and 6:00  
20 p.m. No overnight tractor trailer storage.  
21 Rooftop equipment screened and dumpsters enclosed  
22 and that a single compliant monument sign be used.  
23 The complicated part of this overall  
24 recommendation is now communicating what's  
25 occurred at the Planning Commission level. During

1 the Planning Commission Public Hearing, numerous  
2 issues were raised and we tried to address most of  
3 those. The first being traffic. The main point  
4 there was access at the M-1, proposed M-1 driveway  
5 across from Prospect Plaza. Site distances on  
6 64<sup>th</sup>, because of the hill in that roadway and the  
7 practical functionality of ensuring the  
8 appropriate protections in the construction of the  
9 right in, right out driveway. For the first two,  
10 what's proposed is a developing agreement that  
11 would provide generally for a northbound left turn  
12 lane into the proposed development and site, would  
13 provide for the reducing the hill at Northeast  
14 64<sup>th</sup> Street and the construction of those  
15 sidewalks. And then we just looked at the exhibit  
16 showing that is very, very difficult to make an  
17 eastbound turn from the right in, right out only  
18 driveway. Second issue had to do with storm water  
19 and drainage. The project engineer, I'm sure,  
20 will do a good job explaining to you how they came  
21 to the conclusions that I've tried to just kind of  
22 explain to you tonight. The standard requires  
23 that under any circumstances, including the 100  
24 year event, that the rate and amount of runoff do  
25 not exceed pre-development conditions for a

1 specified period of time. That's very normal and  
2 typical in a requirement that we passed forth to  
3 developers on all cases like this. Again, the  
4 developer has provided a very sound erosion and  
5 sediment control plan to protect the stream bed at  
6 the north end and the west portions of the site.  
7 There are an awful lot of miscellaneous issues  
8 that don't fit into any one really good category.  
9 The neighborhood raised the issue of increased  
10 speed on 64<sup>th</sup> Street. That is typically an  
11 enforcement issue and not a planning and land use  
12 issue. There was comment about an exposed  
13 sanitary sewer. Our Public Works Staff, including  
14 Director Williams, investigated this issue and  
15 found very, very little evidence that that  
16 existed. However, to be on the safe side, we have  
17 recommended in condition form a condition that  
18 would require that to be repaired should it be  
19 developed or observed during the construction  
20 process. During a public hearing, there was an  
21 awful lot of discussion about the qualifications  
22 of the developer. Ms. Wheeler, the primary  
23 developer, has 8 years of residential construction  
24 and real estate experience. Mr. McAfee, the  
25 project engineer, has 13 years of engineering

1 experience. Mr. Oppermann has over 25 years of  
2 experience in planning and landscape architecture.  
3 Mr. Cantrell has 30 years of experience in  
4 building architecture. And Mr. Mann, Bill Mann,  
5 who serves as a consultant in this project, has  
6 been a development consultant and a developer  
7 himself for over 35 years north of the river. A  
8 resident asked if property tax rates, water rates,  
9 sewer rates, and those types of things would go up  
10 because of this development. That is not the case  
11 as it relates to property owners outside of the  
12 development site. Restaurant owners was raised as  
13 a concern. A supplemental condition addresses  
14 this concern by requiring the very highest  
15 efficiency and quality filtering systems that are  
16 available and a follow-up mechanism at the end to  
17 ensure that, in fact, they are operating as  
18 designed. Light control, we talked about that.  
19 There's also a condition relating to that. While  
20 maintenance was a concern, and again a condition  
21 to maintain that with perpetuity, structurally and  
22 aesthetically, is proposed in your draft bill.  
23 There were a lot of other concerns ranging from  
24 what's the detention basin at 66<sup>th</sup> Street for, why  
25 did you do the Park project or the Garfield

1 project, the current zoning at the Northhaven  
2 Village Condos, the parking at a building on 72<sup>nd</sup>  
3 Street, and how many zoning changes that we had in  
4 the last period of time, so we provided all of  
5 that information back to the Planning Commission  
6 and hopefully, therefore, to the public. If you  
7 have any questions about those, I would be glad to  
8 address them. Originally, there were, I believe,  
9 22 original conditions. After the Planning  
10 Commission Meeting, additional conditions were  
11 requested. In your draft bill, I believe, they  
12 are conditions number 23 through 26. The primary  
13 condition is number 23. The developer and the  
14 City shall negotiate and enter into a development  
15 agreement that provides for improvements to M-1,  
16 designed to improve traffic safety and mitigate  
17 traffic congestion. The agreement shall also  
18 provide for reconstruction of Northeast 64<sup>th</sup>  
19 Street at North Wabash to create safe site  
20 distances and provide curb, gutter and sidewalk.  
21 Finally, the development agreement will analyze  
22 and repair any currently exposed sanitary sewers.  
23 Condition 24 has to do with the odor producing  
24 businesses, 25 having to do with the light  
25 fixtures and 26 having to do with the retaining

1 walls. The Planning Commission recommends  
2 approval to the City Council by a vote of 8 to 2  
3 on the zoning change and recommends approval of  
4 the site plan by a vote of 7 to 3, as recorded  
5 last Tuesday night. Council has an awful lot of  
6 options and it's always dangerous to try and  
7 explain these options because they work in  
8 combination. In general, the Council, on the  
9 zoning change, could deny that request. If you  
10 chose to do that, then there would be no need to  
11 consider the site plan that follows on your  
12 agenda. If the Council had approved this zoning  
13 change, however, the protest petition is in  
14 effect, so that would require 4 Council votes to  
15 move that forward. In terms of the site plan, of  
16 course you could deny the site plan. You could  
17 approve the site plan as recommended or additional  
18 conditions based on testimony tonight. And that's  
19 about it. At this point, I'd be glad to answer  
20 any questions that you have for me at this time.  
21 I know the development team is raring to go.  
22 MAYOR BEER: Mr. Wingerson, I do have one question  
23 that kind of popped out at me. You had indicated  
24 there was a, that the storm water plan was for the  
25 100 year event.

1 MR. WINGERSON: Correct.

2 MAYOR BEER: And maybe I misunderstood what I was

3 reading, but in the Council Minutes of the January

4 the 3<sup>rd</sup> Meeting, I believe I read in the notes

5 that it was to a 25 year event.

6 MR. WINGERSON: Yeah. I think, I think in total,

7 when you read that, that provision, I think the

8 engineer was making a point about the different

9 point and used 25 years as an example. This

10 request certainly complies with the City's policy

11 as it relates to storm water accommodating the 10,

12 15, 25, 50 and 100 year storm, so I'm sure the

13 engineer will clarify that for you during their

14 presentation.

15 MAYOR BEER: Is there anyone else on the Council

16 who has a question, at this point?

17 (Wherein there was no response)

18 MAYOR BEER: Thank you, Mr. WingerSON. Is there

19 anyone here from or representing the applicant?

20 MS. WHEELER: Mayor and City Council, my name is

21 Bonnie Wheeler. My husband and I reside at 11201

22 Northeast Reinking, Kansas City, Missouri. We are

23 the potential developers for this property located

24 at 64<sup>th</sup> and Prospect. I feel we, my husband and

25 myself and our team of experts, have put together

1 a great deal of time and effort and came up with a  
2 very appealing design for the City of Gladstone  
3 and for this piece of property. I hope after  
4 hearing our presentation, you will feel the same.  
5 We were here to answer any questions that you have  
6 for us, so I would like to introduce to you our  
7 team of professional people. Our first one is Joe  
8 McAfee of McAfee, Henderson & Strick, Leavenworth,  
9 Kansas. Also an associate of Joe's is Pete  
10 Oppermann, he's our land designer and architect.  
11 He's not able to be here tonight. And our  
12 architect is Steve Cantrell of Stephen Jay  
13 Cantrell & Associates. Each will take a few  
14 moments to show you what we have put together. So  
15 thank you for your time.

16 MR. MCAFEE: Commission, my name is Joe McAfee with  
17 McAfee, Henderson & Strick. I am the civil  
18 engineer for the project. Mr. Oppermann could not  
19 be with us this evening, but I will certainly  
20 entertain any technical questions that you may  
21 have dealing with the layout of the project as Mr.  
22 Oppermann and I have worked together closely on  
23 several development projects of this type. Mr.  
24 Wingerson did an excellent job and a thorough job  
25 of explaining several of the issues that this



1 project has faced as we have come through with the  
2 development. And I wanted to do, I will certainly  
3 answer any technical questions that you may have.  
4 In lieu of just going over the plan and  
5 reiterating what Mr. Wingerson was saying about  
6 the layout, I would like to hit some of the key  
7 points that came across as we worked on this  
8 project. We started the project with Bonnie and  
9 Gary Wheeler, the developers, in October of 2004.  
10 And when we were hired, we were basically asked if  
11 we could put together that shows the piece of land  
12 they were looking at. They wanted us to put  
13 together a development that they could be proud of  
14 as actually retaining some of the ownership and  
15 being a long term owner of a portion of the land,  
16 but that also created some commercial lots that  
17 could be sold to try to finance the project, so it  
18 could be built that way in its entirety. When we  
19 started in October, one of the things that was  
20 important was a diversity of lot size. We had  
21 seen the original plan of the Green Lantern. The  
22 Wheelers were not interested in trying to bring  
23 another convenience store to Gladstone. They  
24 wanted a mixed type use, a mixed type use in the  
25 way of lot sizes that we could try to, basically,

1 get a diverse listing of the businesses that are  
2 able to be placed in C-1 zoning. And they went  
3 through several iterations with the Wheelers  
4 looking in on us and showed them several  
5 renditions. And it took about 5 renditions to get  
6 to something they were truly comfortable with the  
7 lamp lighting. And then we started working with  
8 Staff. We worked with, starting with Mr.  
9 Wingerson, we had several meetings with Kirk Rome,  
10 the Public Works Director, we met with the fire  
11 department, and basically we addressed these  
12 issues as they came up dealing with the storm  
13 drainage, dealing with the lighting, the potential  
14 lighting and that situation, dealing with the  
15 screening and the plan continued to get better and  
16 converge on a better plan each time we had a  
17 meeting. On November 30<sup>th</sup> we held a meeting with  
18 the neighborhood and some of the concerns that  
19 addressed it, we tried to rank them in importance.  
20 One of them was concern for screening to the north  
21 and the west. Concern for storm drainage runoff,  
22 concerns of traffic, noise associated with a  
23 commercial development, lighting associated with a  
24 commercial development and safety for their  
25 children. Over the next month and a half, we went

1 back to the drawing board and we worked with Staff  
2 and we worked with those specialists, we brought  
3 in a lighting specialist. Pete, Mr. Oppermann,  
4 spent time really concerned with the setback  
5 requirements and the screening that had to occur  
6 on the north and the west to make sure we were  
7 meeting the screening requirements of the  
8 citizens. The Planning Commission held a site  
9 visit as is normal for the City of Gladstone.  
10 I've never done that in any other city and I  
11 thought it was a great idea once we went through  
12 it, and we got to explain, the best we could, how  
13 we were addressing them. As we work through these  
14 issues, we basically went through some more  
15 revisions of the plan and what we've finally  
16 submitted to the Planning Commission on this last  
17 meeting, I believe is the best we could put  
18 together for trying to appease all the standards  
19 associated with this project. I want to list some  
20 of the positives that this plan has. Basically,  
21 the plan maintains a vegetative state around the  
22 entirety to the north and the west. And in some  
23 cases, exceeding the 35-foot buffer that is  
24 required by your City. The plan has a diversity  
25 in lot size, so that we can hopefully bring in

1 different types of businesses to create more of  
2 that neighborhood business feel. There was a  
3 comment at the Planning Commission, on a vote when  
4 it was going through the plan itself, by  
5 Commissioner Newsom, and she mentioned that she  
6 couldn't vote for this plan because each one of  
7 these sites identified a drive-thru and we took  
8 that to heart and we came back and we talked about  
9 it after the meeting. Luckily the plan still  
10 approved, was approved, but the development team  
11 wanted me to go on record, at the City Meeting,  
12 stating that the traffic study that we submitted  
13 to MODOT, that's been approved by MODOT, only  
14 allows us to put 1 drive-thru facility restaurant  
15 area in this development. It is not our  
16 intention, it never was the intention, to fill  
17 this thing up with fast food joints, so much more,  
18 180 degrees the other way. We want something that  
19 the Wheelers can be proud to say that they are a  
20 part of for the long haul. Some of the other  
21 positive points, we've put together an internal  
22 graphs routing system with two drives that we've  
23 labeled drive A and drive B. It became very  
24 apparent in the early goings of this project that  
25 it was going to take 3 entrances, and 2 of them

1       being onto 64<sup>th</sup> Street, to make this work to  
2       MODOT's compliance, to get the traffic split up  
3       enough where no one intersection was being  
4       overloaded. And I just want to point out that, as  
5       opposed to just being a strip commercial area that  
6       just all used 64<sup>th</sup> Street for their driveways, the  
7       developers have taken upon themselves to actually  
8       put an infrastructure system internal of the  
9       streets that will actually help people get safely  
10      from one shop to the other one. Another thing I  
11      want to point out was that it provides an erosion  
12      control system when considering the inside to the  
13      north, there was a concern and this is going to  
14      come to Mayor Beer's question about the 25 year,  
15      there was a concern among the people to the north  
16      that if this developed, there is a swale that runs  
17      down the back of all these homeowners lots and it  
18      was going to be inundated with water. First of  
19      all, in terms of the 25 year, when an underground  
20      pipe system is placed in a commercial setting, it  
21      has to be capable of handling a 25 year event.  
22      And in respect to residential, if we were working  
23      in a residential development, that underground  
24      pipe and curb inlet system would have to handle a  
25      10 year storm, so it's a bigger system. It costs

1 more. It gives more safety. But that's the 25  
2 year question that you had, Mayor Beer. The 100  
3 year, and it's more than just a 100 year, there's  
4 2 retention or detention ponds on this site and I  
5 don't know if you, you may not be able to see it  
6 if you haven't studied the plan that much, but  
7 basically every bit of impervious area on this  
8 site is directed to those 2 detention areas. It's  
9 not directed over a hill or through another pipe,  
10 what they call routing a portion of it through  
11 your detention facility and letting the rest of it  
12 release unprotected, it's all routed to these 2  
13 detention areas. And what we do is we design to  
14 the American Public Works Association guidelines  
15 that says when the 5 year event comes, that it's  
16 being a higher peak than what it was before we can  
17 get in and develop it. When the 10 year comes, it  
18 won't be - when the 25 comes, and so on, the 50,  
19 the 100, so it's not just a 100 year protection,  
20 it's basically saying that when it rains in  
21 Gladstone, the outfall from these detention  
22 facilities that meter all the water coming off  
23 this site will be less or equal to what was there  
24 before we came here. By putting these detention  
25 areas in and by allowing pipes to take the water

1 out of these detention areas strictly straight to  
2 the swale that's in the backyard, we've taken away  
3 the water routing that used to just fall over the  
4 hill. And if you've been by the site, it is a  
5 massive hill, it's 20 feet high, of runoff and  
6 there is some erosion back there because water has  
7 just basically been allowed to roll over it and  
8 pick up speed as it runs down to the swale. What  
9 I'm trying to say is, that's all going to be taken  
10 away because we're catching that water at the top  
11 of the hill and directing it into our controlled  
12 environment. So I looked at that as a positive,  
13 because I really do. I've walked the site and I  
14 really do feel like we are going to improve the  
15 runoff for that area over what is there right now.  
16 And you can't say that in a lot of developments, I  
17 dare to mention. The last thing, one of the last  
18 turns the project went through, we've tried so  
19 hard with the right in, right out, working with  
20 MODOT and having 3 meetings with Steve Holiday  
21 with MODOT and Norm Bowers to make certain that we  
22 have a safe riding of a right out only on 64<sup>th</sup>  
23 Street. And Mr. Wingerson showed you details  
24 where the Planning Commissioner asked us to bring  
25 back proof, because everybody seeing right in,

1 right out said just don't do it. And MODOT had a  
2 special one that they had found had been working,  
3 but some additional discussion with Staff  
4 basically got us to the point where we determined  
5 we needed more of a compromise if we were going to  
6 be showing that we were good neighbors, we were  
7 going to have to try to do some improvements to  
8 64<sup>th</sup> Street. So, that's the last positive. This  
9 project creates the sales tax money, then in turn  
10 fixes 64th Street, which in turn puts sidewalks on  
11 the south side, which was a pedestrian issue that  
12 the homeowners there were concerned with. So what  
13 we're trying to show is, that we're truly trying  
14 to leave this project better than what it was when  
15 we came on board. And like I said, I will answer  
16 any technical questions from the civil engineering  
17 or the land layout. Mr. Steve Cantrell, the  
18 project architect, would like to discuss the  
19 buildings, but if you have anything, any  
20 discussion points on the technical side of the  
21 development, I would certainly listen to those and  
22 address them as best I can.

23 MAYOR BEER: Mayor Pro Tem Rudi looks like she has  
24 a question.

25 MAYOR PRO TEM RUDI: I have one. You talked about



1 leaving, the water leaving the site will be no  
2 worse than it is right now, however, one of the  
3 issues that was brought up is that since that land  
4 has been cleared, that there seems to be more  
5 water leaving that site than previously. Will you  
6 be able to adjust this, so that the water that  
7 leaves it goes back to the time when the  
8 vegetation was still there? Does that make sense?  
9 MR. MCAFEE: Yes. It does.  
10 MAYOR PRO TEM RUDI: Okay.  
11 MR. MCAFEE: From a technical aspect, typically a  
12 timber area will have more runoff than a grass  
13 area. It has to do with the grass can't grow  
14 because it's being shaded, so you have a lot of  
15 dirt cover on the ground. You do have some debris  
16 from the trees. I would have thought, and if the  
17 citizens that live by there are saying it's worse,  
18 then obviously they're going to know it better  
19 than me, but I would have thought that by clearing  
20 that land and grassing that land, the runoff would  
21 have decreased. What we are required to take it  
22 back to when we design by APWA standards, they  
23 talked about impermeability ratios. Asphalt or  
24 concrete would be one, which means everything is  
25 going to run off. What they asked us to design to

1       alleviate the run off, the APWA requirements for  
2       the lowest impermiability, or the highest  
3       impermiability rate there is and that's .3, which  
4       they classify as turf and grass. So I can tell  
5       you that that's what we will meet. I will, I  
6       guess I'll wonder a little bit if a lot of that  
7       runoff isn't being caused because maybe it didn't  
8       get seeded properly. When we were out there, it  
9       was a lot of snow cover and it's in the winter, so  
10      it's hard to tell if it has a really good standing  
11      grass. I would say just the controlled access and  
12      taking this water straight to that concrete flume  
13      area, it's going to be a remarkable improvement  
14      over anything they've experienced.

15      MAYOR PRO TEM RUDI: Thank you.

16      MAYOR BEER: Is there anyone else on Council that  
17      might have questions?

18      COUNCILMAN SMITH: Mayor Beer.

19      MAYOR BEER: Councilman Smith.

20      COUNCILMAN SMITH: I just want to clarify that you,  
21      I believe, stated, or attempted to state  
22      unequivocally, that you're willing to agree to the  
23      fact there will be no more than 1 drive-thru  
24      eating establishment on this property. Is that  
25      correct?

1 MR. MCAFEE: That is absolutely correct.

2 COUNCILMAN SMITH: And by approval process, by deed

3 restriction, whatever it takes to tie it down to

4 the greatest plan, we can?

5 MR. MCAFEE: Yes. Actually, you have the leverage

6 in the traffic study if there's any revision to

7 this plan that doesn't meet that traffic study

8 criteria, MODOT will not accept it, nor would the

9 City of Gladstone. Yes, unequivocally, that is

10 where we're at.

11 COUNCILMAN SMITH: Thanks.

12 MAYOR BEER: Okay. Thank you, Mr. McAfee. Okay.

13 MR. CANTRELL: Mr. Mayor, Council. My name is

14 Steve Cantrell. I'm with the architectural group

15 of Stephen Jay Cantrell & Associates, 6002

16 Northwest Highway 9, Suite B, Parkville, Missouri.

17 I'm here just to give you a brief overview of what

18 Scott has termed as retail buildings, which are

19 the furthest buildings on the west represented by

20 the 2 rectangular shapes that you see on the left

21 of the plan and also represented in elevation view

22 over here to the right. As you can see, there are

23 2 footprints. One being 11,640 square feet,

24 that's the building that's, of the larger of the

25 2, obviously, that's running east and west and

1 another footprint that is 9,240 square feet that  
2 runs north and south and has one step in it, in  
3 regards to following the topography that occurs  
4 with the site plan as we now have it. Both of  
5 these buildings are to be entered from the front,  
6 from the parking lot side only. They will have a  
7 pedestrian service walkway to the rear that will  
8 have access to a single door, with a single down  
9 elimination, so that deliveries, and various other  
10 functions that are necessary for a retail center,  
11 can go through the rear door and go through the  
12 front door. The buildings are essentially of 3  
13 materials. Actually, 4 with some highlights.  
14 Primarily, they're a stucco plaster facade that  
15 has stratification in it to form some scale to the  
16 surface, by that I mean grouping, that has a  
17 podium of brick on recessed store fronts, the  
18 store fronts being of aluminum. I'm sure we're  
19 all familiar with that. That is colorized to  
20 match the remaining metal that is on the  
21 buildings. As you can see, there's, in both  
22 cases, 2 masses at the end that are of standing  
23 single type roofing, so we're coordinating all of  
24 our metals together. They are flat roof buildings  
25 with the intent to use some mechanical on the roof

1 and have at least a 30-inch parapet wall and in  
2 some cases more than a 30-inch parapet wall. As  
3 you can see on the front, it undulates it with the  
4 site on the east/west, oh excuse me, on the  
5 north/south building and then with a physical  
6 change on the east/west building. Our intentions  
7 are to screen all the mechanical equipment on the  
8 roof, so that it can be obscured from the  
9 neighbors. In regards to, the intent is to carry  
10 the materials on all 4 sides, along with the brick  
11 inlay or the brick podium to carry it to the back  
12 to have a little more sensitivity to the scale of  
13 the building. The highest point of the building  
14 is the peak of the roofs on the two ends, and  
15 that's 22 feet. Primarily, not in all cases, but  
16 the average height of the parapet wall is 16 feet  
17 with the store fronts being with 10 feet, so it's  
18 very typical to the scale that you would see of a  
19 retail center that we're all familiar within the  
20 Northland. Signage, as you can see, there's  
21 uniform signage panels on all store fronts. Our  
22 intention is the signage to be self-contained  
23 illumination. One of the, what they call a can,  
24 internally lit sign all of uniform characteristic.  
25 I believe that a good overview of what our

1 intentions are. I would certainly be happy to  
2 answer any questions relative to the physical  
3 dimensions or the natural aesthetics of the  
4 building.  
5 MAYOR BEER: Council.  
6 COUNCILMAN EVANS: Mayor Beer.  
7 MAYOR BEER: Councilman Evans.  
8 COUNCILMAN EVANS: With regard to the signage on  
9 the property, what about signage to the rear? Is  
10 there going to be any signage on the back side of,  
11 allowed on the back side of these buildings?  
12 MR. CANTRELL: It's not our intent to having  
13 illuminated signage, in fact, we're trying to  
14 decrease the illumination on the rear and it will  
15 be basically task oriented wherever it's  
16 necessarily functionally. There probably will be  
17 some sign identification on the door, itself, that  
18 will lead to that particular space, but it would  
19 not be illuminated.  
20 COUNCILMAN EVANS: That's all. Thank you.  
21 MAYOR PRO TEM RUDI: Mayor Beer.  
22 MAYOR BEER: Mayor Pro Tem.  
23 MAYOR PRO TEM RUDI: The rear, it's going to have  
24 the same materials and colors and everything all  
25 the way around. Will there be only doors back

1       there, no windows?

2       MR. CANTRELL: Yes, ma'am.

3       MAYOR PRO TEM RUDI: Thank you.

4       MR. CANTRELL: One pedestrian door per unit.

5       MAYOR BEER: Mr. Cantrell, you had made mention of

6       a pedestrian sidewalk to the rear and I believe

7       that that was a similar situation, as I read in

8       the previous, or the January 3<sup>rd</sup> Planning

9       Commission Meeting Minutes, one of the issues that

10      comes to my mind would have to do with fire safety

11      and access. Is there, are we looking at an area

12      here that would permit emergency vehicle access?

13      MR. CANTRELL: No, sir. We've worked with the fire

14      department to make sure our hydrants are in such a

15      location that all parts of the building can be

16      reached with normal procedures, however, there is

17      a case in the building codes that requires certain

18      square footages, depending on how the makeup of

19      the building would be put together, either 2

20      exits, sometimes 3, depending on what the

21      particular function is, but in most cases, 2. So

22      that is strictly, it's an egress. It is for

23      purposes of public welfare, but we find it,

24      because of the way that we've done our hydrant

25      locations, not necessary to be able to get

1 vehicular traffic of emergency character behind.  
2 MAYOR BEER: Any other questions from Council at  
3 this time?  
4 (Wherein, no questions were posed)  
5 MAYOR BEER: Thank you, Mr. Cantrell. Staff have  
6 any additions?  
7 MR. WINGERSON: I would be glad to answer any  
8 questions.  
9 MAYOR BEER: Questions of Staff?  
10 (Wherein no questions were posed)  
11 MAYOR BEER: Okay. At this time, then, we would  
12 entertain comments from the audience, from those  
13 who are in favor of this project. If there is  
14 anyone in the audience who would like to speak in  
15 favor of the project, please step forward. Name  
16 and address for the record, please. And let me  
17 also mention that our public testimony will be  
18 limited to 5 minutes per person and that we would  
19 ask that you direct any comments or questions to  
20 the Council. What I don't want to have happen  
21 here is to get into a debate or argument between  
22 audience members and our applicants.  
23 MR. HALL: Mayor and members of the City Council,  
24 thank you for the opportunity to be able to speak  
25 here this evening. My name is Pete Hall. I live



1 at 5621 Clinton Place, Gladstone. I would like to  
2 begin by disclosing that I do work for the owner  
3 of the property that's being addressed here this  
4 evening, but I have no financial interest or will  
5 not receive any direct financial benefit from the  
6 sale of the property, no fees, or commissions, or  
7 bonuses and I will be speaking to you this evening  
8 as a citizen of Gladstone. For over 30 years,  
9 well over 30 years I might add, I have taken a  
10 very active role in this City and in this  
11 community. I've always worked for and supported  
12 those matters that have the greatest positive  
13 impact of the majority of those that call  
14 Gladstone home. Today is no exception to that  
15 principal. This evening you will hear comments  
16 from several people. I'll submit to you that for  
17 most people, change is very difficult to accept.  
18 And those closest to this project, it is also a  
19 very emotional issue. I have a great deal of  
20 respect for the majority of these people. They  
21 have lots and nicely maintained area, green area,  
22 that is just beyond their backyard. Yes, it's a  
23 very emotional issue indeed, and people often say  
24 things that are more perception than fact when it  
25 comes to these types of circumstances.

1        Personally, if I felt very strongly about having  
2        green area around my home, I would purchase enough  
3        property in order to maintain the type of green  
4        area that I want. The project has gone through  
5        the established City development process. The  
6        developer met with the neighborhood, as requested  
7        and required, to get their input before even  
8        submitting the plan to the City. They met with  
9        City Staff to get their input, as well. Staff  
10       recommended changes for this project have been  
11       agreed to by this developer. Input from the  
12       public hearing process, planning, zoning and site  
13       visit, created additional recommended changes,  
14       which have also been agreed to by the developer.  
15       This developer has provided all of the information  
16       requested, engineering and architectural detailed  
17       drawings. They have agreed to requested public  
18       improvements and they have done everything else  
19       required or requested to them and they have done  
20       all of this in a very positive spirited  
21       cooperation. They truly have shown they want to  
22       be good neighbors to the residents and provide a  
23       service to the entire community. This City, under  
24       this Council's leadership, has made great inroads  
25       into letting people know that we, the City of

1 Gladstone, support quality development and  
2 redevelopment. It is extremely important to  
3 understand that there is a much greater impact on  
4 the community than the 64<sup>th</sup> and M-1 development.  
5 The implications are much greater. If approved,  
6 this shopping center will have a positive  
7 financial impact on the City and all its  
8 residents. And because of the public  
9 improvements, there will be a much safer  
10 pedestrian and vehicular traffic situation for  
11 those that live in the area, but more importantly,  
12 it will send a powerful message to the development  
13 community, that Gladstone is what it has said it  
14 was, a quality development and redevelopment  
15 opportunity for those developers and businesses  
16 willing to invest in our City. And if not  
17 approved, there will also be a message sent to  
18 that same development and business community that  
19 is equally as strong. The Planning Commission has  
20 approved this rezoning and also the site plan.  
21 They have recommended that this City Council do  
22 the same by so submitting it to you for approval.  
23 I will close by asking that you look at this  
24 project, and this proposed development, on behalf  
25 of the entire community and not just the few that

1       are emotionally attached to property that belongs  
2       to someone else. I will be glad to answer any  
3       question you might have pertaining to your, to the  
4       comments that I've made here this evening.  
5       MAYOR BEER: Are there any questions from Council  
6       of Mr. Hall?  
7       (Wherein no questions were posed)  
8       MAYOR BEER: Thank you, Mr. Hall. Before we,  
9       before we move into the opposition testimony, I'm  
10      being asked if we can take just a real quick short  
11      recess. I'm thinking that maybe we need to, at  
12      least two of us, need a little bit of a break.  
13      Let's take, let's recess for, until, yes, 8:40.  
14      We will reconvene at 8:40.  
15      (Off the record)  
16      MAYOR BEER: Okay. Let's see if we can't get this  
17      started right on time. I just, I was a little bit  
18      presumptive that Mr. Hall was the only proponent  
19      of this project, so before we move onto the  
20      opposition, I suppose I ought to ask for any  
21      others in the audience who may be in favor of this  
22      project?  
23      (Wherein there was no response)  
24      MAYOR BEER: Okay. With that in mind, then, we  
25      would now go into the opposition testimony phase.

1 And before we begin with that, I just would like  
2 to remind you that we would like you to confine  
3 your, or to limit your comments to 5 minutes and  
4 that also we would like to remind you that please,  
5 if you have questions that you have in your mind,  
6 that you direct the questions to the Council table  
7 and that Staff will be taking notes and we will  
8 give the, we will give opportunity, then, for  
9 Staff to respond. If we need clarification to  
10 respond from the developer, we'll ask at that  
11 time, as well. With that, is there anyone in the  
12 audience in opposition to this project? If there  
13 is, would you please come forward and state your  
14 name and address for the record, please?  
15 MR. OHSIEK: Mr. Mayor and members of the City  
16 Council. My name is David Ohsiek. I'm a resident  
17 of 6501 North Wabash. My property borders on the  
18 northeast corner of the proposed entire plaza  
19 development and I have a few objections I'd like  
20 to express to you tonight that I would like for  
21 you to consider before you approve this  
22 development. I have 2 major reasons why I think  
23 this development is incompatible with the City of  
24 Gladstone. First of all, we have a residential  
25 area on 3 sides of this proposed development. A

1 part of this residential area is a middle school,  
2 that's just up the street on 64<sup>th</sup> Street, just  
3 west of the proposed development. This kind of  
4 shopping center will cause heavier traffic on 64<sup>th</sup>  
5 Street and at the intersection of North Prospect.  
6 This will be an increased hazard to the children  
7 who are walking to and from middle school and who  
8 are riding buses to and from the middle school.  
9 There was a little girl that got up and testified  
10 in January that she was hit by a car, I think in  
11 the last year, at the intersection of North  
12 Prospect and 64<sup>th</sup> Street. I heard for the first  
13 time tonight that the entire plaza is not planning  
14 to have a fast food restaurant in this  
15 development. Up until tonight, all I have heard  
16 was that they were expecting to have 2 fast food  
17 restaurants. I cannot imagine having a fast food  
18 restaurant without very large illuminated signs  
19 and multicolored neon signs that everyone can see  
20 for a couple of blocks away at night. We  
21 certainly wouldn't want that kind of lighting in a  
22 residential area. They would be very visible.  
23 This kind of a development will devalue our  
24 property. There's a local real estate appraiser  
25 who advised us, his name is Noble Johnson, and he

1        says you could expect an immediate 10 percent  
2        devaluation in our property if this type of  
3        development is built. A member of the Planning  
4        Commission, a week ago, said that he had a friend  
5        whose house was located next to a retail  
6        development and he had experienced 12-1/2 percent  
7        increase in his property value over the last 5  
8        years. The normal appreciation rate in the middle  
9        west, I understand, is 5 percent a year. And at  
10       that rate in depreciation, this individual's  
11       property should be 27-1/2 percent more valuable  
12       than it was in the year 2000. And it's only, he's  
13       been told it's only 12-1/2. Well, that's less  
14       than half the depreciation he should have expected  
15       and we attribute that to the retail development  
16       that's right next to his property. The second  
17       main reason that I object to this development, and  
18       I think you should consider seriously, is the high  
19       potential for it to fail financially. Since I  
20       moved into this area in 1998, I have seen a  
21       continual failure of small businesses in this  
22       entire area. Antioch Center has continued to lose  
23       businesses, the doors have closed. Some of them  
24       were leased to new owners that they also failed.  
25       And it's just continued to go downhill. There's a

1 strip mall at 60<sup>th</sup> and Antioch that used to have a  
2 Bob's IGA restaurant, which went out of business.  
3 It's been taken over by Ace Hardware, which is  
4 fine, but it also had 2 restaurants that have  
5 failed. There's an existing shopping center at  
6 64<sup>th</sup> and Prospect to the east of the proposed  
7 development. We've seen businesses continue to  
8 fail there. The Hen House is now being replaced  
9 by Price Chopper. There is an Oriental, there was  
10 an Oriental restaurant that has gone out of  
11 business. There was a thrift store. There was a  
12 movie theater, and I think he's gone by the  
13 wayside. I don't think that shopping center has  
14 ever been fully occupied. At Englewood and North  
15 Oak, a very nice shopping center and development  
16 went up there over the past several years and  
17 businesses have failed there. I understand some  
18 of the space at Metro North on Barry Road has  
19 never been, has never been completely filled.  
20 There are vacant spaces there because they just  
21 can't, they can't, they can't manage to, they  
22 can't imagine that they will make a profit. Now,  
23 if Tower Plaza fails, what would you do? Would  
24 you rezone this property to allow different types  
25 of businesses to come in? Would you allow an



1        automobile service station? Would you allow an  
2        automobile repair shop? A bar? An exotic dancing  
3        facility? I don't think we want any of these  
4        types of businesses in our neighborhood. I would  
5        like to conclude by saying, first of all, this  
6        property should be rezoned. We would like to see  
7        it rezoned for professional office buildings, we  
8        have no objection to that kind of development, or  
9        multiple family housing. Also, I think if you  
10       allow less compatible development, such as the  
11       kind that's being proposed here now, you're going  
12       to devalue the residential property around it,  
13       you're going to drive residents away from the  
14       area, I think you're going to see a decline in the  
15       quality of your residential area and with the loss  
16       of people from the area, you're going to further  
17       jeopardize the existing businesses that you now  
18       have. There's other comments I'd like to, I think  
19       I could make, I don't think I have the time, I  
20       think I've run out of time already, about the  
21       storm drainage, things that I've heard mentioned  
22       tonight. I probably needed some more information,  
23       but if there's time and you want to come back and  
24       do it later, I would be willing to. Thank you.  
25       MAYOR BEER: Thank you, Mr. Ohsiek.

1 MR. LIMPIC: Mayor and City Council Members. My  
2 name is Mark Limpic. I live at 6500 North Wabash,  
3 property north near that one basin. Something was  
4 mentioned at the last Planning Commission Meeting  
5 last Tuesday and I want to, Mr. Ohsiek touched on  
6 it, but I want to talk about it again because I  
7 think it's very important for all of us here,  
8 property owners, anyway. And I'm going to read  
9 you a little paragraph from the minutes, the  
10 supplement to the Staff report, concerning  
11 property values. It says here, concerns relating  
12 to property values are a matter of perspective.  
13 Some believe that adjacent commercial development  
14 is detrimental to residential property values.  
15 Conversely, some believe this condition is an  
16 attribute or neutral to residential property  
17 values. Neither the developer or the neighborhood  
18 has submitted documentation concerning this issue.  
19 It is suggested, and this is what pretty much  
20 bothered me a little bit last week, suggested that  
21 the Planning Commission not rely on property  
22 values as a major factor in deciding this. So my  
23 wife and I went out and contacted an independent  
24 appraiser to give us his assessment of this, a man  
25 named Noble Johnson, I think maybe you're familiar

1 with him, he's worked for the City before, an  
2 older gentleman who's got credentials and  
3 qualifications, I think, that make him very valid.  
4 Mr. Johnson is a designated senior real property  
5 appraiser, commercial, a residential member of the  
6 appraisal institute, State certified appraiser,  
7 and on and on. He is a qualified expert witness  
8 for court testimony and to the value of real  
9 estate in Platte, Clay, Ray, Caldwell, Cass,  
10 Andrew, and so on and so forth counties, the U.S.  
11 Federal Court, and before the Platte County,  
12 Liberty and Kansas City Zoning Boards. He's been  
13 a professional independent fee appraiser since  
14 1959 and actually goes back to 1949 when he first  
15 started taking some of the courses. I'm going to  
16 read you his letter to my wife and I. And bear  
17 with me just to take a few minutes. It says, Dear  
18 Mr. & Mrs. Limpic, in answer to your inquiry  
19 regarding effect on value of residential property  
20 caused by changes in Gladstone's master plan  
21 concerning Prospect Place, a subdivision in the  
22 southeast corner of the section, fronting Prospect  
23 Avenue and Northeast 64<sup>th</sup> Street, I will address  
24 specific issues. Number 1, pairing of comparable  
25 sales of residential properties have shown that

1       being adjacent to, or backing up to, commercial  
2       properties, have normally a 5 to 10 percent  
3       depreciating effect on those adjacent properties.  
4       With a lower effect, with the least traffic type,  
5       such as retail and offices, an increasing  
6       proportionally with increased traffic and longer  
7       business hours, it's kind of what we've been  
8       discussing here, of the property such as fast food  
9       restaurants or bars. This is, to a large extent,  
10      the same effect found for homes adjacent to  
11      interstate highways and railroads. Number 2, your  
12      home currently backs up to CP-1, commercial  
13      planned zoned land, in the parcel planned on the  
14      north side of 64<sup>th</sup> Street between Prospect in the  
15      east and north/south ravine in the west or rear  
16      side of the remaining parcel, on the west zoned  
17      RC-1 residential. This, of course, has a  
18      depreciating, a depreciation effect on value of  
19      your residence, however, changing in the City's  
20      master plan to a revised master plan, changing  
21      zoning of the RC-1 residential portion of this  
22      property on the west side through CP-1, will  
23      greatly increase the commercial area, which will  
24      have an increasing negative effect on the value of  
25      your land for many reasons, the increased traffic

1 flow, noise, hours of operations, and so on, we've  
2 talked about, and a major effect on the value of  
3 the homes backing up to the presently RC-1  
4 residential zoned land. Further proving his  
5 point, and a fact that City officials are aware of  
6 this problem, is that in a normal City planning,  
7 they buffer commercial areas for zoning by a belt  
8 of multiple family zoning or city park. As a  
9 mortgage banker and real estate agent, a real  
10 estate and appraiser for many, many years, I have  
11 worked on this problem for many clients ranging  
12 from cities, Gladstone among others, counties,  
13 states, to developers, lenders and individuals.  
14 Believe me, cities are aware of this problem and  
15 need to address it. You know, I'm not against, I  
16 think I speak, I know, for my wife and we've  
17 talked about this and even considered moving. I  
18 don't want to move. I like Gladstone, but I'll be  
19 honest with you, I'm not too crazy about, and I  
20 would probably bet my next couple of paychecks,  
21 that a fast food restaurant's going to go back  
22 here. I don't see very well and I don't hear very  
23 well, but I've got a very sensitive nose and I  
24 don't care to smell that stuff in the middle of  
25 the night. And the traffic, it's going to be

1 opened until midnight. I am sensitive to that.  
2 I've got about a 35-foot buffer there and that's  
3 what's going to be in my backyard. We really like  
4 it here in Gladstone, but you drive around and  
5 you're starting to see more and more, I call them  
6 undesirable places, but pawn shops, that kind of  
7 stuff, I just don't know if this is the right  
8 thing to do. So that's my opinion. I have one  
9 more issue. Just before I came in here, in your  
10 Gladstone Reporter, it says, the priorities  
11 established by Gladstone on the Move, and that's  
12 what we talked about earlier and you recognized a  
13 few folks, one of them being focusing on  
14 neighborhood preservation. And I'll leave you  
15 with that because I think that's an important  
16 thing that needs to be said. I appreciate it very  
17 much.  
18 MAYOR BEER: Thank you, Mr. Limpic. Just, if I  
19 could just have one second here. Mr. Wingerson,  
20 would you take this, copy this, please?  
21 MR. WINGERSON: Sure. Thank you.  
22 MAYOR BEER: Thank you. Okay. Your turn. I'm  
23 sorry to disrupt your--  
24 MS. LIMPIC: Oh, that's okay. It's kind of nerve  
25 racking.

1       MAYOR BEER: Yes. I understand. I do understand.  
2       MS. LIMPIC: Mayor Beer, Mayor Pro Tem Rudi,  
3       Councilman Mr. Evans, Councilman Dr. Cross and  
4       Councilman Mr. Smith. Excuse me if I waiver a  
5       little bit. I'm not as articulate as my husband.  
6       It's a hard act to follow. Anyway, thank you for  
7       the opportunity to express my opposition to the  
8       development. My name is Delores Limpic. I live  
9       at 6500 North Wabash. I want to talk to you about  
10      the facts. I know this emotional and that's why  
11      I'm kind of shaky in my tone, we live directly  
12      adjacent to the property. Adjacent meaning our  
13      backyards back right up to the property, so much  
14      so that when they have some of the drainage from  
15      the water, the drain, the channel that they're  
16      talking about, the control of the channel of  
17      water, will be controlled toward my backyard.  
18      Now, they're saying that they're not going to  
19      disturb the vegetation because it makes a buffer.  
20      In the summer, that's true, but right now if you  
21      go in my backyard, you can see clear across the  
22      street. I can see some of my neighbors on 64<sup>th</sup>  
23      Street right through my area, so we will have a  
24      clear view of the development there. Is it proper  
25      to show you closer what I'm talking about, the

1 channel that runs into the creek in my backyard?  
2 It's a channel with like wire surrounding stone  
3 that will go in our backyard, so I can just see  
4 the backhoe going back there and I don't know what  
5 that backhoe is going to take while it's making  
6 the channel. Everything sounds very nice. I am  
7 very impressed with the developer and her crew of  
8 experts. It sounds like nirvana, until it finally  
9 gets in there. I come here not to fight City  
10 Hall. City Hall has been, you know, listened to  
11 us before and I feel comfortable coming before all  
12 of you. I feel like I've known you. I know at  
13 one time, Mr. Smith and I sat out in the rain  
14 deciding which one of us is going to leave, until  
15 we decide neither one of us was going to leave, so  
16 we left together because we both were campaigning  
17 at that point, so I have a great deal of respect  
18 for my City, the Council and of course my  
19 neighbors and friends. I want to work with you.  
20 I have no problem with the way it's set up now.  
21 Believe me, if you could build it like it is now,  
22 it would be a godsend. A restaurant with the 2  
23 retail shops that Mr. Wingerson said is the  
24 current plan. I don't know why Curry didn't build  
25 that. That's good. Let's build it and let's be



1 on, let's get to living again. I have no problem  
2 with that. What I do have a problem with is the  
3 RCH-1 being rezoned. I feel that that is our  
4 buffer. With that being residential, it makes the  
5 commercial area, that's now CP-1, less intense, so  
6 we don't have the intensity of the retail in an  
7 area that is surrounded by homes. You've heard it  
8 once, you've heard it many times. But all of  
9 these people here are the adjacent properties.  
10 All these people here are the residents, and we  
11 all live in this area. We would like something  
12 done, so we can keep living. We've raised our  
13 children, we raised our families. We go to work  
14 every morning and therefore some in the evening to  
15 pay our taxes to Gladstone. With those taxes, we  
16 can improve this street. The street on 64<sup>th</sup>  
17 should be improved whether or not this development  
18 goes in. Those rumors that we have a tax  
19 increase, that you're asking for a tax on the  
20 November ballot, I'd be more than happy to pay a  
21 little bit more taxes and have a low density  
22 commercialism on the corner and get the money from  
23 us, the taxpayers, the citizens, the residents  
24 that make up Gladstone. Without people like us,  
25 you have no city, and I have a few suggestions,

1 and I'll give those in a minute. What disturbs me  
2 is that I feel that as residents, we are climbing  
3 a hill, you know, the people with the clout and  
4 the money aren't here. We have come from here to  
5 get up there, not that we have such a great  
6 playing field. For example, the, I have a  
7 question about the legal protest. I put a legal  
8 protest before the City Council thinking that it  
9 was sufficient enough to vote for the one on the  
10 site plan revision and also on the rezoning. It's  
11 the first time I heard tonight, this evening, that  
12 it's only going to be valid for the RC-1 zoning  
13 change. I'd like to know why that's that way,  
14 because I thought it was for both. Because it  
15 said, I, the below signatures opposed the site  
16 plan and the rezoning of RCH-1. It's been an  
17 uphill battle trying to get a hold of people at  
18 City Hall. Not so much Mr. Wingerson, he's been  
19 good about returning my call, but the, I submitted  
20 the site plan, the protest petition and it took a  
21 while for them to make a decision, so much so that  
22 I thought, why are you, you know, I'm always using  
23 strategy and I'm a bit suspicious, and I thought  
24 why are they holding on, you know, they're not  
25 giving me a reason. And I said, okay, that's all

1 right. I started a second one, just in case the  
2 first one wasn't valid, I have a second one,  
3 because I couldn't wait any longer to decide  
4 whether or not that was going to be valid. When I  
5 had my last one, petition with Green Lantern, they  
6 gave me an analysis of the protest area, which  
7 showed we had 68, 68.73 percent of the total  
8 people signing the petition. This time, I'm not  
9 sure, I think I forgot to write it down, I think  
10 Mr. Wingerson said 79 percent, so we've gone up in  
11 the people that have signed the petition, because  
12 they care about their neighborhood. They care  
13 about where they live. They care about the school  
14 that's next door. The right in, the right out  
15 heads all the traffic toward the school. You're  
16 competing with the school buses. You're competing  
17 with the parents that are picking up their  
18 children. They're competing with the kids that  
19 walk with backpacks across the street. You're  
20 competing, you're bringing all this traffic into a  
21 residential area. I know that there's change, but  
22 you have to take into consideration where you're  
23 putting this commercial, commercialism that is now  
24 focused on this area right here. If it was going  
25 up against another commercialism like Wal-Mart or

1 up against Westlake Hardware shopping area, I can  
2 see that, but I think these are special  
3 circumstances and it's very hard for individuals,  
4 such as myself and some of these other folks here,  
5 to come up and speak. Public speaking is very  
6 difficult. I also see that these places here,  
7 Tower Plaza, all these places that are shown, look  
8 very pretty and nice. I don't see the fast food  
9 place. As a matter of fact, I heard, and this is  
10 at the City Planning Commission, that there were  
11 footprints for 2 fast food restaurants.  
12 Councilman Smith said he had their promise that  
13 they will not build 2. Will they take the  
14 footprints off of the plans, so there won't be 2  
15 restaurants? And why does it have to be fast food  
16 drive-thru? Why can't it be just a sit down  
17 restaurant? The bank is fine. When we first  
18 talked to Mrs. Bonnie Wheeler, the developer, she  
19 told us at a private meeting that it would be an  
20 upscale shopping center. It would be retail  
21 shops, a restaurant and a bank. Because she works  
22 with the City, she has now changed her mind.  
23 Every time she gets approval, the intensity of the  
24 development rises. We're now at the point where  
25 we are not have just a restaurant, but a fast food

1 restaurant. Not 1 fast food restaurant, but 2  
2 fast food restaurants. I also noted from 1 of the  
3 Planning Commissioner's statements at the meeting  
4 that they don't have a bank. And the bank now,  
5 that they can build a two-story on the bank for  
6 turret parking and I thought it's just getting  
7 bigger and bigger and bigger. So once they get  
8 approval, it's going to get even bigger than that.  
9 We won't be able to have any say so once it's in.  
10 What's my suggestion? Plan what is there now,  
11 currently, and we have a leader, a civic leader,  
12 that passed away not too long ago, his name was  
13 Dan Bishop, and he did a lot in the little bit of  
14 time that he was here. I was fortunate enough to  
15 work with one of his campaigns when he was running  
16 for Council. What did we do with that part that's  
17 RCH-1? Why don't we be proud of the City? Why  
18 don't you be proud as a Council Member? Put a  
19 memorial there. Have - you campaigned for taxes.  
20 Let's campaign for a memorial with a fountain.  
21 Dedicate it to Dan Bishop. Spear some civic  
22 leader spearhead--  
23 MAYOR BEER: Mrs.--  
24 MS. LIMPIC: --a private and local funds through  
25 the government. Get the funding through the

1 conservation parks and recreation department.  
2 Yes?  
3 MAYOR BEER: We're out of time, Mrs. Limpic, if I  
4 may.  
5 MS. LIMPIC: I didn't know we had a time limit.  
6 MAYOR BEER: 5 minutes.  
7 MS. LIMPIC: Oh, I'm sorry. Okay, thank you.  
8 MAYOR BEER: Thank you for your comments.  
9 MR. ROMMEL: No. I'm not Clint Eastwood and this  
10 is not the Academy Award. I'm Ron Rommel from  
11 6501 North Park. And I am not Don Horton or Mr.  
12 Davis and I did not receive a plaque tonight, but  
13 I did receive this plaque this summer, along with  
14 2 other residents whose property borders the part  
15 of this property that is currently zoned  
16 residential and I would like them to stand up, the  
17 Bracketts and the Gardners and proudly the plaques  
18 that they have. We were on the 2004 Artland  
19 Garden Tour. We have properties that are directly  
20 or adjacent to the property that is trying to be  
21 changed in zoning from residential to commercial.  
22 We also are honored to have been in this magazine,  
23 and this is not a Northland magazine, this is  
24 Kansas City Homes and Gardens Magazine. And you  
25 all each have a copy of it up there. And if you

1       prefer to look through this, as opposed to  
2       listening to me talk, I wouldn't blame you, but if  
3       you look to page 94, that's where the article  
4       starts on these properties. Shared paradise, it  
5       is called. None of these pictures are anything  
6       but our property. These pictures are not the  
7       property that's going to be rezoned. But if you  
8       look at the bridge and the deck and gazebo on page  
9       97, if you look just beyond that, what we'll have  
10      now in place of the trees, because we don't have  
11      the trees now, of course, because it's winter, is  
12      a water detention basin and the edges of 2  
13      buildings. Okay. I'm also known in other circles  
14      as the Ronald Rommel, D.D.S., I'm a business  
15      owner, a dental practice right on Route 1 in  
16      Gladstone. I'm very proud to be a Gladstonian as  
17      a resident and a business man. 29 years in June,  
18      I will have been both of those things. Now, what  
19      is it about Gladstone, you know, everybody loves  
20      this City. I know you guys love this City. I  
21      love this City. And I know the people here, or at  
22      least the majority of them, were very happy that  
23      we just extended the sales tax and we just  
24      increased a property tax because we feel those  
25      things will benefit the community. We do, in

1 fact, dearly deeply love this prosperous sleepy  
2 bedroom community, but I have a few questions  
3 tonight for my City. First, why would Gladstone  
4 vote in favor of rezoning a residential area,  
5 nearly doubling the size of a commercial  
6 development that is separated by only 1  
7 residential backyard from an existing middle  
8 school property and then funnel exiting traffic  
9 directly toward that middle school? Why would the  
10 City of Gladstone today approve a plan that  
11 rezones the residential portion of this property  
12 when a few years back, there was a plan for that  
13 area that was to leave it residential and that  
14 plan was withdrawn before it could be defeated by  
15 the City, by the Council. Why would Gladstone  
16 approve a property, a plan where a commercial  
17 property cuts deeper to the west of Route 1 than  
18 any commercial property has ever cut to the west  
19 off of Route 1 in this community? In fact, you  
20 can go all the way down Route 1 to 210 in North  
21 Kansas City and there is no commercial property  
22 that cuts as far to the west as this property will  
23 do if you change the zoning from residential to  
24 commercial. Now, talk about ambushing the  
25 neighborhood. That's what I feel is happening



1 here. And why would the City of Gladstone approve  
2 this plan of rezoning the residential portion,  
3 magically waving a wand for 2 benefactors, Charles  
4 Curry and this developer. We've been told that  
5 the Curry Company is asking too much for this  
6 piece of property to keep the portion zoned  
7 residential, remaining residential. Now, I don't  
8 know about you guys, but if I have a Chevy to  
9 sell, nobody gives me Cadillac money for it. And  
10 if Mr. Curry has a Chevy to sell, the only way he  
11 can get Cadillac money for it is for this City  
12 Council to wave the magic wand and give them  
13 Cadillac money for it. We were told repeatedly  
14 about the quality, upscale, commercial space this  
15 developer is planning. So essentially, 2 drive-  
16 thru restaurants, fast food restaurants are  
17 footprinted here. Now, we've already heard a  
18 promise there would only be 1. We'll see what  
19 happens. And if there is only 1 or 2, is there  
20 any way we could get that to match the fast food  
21 restaurant that went up on Route 1, right at  
22 Kendallwood Parkway? The A&W root beer place and  
23 the Kentucky Fried Chicken place. Maybe we can  
24 get a match, twins or triplets. Why would  
25 Gladstone approve more quality commercial space

1       when the quality upscale commercial development on  
2       the other side of Route 1 has nearly 20 percent of  
3       its store fronts empty.  
4       UNKNOWN: That's right.  
5       MR. ROMMEL: A Hen House. A high Hen House has  
6       been replaced by a Price Chopper. Now, we have  
7       heard some good news, however, folks. The third  
8       largest space in that development is now going to  
9       be leased to a thrift store less than 5 years  
10      after this property, 10 million dollars was put  
11      into this property to develop high end quality  
12      commercial property. And not to mention that a  
13      half mile down the road, and I know it's not in  
14      Gladstone, Antioch Shopping Center is dead, and a  
15      mile or two the other way, Metro North is on life  
16      support. Now, Gladstone is widely known and  
17      prides itself as being a sleepy bedroom community.  
18      And my bedroom and my wife's bedroom and my  
19      daughter's bedroom will approximate the open at  
20      6:00 a.m., close at 12 midnight, hustle and bustle  
21      and noise pollution and light pollution and sight  
22      pollution of a commercial development that cuts  
23      deeper to the west in Gladstone than any existing  
24      commercial development does. If this zoning  
25      change is approved, you'll be giving to those of

1 us bordering this property, an entire new meaning  
2 to the phrase, sleepy bedroom community. Council  
3 Members, would you do this to your families? Then  
4 why would you do it to ours? We urge you to wave  
5 the magic wand for the citizens of Gladstone.

6 MS. UMPHENOUR: My name is Laura Umphenour. I live  
7 at 6513 North Park. I do not live adjacent to  
8 this property, at all, but when they had brought  
9 to me what was going on and what was happening,  
10 Delores' passion about this, I went out and  
11 personally, I hope you guys saw this, 5 pages of  
12 signatures of the people in the North Haven East  
13 Division. Did you guys see all that?

14 MAYOR BEER: Yes. We have that.

15 MS. UMPHENOUR: Those people are all voters. I  
16 don't know if anybody's up for the new position,  
17 but I just want to say that I took my video  
18 camcorder and I went up to Metro North Shopping  
19 Center and saw a recycling center that had been  
20 put in the backyards of people that never probably  
21 had expected a recycling center to be put - had  
22 you guys seen that recycling center up in Metro  
23 North? It was at Antioch Shopping Center and then  
24 they moved it up to the Metro North, where the  
25 movie houses are and the movie house has now

1 reopened and they asked them to shift it up.  
2 Well, they shifted it up in the backyard. Those  
3 kinds of things 20, 30 years down the road is what  
4 can happen when new Council people have come in,  
5 et cetera. And so I went up and video taped that.  
6 I also video taped the gentleman who puts the  
7 trash there. And he even, he said, oh, the people  
8 are very unhappy about this, but what can they do.  
9 I wanted to know, personally, because I went and  
10 collected all these signatures and I promised  
11 these people that I would also follow up with  
12 them, is it public knowledge who of you guys, and  
13 on the Planning and Zoning, who votes for these  
14 things, so who is going to be pro and who is going  
15 to be con. Is that going to be public knowledge,  
16 so I can also go to these same people and say,  
17 this one voted this way and so on?  
18 MAYOR BEER: Well, of course, yes.  
19 MS. UMPHENOUR: How about on the Planning and  
20 Zoning, because it was 8 for and 2 against. Can I  
21 find out the names of the people who voted for it?  
22 MAYOR BEER: Uh-huh.  
23 MS. UMPHENOUR: Okay. Okay. You guys were talking  
24 about the in and out thing. I was walking my dogs  
25 one night and we had had a beautiful snowfall, it

1        was one of our largest snowfalls, and I heard this  
2        noise going on and I picked my dogs up and I ran  
3        up the hill on the school lawn and I observed, at  
4        night, kids speeding across 64<sup>th</sup> Street, coming  
5        off a side street, jumping the curb and going into  
6        the school yard and doing donuts in the school  
7        yard. I called the police, you know, and  
8        whatever, but in the meantime, they're just going  
9        back and forth and they're jumping that curb and  
10       they're going over the school yard. People are  
11       going to do what people want to do. And if people  
12       want to go east, they're going to go east, then  
13       they're going to jump the curb to go east. Okay.  
14       I just wanted to tell you that. People do what  
15       they want to do. I also, if you guys decide to  
16       put this in, one thing that was talked about was  
17       MODOT could not agree on putting lights so close  
18       together at the corner of 64<sup>th</sup> Street. There  
19       could be no lights at this one and then we have  
20       the fire station with lights. Okay. Because it  
21       is a Missouri Highway or something like that. I  
22       would like to know how did the Renaissance, that  
23       new development up there on Missouri Highway, how  
24       come their developers had a lot more pull with  
25       MODOT? They got a light in right there at 80<sup>th</sup>

1 Street.

2 MAYOR BEER: That one I think I can answer. MODOT

3 told them they will have the lights there.

4 MS. UMPHENOUR: Okay. And then there's one at

5 83<sup>rd</sup>, which is real close by. And then there's 2

6 in and off of 152. So there's 4 sets of lights,

7 boom, boom, boom, boom. And then, of course, we

8 know why Wal-Mart got some lights in, because Wal-

9 Mart's got a lot of pull, but if you guys end up

10 voting this in, I mean, we can hardly get out of

11 our housing addition the way it is. We really

12 have a hard time, so I think, you know, you guys

13 ought to really - if you decide not to listen to

14 the voters of Gladstone, and I hope that you do

15 listen to the voters of Gladstone who have voted

16 you into office to represent their desires and

17 their wishes, I hope that it weighs on your

18 decisions not to approve this development, but to

19 honor what was promised to them when they

20 purchased their homes. Originally, it was

21 promised to them that it was R-1. And again, you

22 know, as everything slowly seeps in, you know,

23 these developers, you see the huge signs around

24 where land is being taken away from people. Well,

25 these people were originally promised when they

1 moved in that that was going to be residential  
2 back there, then it went to CP-1, then it went to  
3 RCH-1. You know, it just keeps on seeping in and  
4 I know those people didn't intend on purchasing  
5 their homes and developing their landscaping like  
6 Dr. Rommel and then did just to have people to  
7 come in to try to make money. So, thank you for  
8 listening to me.

9 MAYOR BEER: Thank you.

10 MS. BRACKETT: Mayor and Council Members, neighbors  
11 and other interested parties. Thank you for - oh,  
12 my name is Jane Brackett. I reside at 2303  
13 Northeast 65<sup>th</sup> Terrace in Gladstone. Thank you  
14 for allowing me to express my strong opposition to  
15 the rezoning of the western portion of the subject  
16 parcel and to request that you vote a resounding  
17 no on the request for the rezoning. The applicant  
18 for rezoning stated that because of the high price  
19 of the subject property, that she could not make  
20 money on the project unless the zoning is changed  
21 from RCH-1 to CP-1. So I echo Mr. Rommel's  
22 comments on the Chevy and the Cadillac situation.  
23 But further to that, if one is willing to pay a  
24 price that is the value of the property is not  
25 commensurate with the price you're willing to

1 take, could you perhaps question the success of  
2 the development. Are there going to be other  
3 areas where the price you're willing to pay is not  
4 commensurate with the value that you're getting.  
5 The request for rezoning and proposed development  
6 plan shows total disregard for the rights of the  
7 current owners of adjacent property and owners of  
8 property in the general vicinity of this subject  
9 parcel. This rezoning request asks the Council to  
10 approve the devaluation of existing Gladstone  
11 residents' property for the personal enrichment of  
12 an inexperienced developer with no vested interest  
13 in the community. If the developer truly wants to  
14 develop the subject property, there are other  
15 options. Negotiate a better deal with the seller.  
16 Develop the property within the zoning  
17 requirements or put more on the funds, then, to  
18 where you can make it work, but do not ask the  
19 residents to take a hit on this property values.  
20 It's egregious to ask the residents to take the  
21 downside while the developer takes the upside.  
22 And furthermore, while it's impossible to quantify  
23 with any degree of accuracy the negative impact on  
24 the adjacent property values. We've got to have  
25 details of the building design, construction and



1 occupancy. All of these are yet to be determined.  
2 It is, however, a fact that putting up commercial  
3 buildings adjacent to residential property does,  
4 in deed, have a negative effect on the residential  
5 property values. Residents in these areas take  
6 great pride in their home ownership, which I think  
7 is evidenced by the attendance here tonight and by  
8 the 3 properties that are adjacent to this  
9 property that were participants in the 2004 Garden  
10 Tour. The writer, the magazine writer, refers to  
11 these 3 properties as shared paradise. The City  
12 Staff has stated their approval with the  
13 restriction. One restriction's being the hours of  
14 operation from 6:00 a.m. to 12 midnight. So that  
15 leaves us from midnight to 6:00 a.m. to enjoy our  
16 shared paradise. It hardly seems fair. The  
17 developer proudly commented, at a meeting back in,  
18 I believe the end of November, that she would be  
19 giving the school children a place to go to lunch.  
20 Let me present a quote from the Kansas City Star,  
21 January 4<sup>th</sup>, 2005 edition. It's called fat food.  
22 "Kids eat 167 to 379 extra calories every time  
23 they chow down on fast food. Translation, 1  
24 drive-thru dinner per week equals 2.8 to 5.6 extra  
25 pounds per year." Thank you, but no thank you for

1        your concern for our children's access to fast  
2        food and your contribution to even greater  
3        incidents in childhood obesity. Are resident  
4        property owners expected to embrace development of  
5        such a parcel for an identified retail in the fast  
6        food businesses. I have heard tonight that we  
7        won't have 2 drive-thru's, but, you know, if  
8        they're on the plan, I don't know whether that  
9        means we'll have 2 or whether it means we won't  
10       have any, but we, in the past, we've been  
11       presented with 2. At a meeting back in November,  
12       we asked the developer about other developments  
13       that she had had and we were told that she had  
14       built some houses, but we were never given any  
15       information about a development where we could go  
16       look at the type of work that was done, the type  
17       of development. At the Commission Meeting on  
18       January 3<sup>rd</sup>, it's revealed that there will be a 1  
19       story bank that can be enlarged to 2 story. Two  
20       drive-thru restaurants. Again, that seems to be  
21       influx. Translated, that means 2 fast food  
22       places. I submit that fast food drive-thru and  
23       upscale development are mutually exclusive in  
24       terms of the development of this parcel. I oppose  
25       to the request for rezoning for the following

1 reasons. The increased traffic, the increased  
2 risk of injury to our school children, the storm  
3 water runoff, looking into the basin in the back  
4 of my yard, increased noise pollution from the  
5 operation of business, offensive odor from the  
6 fast food restaurant, rodent infestation from fast  
7 food restaurant waste, devaluation of residential  
8 property values and loss of the quiet enjoyment of  
9 one's personal residence. I employ the City  
10 Council Members to represent the voters you were  
11 elected to represent and the City of Gladstone by  
12 voting a resounding no on the request for rezoning  
13 the western portion of subject parcel. Please  
14 vote to keep Gladstone a desired place to live.  
15 Thank you.

16 MR. VALENCIANO: Good evening, Mayor and City  
17 Council. My name is Jesse Valenciano and I own a  
18 piece of property, pretty much smack dab in the  
19 middle of adjacent to the property there. I've  
20 got a few concerns about putting a retail center  
21 on this piece of property when every retail center  
22 in Gladstone has vacancies. The only ones that  
23 are fully occupied are professional, not retail  
24 centers, but the buildings that are fully occupied  
25 are professional centers, medical centers, office

1       centers. I would suggest to you to probably  
2       address that issue with the Charles Curry Company.  
3       Make them be a little more aggressive. Rather  
4       than waiting on someone to come to that would buy  
5       the property, go out and find someone that would  
6       put up a financial center, a medical center or an  
7       office center. Every center that I've just  
8       mentioned to you, in the City of Gladstone, is  
9       very well maintained, fully occupied and it's not  
10      a disgrace to the City. Where there are a lot of  
11      retail centers that are a disgrace and I don't  
12      know if you all have seen pictures that I've  
13      submitted, but in the event that you haven't, I  
14      have some here. And as you look at those, I would  
15      like for you to keep in mind that this is your  
16      City. Tattoo shops, pawn shops, title loan  
17      places, cash advance places, I think I counted  
18      about probably 10 places that you can get short  
19      term loans at a very high rate. They don't like  
20      to refer to it as interest, but it's about the  
21      next thing to a loan shark. And we are helping  
22      people get in the hole with these types of  
23      establishments. One other issue that I'm  
24      concerned about too is the credibility into our  
25      Planning Commission. And one of the biggest

1        eyesores in Gladstone is in these pictures and  
2        he's on the Planning Commission. I really have a  
3        problem accepting how he votes. And I just cannot  
4        put any credibility on that, whatsoever. Another  
5        issue I have with the Planning Commission is we  
6        have a lot of bobble heads. They don't ask  
7        questions. There's only about 3 people on that  
8        Commission that asks questions.  
9        MAYOR BEER: Mr. Valenciano.  
10       MR. VALENCIANO: Yes, sir.  
11       MAYOR BEER: I would hope that you would not  
12       continue with the personal remarks.  
13       MR. VALENCIANO: Okay. Well, it's a concern to me  
14       as a resident of Gladstone. I mean, I just am  
15       concerned and I would hope that you all would be  
16       concerned.  
17       COUNCILMAN SMITH: Mr. Mayor.  
18       MR. VALENCIANO: The reason we--  
19       MAYOR BEER: Councilman Smith.  
20       COUNCILMAN SMITH: Excuse me. I am not concerned  
21       with the integrity of any person that sits on that  
22       Planning Commission.  
23       MR. VALENCIANO: You're not concerned?  
24       COUNCILMAN SMITH: No, I'm not. And I've been a  
25       part of appointing every single one of them. Now,

1 Mr. Valenciano, that, you make very good points  
2 and the neighborhood has very good points, but to  
3 attack the Planning Commissioners, it isn't  
4 necessary. It's not going to help very much.  
5 MR. VALENCIANO: Okay. But I am concerned how they  
6 vote. Okay.  
7 COUNCILMAN SMITH: Certainly.  
8 MR. VALENCIANO: I know there's City codes for  
9 residents and there's City codes for businesses  
10 and I think they should be upheld. Now, the  
11 reason we have a lot of these vacancies and retail  
12 spots in Gladstone is because we have continued to  
13 approve retail centers in Gladstone throughout  
14 these years. That's why we have so many of them  
15 now and so many of them are failing. You take the  
16 Prospect Plaza Center. Stone Canyon Pizza is  
17 closed. The finance company has moved out. There  
18 was a mobile phone business that moved out. Now,  
19 I understand that Fashion Bug dress shop is moving  
20 out. I would think they're setting someone up for  
21 failure by approving another retail center. I'm  
22 concerned about the way things are going in  
23 Gladstone and I can't honestly tell you that I  
24 could be proud of the way that Gladstone, the  
25 North Oak quarter is looking, the way that Antioch

1 Road is looking. It's a big concern to me. I  
2 love Gladstone and I've been in Gladstone going on  
3 17 years. I've been in the Northland for 45 years  
4 and I love it out here, but I just, I would also  
5 tell you I'm not opposed to the development on  
6 64<sup>th</sup> and North Prospect. I bought there knowing  
7 that it was going to be developed someday, but the  
8 biggest factor involved in my decision making was  
9 the fact that Charles Curry Company owned it.  
10 Everything they've ever done was a nice property.  
11 They developed it nice and maintained it well and  
12 that's why I went ahead and bought, but now it's  
13 being sold and we have no idea what's really going  
14 to go in there. And yes, they say 1 fast food  
15 restaurant, but when push comes to shove, if they  
16 can't rent, they're going to be here asking you to  
17 rezone it for more fast food restaurants, and  
18 that's all we have now and they're all vacant.  
19 Very few of them have been a tremendous success,  
20 other than McDonald's.  
21 MAYOR BEER: Okay. Mr. Valenciano--  
22 MR. VALENCIANO: I would ask that you keep the  
23 community in mind when you vote and keep in mind  
24 that this is the last prime piece of property in  
25 Gladstone and I think we should make it a

1 showplace and a tremendous success for Gladstone  
2 that's going to continue bringing in the tax  
3 dollars for years to come.

4 MAYOR BEER: Thank you, Mr. Valenciano. Is there  
5 anyone else? I would also, as you're coming  
6 forward, I would just please remind you to refrain  
7 from making personal attacks.

8 MR. CLAYTON: Good evening and thank you for the  
9 opportunity for me to be here this evening to  
10 state my opposition along with these other fine  
11 folks. My name is Tom Clayton and along with my  
12 wife, Kelly, we lived at 2501 Northeast 66<sup>th</sup>  
13 Street. And you all received a letter that was  
14 placed in your packet, that I trust that you've  
15 had the opportunity to read, I had thought that I  
16 would read it out loud publicly, but I'm not going  
17 to waste my 5 minutes doing that. I would like to  
18 read a couple of paragraphs. Before I start,  
19 though, I would clearly state that neither Kelly  
20 nor I are emotionally attached to this piece of  
21 property. We are emotionally attached to our  
22 community, though. Starting in paragraph 3, we,  
23 Kelly and I, would probably be some of the first  
24 to welcome an appropriate development on the  
25 northwest corner of Northeast 64<sup>th</sup> and North



1 Prospect. That this proposal simply is not the  
2 type of development currently needed in Gladstone  
3 nor is it the type of development this  
4 intersection and the surrounding streets and  
5 infrastructure can accommodate. The lack of a  
6 left turn lane on North Prospect, Northeast 64<sup>th</sup>,  
7 currently makes access to and from our home thus  
8 tricky and occasionally terrifying. And I'm not  
9 exaggerating there one bit. This proposed  
10 development will only compound traffic congestion  
11 for us, our neighbors, and numerous other  
12 residents that use Northeast 66<sup>th</sup> Street as access  
13 to and from North Prospect. The developers have  
14 indicated that they are planning for 2 drive-thru  
15 eating establishments, and like others, I will  
16 retract that to 1, maybe more, who knows. Within  
17 a very short distance of this intersection, there  
18 are at least 5 other fast food drive-thru  
19 establishments, not to mention at least the same  
20 number of sit down eating establishments. And  
21 this does not include eating outlets in nearby  
22 grocery stores, convenient stores, bars and Wal-  
23 Mart. Plus, there are at least 2 eating  
24 establishments that have shut down within about 3  
25 blocks of this intersection. Additionally, the

1 developers are proposing a bank with drive-thru  
2 facilities. Within a short distance of this  
3 intersection, North Antioch and Prospect is amply  
4 served by at least 6 other banking facilities,  
5 plus ATM's at various other locations. Further,  
6 it is our understanding that the proposed  
7 development includes a number of store fronts to  
8 be housed by, as yet, unnamed tenants. There are  
9 already store fronts aplenty within a very short  
10 distance of this intersection and some are  
11 currently unoccupied. With this in mind, we feel  
12 confident in saying that what the developers are  
13 proposing is nothing new, unique or even needed by  
14 the City, and more we already have plenty of.  
15 It's not likely to attract additional, for any  
16 nonresidents to come into our City to shop and  
17 dine. Mayor, Council, what this proposed up here,  
18 again, as others have said, it looks nice, but  
19 we've got it. We've got lots of it, plenty of it  
20 up and down North Antioch and Prospect and North  
21 Oak and just beyond our City limits. More of what  
22 we've already got is a hoping game. We've also  
23 got a number of commercial properties within our  
24 City limits that for the last several years have  
25 gone begging for redevelopment, and in some cases,

1 demolition. The resources, time and energy  
2 proposed for this would be much better served, not  
3 just for the developer, but for our entire City,  
4 by redeveloping some of the stuff that we've  
5 already got, not development simply for the sake  
6 of development. With that said, I will just close  
7 by respectively asking that each of you vote  
8 against this proposed rezoning and development.  
9 Thanks.

10 MAYOR BEER: Thank you, Mr. Clayton. Before I ask  
11 for any further comments, let me just make note,  
12 if I may. We have a significant amount of concern  
13 regarding storm water and we have significant  
14 amount of concern regarding traffic counts and  
15 traffic congestion, primarily, internally and on  
16 64<sup>th</sup> Street. We have concerns about light  
17 pollution, other forms of traffic safety and  
18 there's also some concern regarding a perceived  
19 high rate of business failures in Gladstone,  
20 retail business failures in Gladstone. What I  
21 would ask, before we have any further comment,  
22 that we have heard a significant amount of these  
23 concerns and if you have, if there's anyone who  
24 has new concerns, we would be really happy to hear  
25 those things, but I don't think we're, I don't

1 think anyone's interests right now are being  
2 served by a repetition of the same concerns. With  
3 that in mind, I still would entertain further  
4 opposition, but I still would ask that that  
5 opposition be confined to new concerns, please.  
6 MR. MARTIN: My name is Paul Martin and I live at  
7 2503 Northeast 64<sup>th</sup>. Now, you've heard a lot of  
8 comments from people whose backyards back up to  
9 this, but I am in the front yard. I'm directly  
10 across the street, and what I'm concerned about,  
11 more concerned about than you realized, is the  
12 traffic and the children that go up and down that  
13 street. I don't think there's anybody here that  
14 can be more closely concerned about the children  
15 that are going up and down the street than I am,  
16 because I live right there and I see them. Now,  
17 you gentleman make up your mind about what you're  
18 going to do, but you should remember that Antioch  
19 School up there and those kids, when they come  
20 down that street. And the traffic is terrible now  
21 certain times of the hour of the day. It's going  
22 to be horrendous later on if you put this thing  
23 through. Like the gentleman said earlier, this is  
24 the last prime piece of property and it certainly  
25 would be, in my opinion, and I think most

1 everybody else's, used to a better end than what  
2 this is right here. Thank you.

3 MS. MACKEN: Good evening. My name is Amy Macken.  
4 I live at 6507 North Olive. My place of residence  
5 does back up into this proposed zoning change. We  
6 are adjacent to the property. There's a newspaper  
7 article in the Kansas City Star, December 5<sup>th</sup>,  
8 2004, and the newspaper article reads, it's about  
9 walkers in Kansas City. And Kansas City area is  
10 ranked the 15<sup>th</sup> most dangerous area for  
11 pedestrians. On January, or excuse me, on  
12 September 6, 2004, my daughter would be here in  
13 behalf of speaking on behalf of herself, but she's  
14 sick this evening, so I decided to take her place,  
15 but on September 6<sup>th</sup>, she was a statistic in this  
16 most dangerous for pedestrians. She was hit on  
17 Antioch by a car taking a right-hand turn off of  
18 North Bales. This site plan proposes a right hand  
19 turn only. And what happens when people pull out  
20 to the right when you're going toward the school  
21 and toward pedestrians walking if they look to the  
22 left to see if cars are coming and when they see  
23 that there's no traffic coming, like the girl that  
24 hit my daughter, will pull out and take their  
25 right. And that's exactly what happened and I

1 think that will propose a big danger to the kids  
2 walking from the middle school and even the grade  
3 school. I mean, nobody's mentioned Meadowbrook.  
4 Meadowbrook has children that are 5<sup>th</sup> grade, you  
5 know, starting at 8 years old, they can walk home  
6 by themselves. I think that a retail area would  
7 also be a distraction for these kids. I don't  
8 think that, you know, some of these walkers  
9 instead of going straight home, you know, this is  
10 going to be a big distraction for them, and I just  
11 don't think it's in the best interest of this  
12 community. I have two concerns about the rezoning  
13 from RCH-1 to CP-1. And the biggest one is, well,  
14 my two concerns and I think they, being a mom of 3  
15 children and 2 of them go to either Antioch or  
16 Meadowbrook, my two concerns are, and they lay  
17 equally, as far as I'm concerned, is the decreased  
18 property value that this CP-1 rezoning will put on  
19 our residence. You're considering a rezoning and  
20 a development against the wishes of the community  
21 that put you in office. And I'm saddened by the  
22 choice and the possibility of this rezoning. My  
23 husband and I, when we bought our piece of  
24 property, we trusted the City of Gladstone and we  
25 did look at the master plan and saw that this was

1 RCH-1 and CP-1 and we trusted the Gladstone City  
2 Council that that would remain that way. The  
3 second concern that I have is the increased risk  
4 to our children. I have a 5 year old who, in 3  
5 years, will be walking home from school from  
6 Meadowbrook school. And it just scares me to  
7 think that he could be walking through this  
8 property with this rezoning and these commercial  
9 properties. Thank you.

10 MAYOR BEER: Thank you, Ms. Macken.

11 MR. WEICKERT: I'm Jim Weickert from 2515 Northeast  
12 66<sup>th</sup>. My property does not back up to any of  
13 this, but I will say this on behalf of the people  
14 that is there, that when I had bought my lot  
15 before building the house, it was a 2-lane road,  
16 Missouri 1 was. And then it came through and was  
17 4 lane and went to 72<sup>nd</sup> Street. When the taxes  
18 came in and I had an appraisal and the appraisal  
19 was a lot less than what the county charged me in  
20 taxes because of the high traffic area. And so  
21 it's a fact they reduced my taxes after having to  
22 have gone to Liberty. Then it went from 72<sup>nd</sup> on  
23 up to 152 and I got my tax bill and I had an  
24 appraiser again appraise my house and he said,  
25 well, you know, there's more traffic now, so we

1 got to them so they will have your appeals up  
2 there and reduce some taxes. So my concern is,  
3 when you do take this buffer zone, that portion  
4 over to it, and I do think these people will  
5 suffer on their property values because I did as I  
6 watched the 2 lane go to 4 lane, then go 4 lane  
7 even further north on that. The other thing too,  
8 though, that was not addressed by the developer  
9 here, I think when I cross the street and up 1  
10 block on Northeast 66<sup>th</sup> Street and the fire  
11 department and ambulance service is there.  
12 They're very courteous. I've talked to them at  
13 the Gladfest, and I think Mr. King I've talked to.  
14 And they don't blow their sirens unless necessary  
15 from like 11:00 until 5:00 in the morning or so.  
16 I get a good night's sleep. But they did put in a  
17 plan that those ambulances and the fire trucks  
18 hook up to their exhaust, so they can leave them  
19 running over there, which there's no bother,  
20 except when they go flying out the door and it  
21 jerks off and there's some kind of a sensor. It  
22 probably is in that building. I don't know. But,  
23 there is a very high shrilled fan, that I went  
24 around behind that fire station, that is sitting  
25 up there and when that thing kicks in at 2:00 in



1 morning, that takes you out of bed. So something  
2 that the developer hadn't thought of and I was  
3 thinking, if you put this over to the west and  
4 rezone that, put air conditioners, which he said  
5 they were going to put them on there, hide them  
6 behind some kind of a facade, so they didn't show,  
7 but what those air conditioners, heaters, or  
8 whatever sound like when it goes to those people's  
9 bedrooms at 35 foot away from it, because I know  
10 that the back of the fire station across, the  
11 ambulances, the fire trucks wake me up because  
12 they've got big motors, but what does keep me  
13 awake is the last 10 minutes that that thing runs  
14 until it clears the smoke out of that firehouse  
15 over there and it automatically shuts off. And I  
16 think, I'm not a, you know, I'm not approving  
17 that, but that is a factor about noise pollution  
18 that we haven't talked about. We've talked about  
19 all the light pollution. Thank you for your time.  
20 MAYOR BEER: The last person who spoke. Would you  
21 state your name again, please? What was your  
22 name, please?  
23 MR. WEICKERT: Jim Weickert.  
24 MAYOR BEER: Weickert.  
25 MR. WEICKERT: Yes, sir.

1 MAYOR BEER: Okay. Thank you. Thank you very  
2 much, Mr. Weickert. Is there any other opposition  
3 to come before the Council?  
4 (Wherein there was no response)  
5 MAYOR BEER: Let's see. I guess maybe we probably  
6 need to have some questions answered here. And  
7 Mr. Wingerson, could you address those questions?  
8 MR. WINGERSON: Thank you very much. This Council  
9 is certainly familiar with all of the information  
10 tonight. I think I took pretty good notes and I  
11 would like to just talk about a few quick things.  
12 Delores Limpic, Ms. Limpic, raised the question on  
13 a legal protest petition on the zoning and the  
14 site plan and why, and on the sub-part to that was  
15 why does it take so long to make that decision.  
16 The legal protest petition applies to cases where  
17 an amendment or a revision to the zoning  
18 coordinates it is in effect. So in this case, the  
19 zoning change is what amends or revises the zoning  
20 coordinates by changing the zoning district, if  
21 you were inclined to do that. The site plan, on  
22 the other hand, is just a general development  
23 tool. Certainly the petition holds weight, as the  
24 petition from Ms. Umphenour holds weight, as it  
25 gages neighborhood perspective and neighborhood

1 opinion, but in terms of the protest petition, it  
2 applies to the zoning change specifically. So,  
3 I'll apologize to Ms. Limpic for not making that  
4 more clear in the numerous discussions we had  
5 about the protest petition. Ms. Umphenour asked  
6 about the traffic signal basically at the driveway  
7 from the proposed development and Prospect Plaza  
8 and whether or not that would be appropriate. I  
9 am certainly not an expert on Department of  
10 Transportation policies and requirements as it  
11 relates to a traffic signal, but I'm relatively  
12 sure that 300 feet is much to close to allow  
13 traffic signals back to back that close together  
14 at 64<sup>th</sup> Street, then the development. The next  
15 traffic signal to the north, of course, is the  
16 fire station. It's only in use when necessary to  
17 allow the emergency vehicles to exit, so that  
18 would enter into it. And then finally, the last  
19 speaker, Mr. Weickert, I believe, talked about the  
20 fan at Station 2 and we'll look at that this week  
21 and see if there's anything that can be done about  
22 that. I would be glad to answer any of your  
23 questions if you have anything you want to talk  
24 about.

25 MS. LIMPIC: Since he addressed one of my

1 questions, can I ask, can the fire station light  
2 be changed to a stoplight? I mean, there's 1  
3 stoplight at 80<sup>th</sup> and 1 at 83<sup>rd</sup>. That's only 2  
4 blocks away from the center.

5 MAYOR BEER: I'm not sure that either of us can  
6 answer that question right at this time, but I  
7 would say likely that MODOT probably would not  
8 permit that.

9 MR. WINGERSON: We'll certainly check, and that was  
10 for the record, Ms. Umphenour asking about the  
11 traffic signal at Station 2 and whether or not  
12 that could be a functioning traffic signal.

13 MAYOR BEER: But as a general rule, any of the  
14 traffic lights that are placed on Antioch,  
15 Prospect and 1 are all subject to MODOT rules and  
16 regulations. And all we can do is make requests.  
17 MODOT makes the determination. As an example, I  
18 would like to use just as a personal example, I  
19 walk every morning and I cross M-1 at 73<sup>rd</sup>  
20 Terrace, the light that's at Wal-Mart just north  
21 of 72<sup>nd</sup> Street. That also is a light that was  
22 mandated by MODOT. I, as I started to mention,  
23 though, as I walk, I cross M-1. The M-1 light is  
24 so short, when it does activate east and west,  
25 that I'm only able to walk halfway across the road

1 and it begins changing again. And I have asked a  
2 number of times that that light sequencing be  
3 changed and to no avail.

4 UNKNOWN: Just take up jogging instead of walking.

5 MAYOR BEER: Sometimes, I do. So I'm not trying to  
6 pass off our responsibilities here, but there are  
7 just some things that are outside of our control  
8 and that's one of them. There were, let me find  
9 all my notes again. While I'm looking for my  
10 notes, Mr. Smith, I believe, had some questions.

11 COUNCILMAN SMITH: Sure. First of all, and I kind  
12 of what to apologize to you, Jesse, I probably  
13 just lost a good lunch customer today, but our  
14 Planning Commissioners, you know, we get paid the  
15 big bucks, we get paid a hundred bucks a year, but  
16 they work for free, so they really do volunteer  
17 their time and I think they do the best that they  
18 can, so I apologize a little bit for getting  
19 agitated with that.

20 MR. VALENCIANO: No problem.

21 COUNCILMAN SMITH: Mr. Wingerson, has there been a  
22 traffic study performed on this and who performed  
23 it?

24 MR. WINGERSON: Yes, sir. And if it's okay with  
25 you, I would like the project engineer to address

1 the who's and what's.

2 COUNCILMAN SMITH: That would be great because the

3 follow-up question to that is more importantly did

4 it address the potential impact on 64<sup>th</sup> Street,

5 especially with the admit of the right out only.

6 MR. MCAFEE: Yes. Our traffic study was completed

7 by members of our Staff. We're submitting to

8 MODOT for a consensual approval. Basically, we

9 did not have the initial layout that we put

10 together for this project. Did not have a right

11 in, right out on the westernmost 64<sup>th</sup> Street

12 intersection and then on the easternmost. When

13 that was staffed, they had some concern over

14 trying to get the traffic coming out southbound or

15 coming out the northeast bound, closer to that

16 intersection, so we met with Steve Holiday with

17 MODOT and basically changes were prompted to make

18 the right in, right out to the west, turn to the

19 west. As far as funneling traffic to the school,

20 the 2 entrances along the 64<sup>th</sup> Street, since the

21 western intersection was going to move you to the

22 west, has very little use in the traffic study.

23 We go through a trip generation and it doesn't

24 really matter whether there's a - we basically

25 look at where people are heading in the main for,

1 in the main thoroughfare layout of your City. And  
2 basically, what we found through the traffic  
3 study, that was approved by MODOT, is people that  
4 are going to go north out of this development are  
5 going to use the easternmost 64<sup>th</sup> Street  
6 intersection, so they can have a signal to allow  
7 them to go north. People that are going to go  
8 south out of this intersection on Missouri 1, are  
9 going to go ahead and use that Prospect  
10 intersection because that can give them easy right  
11 out and basically head south. People that are  
12 going to go west are going to use that right in,  
13 right out. Nobody else is looking to use that  
14 westernmost intersection, because if they're not  
15 going west, there's an easier route for them to  
16 get north and south and east. Does that make  
17 sense?

18 COUNCILMAN SMITH: It does. At one time, you all,  
19 and we've talked a little about improvements and,  
20 perhaps, a decel lane and a left turn northbound  
21 lane on M-1. Whether it be you or Scott, how  
22 would that be determined?

23 MR. MCAFEE: Okay. MODOT has what I've mentioned  
24 that they have given us a consensual approval.  
25 They have reviewed our traffic study and they have

1 identified improvements that they need to see for  
2 them to accept our traffic study for them to  
3 approve it. And they were an accel and a decel  
4 lane at the entrance out onto Missouri 1.  
5 Although they do not control the right of way as  
6 far back as the western entrance on 64<sup>th</sup> Street,  
7 they still get to have some say about how you  
8 improve it. So basically, the improvements they  
9 requested were an accel/decel lane on Missouri 1.  
10 If you're heading southbound, they wanted that  
11 acceleration lane to be continued and tied right  
12 into an existing right turn lane at the  
13 intersection. They asked us to continue, actually  
14 Staff, not MODOT, but the Staff, City Staff. Mr.  
15 Wingerson and Public Works asked that that lane be  
16 continued around 64<sup>th</sup> to create another lane of  
17 traffic coming around and going westbound. And  
18 that would serve as deceleration lane if you were  
19 pulling into the easternmost intersection.  
20 COUNCILMAN SMITH: Okay.  
21 MR. MCAFEE: The other improvements, the only other  
22 improvements that MODOT required, they told us  
23 they would agree and confirm that leaving the  
24 median on Missouri 1 was acceptable to allow left  
25 turning traffic to come into this development on



1 the Missouri 1 entrance and that they would gage  
2 it over the next couple of years and that, and  
3 they made the developer very aware that if it does  
4 become an issue, then the developer would be  
5 responsible to extend the median to where left  
6 turning vehicles coming in that eastern  
7 intersection could not use it. But for right now,  
8 they're comfortable with it.

9 COUNCILMAN SMITH: And Mr. Wingerson, would that be  
10 something that we could, perhaps, require an  
11 escrow for, so that we're assured that if that has  
12 to be done, there's money to pay for it?

13 MR. WINGERSON: Yes, sir. We can certainly request  
14 an escrow for that. What sort of Staff envisions  
15 is to work in cooperation with the developer and  
16 her representatives, our Staff and the MODOT Staff  
17 to solve that problem today, and in conjunction  
18 with this development, to ensure that MODOT  
19 doesn't come back later and say you have to do  
20 something different. Our goal would be to solve  
21 it concurrently with this developer and that's the  
22 subject of the development agreement to determine  
23 what that solution is and then implement it.

24 COUNCILMAN SMITH: I like that. I like that  
25 better. And how do we, and I understand that

1       there's a site plan issue here and, you know, we  
2       can take that up with the site plan because, quite  
3       frankly, I cannot support the site plan if it has  
4       anything that looks like multiple fast food. So  
5       how do we, though, assure that? What is the  
6       residents' guarantee, if you will, that that, and  
7       I understand your analogy and explanation of the  
8       traffic study and MODOT and everything else, but  
9       how can we do one step better than that?

10      MR. WINGERSON: Well, I think, I think the traffic  
11      study that's been talked about provides you with  
12      the documentation, if you will, necessary to make  
13      a condition. So in other words, if the Council  
14      was inclined to make a condition limiting the  
15      number of drive-thru restaurants to 1, then you  
16      make that as a condition to the ordinance in your  
17      approval process and I think there's a great  
18      degree of assurance that ordinance didn't support  
19      it by the traffic study. So that's really pretty  
20      solid.

21      MAYOR BEER: With regards, if I may interrupt here  
22      for just a moment, with regards to the traffic  
23      study, I'm not trying to sound like I'm impugning  
24      the developer or his, or his traffic study,  
25      however, by not having an independent traffic

1 study, it kind of puts a little bit of a cloud on  
2 the possibility of just how independent this  
3 traffic study could be, so I think it's something  
4 that I would like to see considered very, very  
5 strongly, is that a traffic study be conducted by  
6 an independent, on an independent effort. Yes,  
7 Mr. McAfee.

8 MR. MCAFEE: In the terms of the uses on the 3 lots  
9 located on the eastern side of this, this came out  
10 of the Planning Commission and it was asked, it  
11 was asked of me why did I show drive-thru's on  
12 each one of those facilities. The bank is a given  
13 and we were looking at that use in that area. We  
14 do not have a bank. The developer does not have  
15 current client set up to come in, but when we  
16 submitted our traffic study to MODOT, a fast food  
17 restaurant is one of the highest peaking traffic  
18 situations in any traffic study in a trip  
19 generation lot. And I mentioned at the Planning  
20 Commission that we're looking at these as 3  
21 commercial lots. Any use for C-1 is what would be  
22 used in there. Now, whether that be a financial  
23 institution, whether that be a restaurant, whether  
24 that be another retail use, but what I mentioned  
25 is if I submitted a traffic study to MODOT that

1 did not include one fast food situation, then they  
2 would have thought I wasn't being conservative  
3 enough. Now, in terms of the traffic study that  
4 we submitted, we followed the guidelines, but I  
5 certainly don't-  
6 COUNCILMAN SMITH: So in effect, you used the worst  
7 case scenario.  
8 MR. MCAFEE: You bet.  
9 COUNCILMAN SMITH: Okay.  
10 MAYOR BEER: And in terms of providing data to  
11 MODOT for purpose of traffic study, I can  
12 understand that, however, I'm a little bit here  
13 inclined to agree with Councilman Smith in regards  
14 to support of the project as it's presented to us  
15 with, on the site plan, a couple of pretty high  
16 intensity projects that we would have no control,  
17 so long as a project were to come along and fit  
18 that plan, that footprint, we would have no  
19 control, other than to permit a building permit to  
20 be constructed, to go through. I would be, from  
21 my standpoint, much more amenable to moving  
22 forward with this thing in that regard, if there  
23 were, if the proposals brought to us were less  
24 intense and if a project came along that required  
25 greater intensity, that that project would have to

1       come back to the City in the form of a public  
2       hearing and the same public process we're doing  
3       right now.  
4       MR. MCAFEE: It is our understanding that there  
5       would be a Staff review of a pad site. I look at  
6       this as 3 pads sites. As long as they fit into  
7       that C-1 commercial zoning, then they become like  
8       a Staff review for what goes there.  
9       MAYOR BEER: As a planned project.  
10      MR. MCAFEE: I understand. Is it worth at least  
11      considering to strike the internal building that  
12      you see laid out for lots 1 and lots 3. We don't  
13      have the people to use it. We don't have those  
14      clients set up. What this plan was trying to  
15      dictate is, this is the internal drive system that  
16      feeds these 3 lots. This is the internal storm  
17      drainage system that makes these 3 lots buildable.  
18      We did not intend to come to this Council with the  
19      fact that the building that goes on lot 1, will be  
20      built exactly in the shape that it's built and  
21      have a drive-thru, but it will meet the-  
22      MAYOR BEER: That's the purpose, basically, of a  
23      planned zoning that any significant deviation from  
24      that finding would require the public hearing  
25      process again.

1 MR. MCAFEE: The planned district that we followed  
2 for the City of Gladstone did not ask us to  
3 dictate what use would go on each one of those  
4 lots and we were following your regulations.  
5 MAYOR BEER: Okay. Yes. I understand what you're  
6 saying there. Mayor Pro Tem Rudi, do you have a  
7 question?  
8 MR. MCAFEE: We would certainly remove anything to  
9 do with drive-thru lanes on lot 3 if it's useful.  
10 COUNCILMAN SMITH: If I may.  
11 MAYOR BEER: Councilman Smith.  
12 COUNCILMAN SMITH: I understand that the neighbors'  
13 concerns, you know, the concept of a sit down  
14 restaurant is not new. In fact, in a survey that  
15 we did with our citizens a few years ago, that  
16 came back as the number one amenity that we're  
17 lacking in the City. I'd say that the Curry  
18 Company has, and I know in our own Economic  
19 Development Department, we have tried to secure  
20 sit down restaurants, and what we're told, in  
21 essence, is that there's not the lunch crowd. In  
22 other words, if you look around, there's not the  
23 office complexes that would support a restaurant,  
24 other than about a shift and a half in the  
25 evenings. And let me tell you, we've tried

1       because, you know, we all eat too, but we just  
2       have not been able to secure anything. So I think  
3       we would all like that, I just don't know that  
4       it's available, available yet. Mr. Wingerson,  
5       could you tell me or Councilman Ramsay, read off  
6       for us what is allowed in a C-1 zone in  
7       ordinances, please?

8       MR. WINGERSON: Any use permitted in a CO,  
9       commercial office, zoning district professional  
10      offices not included in a commercial office, banks  
11      and savings and loans, barber and beauty shops,  
12      optical shops, seamstress and tailoring, interior  
13      decorating, photographer, shoe repair, post  
14      offices, utility offices, schools, shops and  
15      stores for the retail sale of notions, gifts,  
16      novelty, jewelry, prime material, flowers,  
17      tobacco, photograph equipment, artist and hobby  
18      supplies and music supplies, shops and stores for  
19      the retail sale of food and beverages, consumption  
20      of soft goods, such as clothing and shoes, drugs  
21      and cosmetics, furniture and appliances, hardware  
22      and paint, kitchenware, toys, sporting goods and  
23      antiques, eating establishment, dry cleaning,  
24      laundry and businesses providing drive-up window  
25      service, bakeries, donut shops--

1 MAYOR BEER: Mr. Wingerson, clarification of  
2 businesses that have drive-up windows, example?  
3 MR. WINGERSON: Drive-thru restaurant.  
4 MAYOR BEER: Okay.  
5 COUNCILMAN SMITH: Are alcohol sales allowed in C-  
6 1?  
7 MR. WINGERSON: Yes, subject to appropriate  
8 licenses and--  
9 COUNCILMAN SMITH: Right. Okay. Possibly last,  
10 but not least. First of all, I guess I would like  
11 a response from the developer on the 6:00 a.m. to  
12 midnight usage. Is that a must do? Can that  
13 midnight be scaled back to an 11:00 use, perhaps?  
14 MS. WHEELER: I don't think so.  
15 COUNCILMAN SMITH: And Mr. Wingerson, what can we  
16 do to mitigate the noise from the rooftop HVAC,  
17 other than the screening?  
18 MR. WINGERSON: The screening is the main thing.  
19 The other factor is kind of a vertical position of  
20 those in relation to the adjoining uses. This  
21 particular site is fine compared to the north and  
22 to the west and high when compared to the south in  
23 a general rule. Theoretically, the noise would be  
24 less because we would be up above most of the  
25 homes. However, we can sure look at it.



1 UNKNOWN: --above my home.  
2 UNKNOWN: That's not, that's not--  
3 MR. WINGERSON: No noise from baffling that meets  
4 the strategies.  
5 COUNCILMAN SMITH: Okay. That's all I have at this  
6 point.  
7 MAYOR BEER: Are there any other questions from  
8 Council? Mayor Pro Tem Rudi.  
9 MAYOR PRO TEM RUDI: Mr. WingerSON or Mr. McAfee,  
10 either one, reading this diagram was kind of hard  
11 because it's kind of small. Could you tell me, is  
12 there any area where the 35 foot setback is not  
13 adhered to?  
14 MR. MCAFEE: The 35 foot setback is all along the  
15 north boundary, all along the west boundary, along  
16 the south boundary until you reach the first  
17 intersection and then, I'm sorry, the second  
18 intersection and then basically from that  
19 southeast, from the easternmost drive that comes  
20 out onto 64<sup>th</sup> Street, around along Prospect, we  
21 were, we requested and we were placed on the plans  
22 a reduced setback next to the highways for a  
23 parking lot. Nothing to do with any building.  
24 The building still adheres to those setbacks, but  
25 for parking only, and I believe they were reduced

1 to 25 feet. That's the notes from the Planning  
2 Commission. 15 foot parking setback along  
3 Prospect Avenue, 20 foot parking setback along  
4 64<sup>th</sup> Street from the eastern entrance to towards  
5 Prospect.  
6 MAYOR BEER: One of the issues that's been raised a  
7 number of times was noise abatement and buffering.  
8 When the deciduous trees are in full leave, of  
9 course, they offer some buffering from light  
10 pollution and noise pollution. Of course, this  
11 time of the year, they don't, or exceptionally a  
12 small amount. I believe I, if I read correctly,  
13 that there was mention by one of the developer's  
14 representatives in the January Planning Commission  
15 Meeting about enhancing that buffering with  
16 deciduous, or not deciduous, but evergreen trees.  
17 Has that still--  
18 MR. MCAFEE: Yeah. Mr. Oppermann, who couldn't be  
19 here tonight, is a landscape architect. And  
20 basically we left a green space of approximately  
21 10 feet between the retaining wall and the current  
22 line of the lot 1 to the northeast. And we  
23 mentioned at the site meeting, and I thought it  
24 was already a part of the record, that the  
25 developer would be placing coniferous trees, or

1 pine trees, some type of evergreen tree, along  
2 that boundary to assist in the screening, because  
3 that was brought up at the site meeting that we  
4 were there.

5 MAYOR BEER: I wasn't there and the, my comment  
6 came from what I thought I had read in the  
7 minutes.

8 MR. MCAFEE: That should have been shown in the  
9 revised landscape plan that we submitted to Staff.

10 MAYOR BEER: Okay. And as I recall, there was some  
11 discussion as to 2 inch caliper versus 4 inch  
12 caliper.

13 MR. MCAFEE: The 2 inch versus 4 inch caliper was  
14 actually on the other shrubbery or the trees that  
15 were inferior and Mr. Oppermann's only contention  
16 was that it was his professional opinion, who did  
17 this, doing this type of work for 25 years is that  
18 a 4-inch caliper root ball tended to die versus a  
19 2-inch caliper. And his suggestion was to maybe  
20 increase, or ask the developer to go ahead and  
21 increase plantings to where for the same money  
22 that was being spent on 4 inch calipers, you can  
23 actually get a more live brushes and trees 5 years  
24 down the road. But we were really conceding to  
25 the Staff, whatever they recommended. And it

1 didn't look like they changed--

2 MAYOR BEER: Likewise, the same then would be with

3 the coniferous trees, not caliper, but - all of a

4 sudden, I lose my terminology.

5 MR. MCAFEE: We would certainly concede to the

6 Staff any landscaping requirements.

7 MAYOR PRO TEM RUDI: Mayor Beer.

8 MAYOR BEER: Mayor Pro Tem Rudi.

9 MAYOR PRO TEM RUDI: A couple of more questions.

10 Would you have objections if we placed a

11 restriction on this to allow no drive-thru

12 restaurants?

13 MR. MCAFEE: I can't answer that. The developer

14 needs to answer that question.

15 MAYOR PRO TEM RUDI: And then what about a

16 requirement that whatever drive-thru you put in

17 there, had the same color and materials,

18 consistency of materials, that are used on the

19 retail buildings, so that everything on that site

20 was consistent?

21 MR. CANTRELL: Mayor Pro Tem, obviously there's no

22 exactness to this in regards to what buildings or

23 what solid buildings are going to be built for

24 function, for that matter. As Joe has said, these

25 are pads at this point, still speculation. It is

1       our intent, however, that architectural  
2       consistency occur both in color, possibly  
3       material, signage, throughout the project. That's  
4       what makes it a project in lieu of a few pad sites  
5       and retail stores. So it's our intention to do  
6       that.  
7       MAYOR PRO TEM RUDI: I'm looking for more than  
8       intention.  
9       MR. CANTRELL: Yes. We are going to have  
10      architectural restrictions that will keep  
11      consistency and conformity throughout the  
12      development in materials, in colorization and  
13      signage.  
14      MAYOR PRO TEM RUDI: And then my final question  
15      probably is to Wingerson, or I might have to ask  
16      someone from the audience, but can you tell me  
17      when the homes there were built?  
18      MR. WINGERSON: It would be a better question for  
19      the neighborhood.  
20      UNKNOWN: I've lived there 20 years.  
21      UNKNOWN: We've been there going on 17 years.  
22      UNKNOWN: Early 1980's. Mine was built in '83 and  
23      moved in in '84 and I think those along North Park  
24      are all pretty much the same.  
25      MAYOR BEER: So 20, 25 years?

1 UNKNOWN: Yes.

2 UNKNOWN: For the record, all of those are high

3 enough to look down on all these air conditioners.

4 You're not going to hide them from anybody.

5 COUNCILMAN SMITH: I would like clarification on

6 that. I think we have a difference in opinion

7 with the elevation.

8 MAYOR BEER: Yes, we do. There are a number of

9 unanswered questions here that I think are going

10 to need some, some additional review, additional

11 discussions. It needs to be looked at some more.

12 With, well - Councilman Evans.

13 COUNCILMAN EVANS: If I may, Mayor, I have a couple

14 of questions, also.

15 MAYOR BEER: Sure.

16 COUNCILMAN EVANS: And this may be to Mr. McAfee.

17 With regard to your detention basins, I'm having a

18 hard, I've had great eyesight and I'm having a

19 hard time reading the, your dimension here for the

20 base or the bottom of that basin. Is that 940 or

21 930? It goes from 960, 950, 940 in terms of how

22 this falls.

23 MR. MCAFEE: The detention basin located in the

24 northwest corner has a base elevation of

25 approximately 935.

1 COUNCILMAN EVANS: Okay. So we're falling 25 feet  
2 from 960 on the outer edge here. Is that what I'm  
3 seeing?  
4 MR. MCAFEE: 60 on the outer edge, yeah, right  
5 here.  
6 COUNCILMAN EVANS: This is 960; correct?  
7 MR. MCAFEE: That's an existing 960.  
8 COUNCILMAN EVANS: Okay.  
9 MR. MCAFEE: But now, that building is labeled.  
10 COUNCILMAN EVANS: And then we're going to 960 up  
11 here.  
12 MAYOR BEER: Are these 10 foot--  
13 MR. MCAFEE: Two foot. Two foot--  
14 COUNCILMAN EVANS: My concern there is, these  
15 detention basins work wonderfully, but when we're,  
16 perhaps, at that 100 year flood or storm at full  
17 basin, what are we going to do to protect these  
18 kids from, perhaps, slipping down into this thing?  
19 Is there any-  
20 MR. MCAFEE: No. It's--  
21 COUNCILMAN EVANS: Would we require fencing or have  
22 you proposed fencing?  
23 MR. MCAFEE: We have not proposed fencing because  
24 fencing is typically, if you keep your detention  
25 facility below 5 foot of depth, by the American

1 Public Works Association design, which is what  
2 Kansas City Metro Area follows. Six foot is a  
3 cutoff for putting a fence around the detention  
4 basin. We, obviously for other reasons, keep all  
5 our depths below that 6 foot region in the first  
6 place. It's a 3 to 1 slope going into the  
7 detention basin. We, as a company, I refrain, or  
8 my firm refrains, from putting up vertical walls,  
9 retaining walls, to create the detention basin  
10 because of the safety issue. Each place where  
11 these are located, we certainly wouldn't be  
12 opposed to a fencing if Council deems that's  
13 necessary, but by the American Public Works  
14 Association, it's not required.

15 COUNCILMAN EVANS: Then also, perhaps, you can help  
16 me with the issue on the retaining walls. I've  
17 noticed them all throughout the whole site. And  
18 we only had a couple of examples of the retaining  
19 walls that were--

20 MR. MCAFEE: Well, there were 2, Staff asked that  
21 we submit to 2 types of retaining wall. I'll be  
22 honest, we've only planned 1 type of retaining  
23 wall for this project. That's what they call  
24 redi-rock. It is a concrete material made under a  
25 controlled situation that appears to be a split



1       faced rock. And the reason we were proposing  
2       redi-rock, they are the bottom of the picture that  
3       Mr. Wingerson showed here, they were the bottom  
4       one. They basically have got a 4 foot wide, 4  
5       foot long by 2 foot tall rock, the bottom picture.  
6       And the reason we proposed these is the walls that  
7       are located on the north side of the property, are  
8       10 to 13 foot tall. Typically, anytime we get  
9       much above an 8 foot wall, the keystone wall,  
10      which is shown above, is a lot smaller block.  
11      It's 16 inches wide by 8 inches tall. And that  
12      block works pretty good and you can get pretty  
13      good stability up to about 8 foot. Obviously,  
14      they build them a lot taller. Given the fact that  
15      we have buildings behind these walls, we like the  
16      engineering aspects of the redi-rock, the larger  
17      gravity wall. And we think anytime you're getting  
18      up with those taller walls, it's going to look  
19      more natural as opposed to just an 8 by 16 split  
20      face. There's a potential that we could use some  
21      of the keystone in some of the other retaining  
22      wall situations internal to the site. As far as  
23      the look on that backside, it's our opinion that  
24      that bottom wall looks a lot more natural than  
25      that keystone wall does.

1 MAYOR BEER: Are there any other questions for  
2 Council?  
3 MAYOR PRO TEM RUDI: Mayor Beer.  
4 MAYOR BEER: Mayor Pro Tem.  
5 MAYOR PRO TEM RUDI: One more. Counselor Ramsay,  
6 if you would help me out here, please? Do we have  
7 any kind of ordinance that restricts the sale of  
8 alcohol within a certain distance of a school?  
9 MS. LIMPIC: While you're looking that up. Can I  
10 ask, how long will it take for those trees, those  
11 evergreen trees to grow, realistically? Do you  
12 guys have any idea?  
13 MAYOR BEER: Well, that's a good question you asked  
14 because trees don't come full grown and so while  
15 there is a period of time, the gardeners in the  
16 audience know that there is a period of time of  
17 infancy and juvenile growth, just kind of like  
18 people, until they become fully grown.  
19 MS. LIMPIC: We'll all probably be dead by then.  
20 MAYOR BEER: Oh, no.  
21 COUNCILMAN SMITH: Speak for yourself.  
22 UNKNOWN: From my experience, these types of trees  
23 average about 1 foot of growth in height every  
24 year. It will be 20 or 30 years before they get  
25 full enough to really screen--

1 UNKNOWN: To do any good.

2 UNKNOWN: --sight or sounds.

3 UNKNOWN: On the topography, I might also point out

4 that if I walk out my walkout basement door, yeah,

5 that may be above me, but if I'm on my first

6 floor, I'm not quite so sure. If I'm on the

7 second floor where my bedroom is, I'll be looking

8 down on the project.

9 MAYOR BEER: I feel very confident that this will

10 be some of the things that we'll be looking at.

11 Are there any other questions from Staff or from

12 Council? Unless we have new testimony, I'm going

13 to close the public hearing. Yes, ma'am.

14 MS. VALENCIANO: Hello, Mr. Mayor and City Council.

15 I am Phyllis Valenciano and our property backs up

16 to the storm retention basin that's kind of in the

17 middle of this site as it is planned, and there is

18 no evergreens there. There is no retention wall.

19 There is nothing to prevent us from having a total

20 view of this privacy. I did the walk in January

21 with this group of gentlemen, and I expressed this

22 to the architects and they said there's nothing

23 they can do about it. I'm sorry, I'm not speaking

24 into this. But, for the sake of our property, we

25 had zero privacy from this. And we bought our lot

1       where it is, knowing full well the zoning, as it  
2       is, not that it was going to be changed. We  
3       bought for natural privacy. That's the way North  
4       Haven East was built, was platted out, so that all  
5       the roads and houses had natural privacy and all  
6       the homes were situated away from each other. The  
7       backs are angled away from each other, so we're  
8       not looking into everybody's windows. And now  
9       with this rezoning, we have no natural privacy to  
10      the commercialism that would be put on this  
11      corner. And respectively, I am requesting that  
12      you vote no on this rezoning and consider,  
13      possibly, a financial center, a business center on  
14      this corner. We'd have daytime hours, less  
15      intensity of all the types of pollutions that  
16      commercialism brings about. Save our  
17      neighborhoods for us to enjoy as we bought it,  
18      please.

19      MAYOR BEER: Thank you, Ms. Valenciano.

20      MS. LOWREY: My name is Lavina Lowrey. I live at  
21      6502 North Olive, Gladstone. I just would want to  
22      ask a question. You all have asked questions and  
23      you've gotten, we could do that. Well, what does,  
24      is there, we can do the that, does that mean we  
25      will do the that?

1 COUNCILMAN SMITH: They will do that or they won't  
2 do anything.  
3 MS. LOWREY: Well, who's going to hold them to it?  
4 COUNCILMAN SMITH: We will. That's the job of the  
5 Staff and everyone else. And, you know, once  
6 they, let's assume a worst case scenario, they  
7 present their plans and say they're going to do  
8 everything we ask them to do and then they start  
9 building it without being in accordance with those  
10 plans, we shut them down.  
11 MS. LOWREY: Who's keeping track?  
12 COUNCILMAN SMITH: This guy right here.  
13 UNKNOWN: And then that's when the voters, that's  
14 when the voters stand up.  
15 MAYOR BEER: Good. Thank you. Mr. Ramsay, have  
16 you an answer regarding the liquor sales near  
17 schools?  
18 MR. RAMSAY: Yes. Section 3.15.1 of the City Code  
19 limits intoxicating liquor sales to no closer than  
20 100 feet to any portion of any school or church  
21 measuring from the nearest point of the enclosing  
22 wall of the premises to the nearest point of the  
23 church or school. That also applies to  
24 residential structures in R-1 to R-4 zoning. And  
25 it is extended to 200 feet to a dwelling structure

1       that is located on a same street as the business,  
2       which probably wouldn't apply in this case. But  
3       essentially, it's 100 feet from a house or 100  
4       feet from a school or a church.  
5       MAYOR BEER: Any other questions from Council?  
6       With that, the Public Hearing is now closed.  
7       ITEM 9a:  
8       MAYOR BEER: We have two issues before us. We have  
9       item number 9A, which would be the First Reading  
10      of Bill 05-11, which amends Ordinance No. 2.292  
11      and being an Ordinance relating to Zoning  
12      Ordinance Regulations and the establishment of Use  
13      Districts within the City of Gladstone, Missouri.  
14      COUNCILMAN SMITH: Mayor Beer.  
15      MAYOR BEER: Councilman Smith.  
16      COUNCILMAN SMITH: We'll replace Bill 05-11 on it's  
17      first reading.  
18      COUNCILMAN EVANS: Second.  
19      MAYOR BEER: We have a motion and a second to place  
20      Bill 05-11 on it's first reading. Is there any  
21      discussion?  
22      COUNCILMAN SMITH: Mayor Beer. Mayor Pro Tem Rudi,  
23      go right ahead.  
24      MAYOR PRO TEM RUDI: Okay. Mayor Beer.  
25      MAYOR BEER: Mayor Pro Tem.

1 MAYOR PRO TEM RUDI: At this point, I'm not sure  
2 that I can vote in favor of this. I would be  
3 interested in putting this on its first reading  
4 and then moving this to a future meeting where we  
5 can get some of these questions answered. Things  
6 like the elevations and that kind of thing.  
7 MAYOR BEER: This is the rezoning.  
8 MAYOR PRO TEM RUDI: So I would be willing to vote  
9 in favor of this for a first reading, but I would  
10 rather it didn't go farther than that.  
11 MAYOR BEER: Is there any other discussion?  
12 Councilman Smith, I believe, probably sounded like  
13 he wanted to say something.  
14 COUNCILMAN SMITH: Just on based on what Mayor Pro  
15 Tem Rudi said, it might be good for the audience's  
16 advocacy to know that what that means is, it's  
17 almost administratively, if you will, to vote to  
18 place this on its first reading and then we will  
19 not take it any further whether we approve it or  
20 deny it and we would come back to it at our next  
21 Council Meeting. And I can live with that. If  
22 you have questions that you feel need answered,  
23 then we'd sure want to have all the information  
24 available to us before we vote.  
25 MAYOR BEER: Councilman Cross.

1 COUNCILMAN CROSS: Yes. I feel the same way.  
2 MAYOR BEER: Councilman Evans.  
3 COUNCILMAN EVANS: I feel the same way, Mayor Beer.  
4 MAYOR BEER: Okay. Well, I just would kind of like  
5 to, just kind of like to add to that, I guess, a  
6 little bit. It's our responsibility as Councilmen  
7 to be advocates for the neighbors and all  
8 residents, in fact, in the City. And part of that  
9 advocacy sometimes can be distasteful for some,  
10 not distasteful for others, but nevertheless, it's  
11 an advocacy that has to take place. And part of  
12 that advocacy includes assuring that we have the  
13 best possible project that takes into account not  
14 just the immediate neighborhood, but the City as a  
15 whole. And given the information that we have  
16 tonight and given the information that I believe  
17 we still need, I believe it's necessary, also, for  
18 us to have some more, some more review, more  
19 discussions between Staff and developer. I just  
20 believe that this is necessary. And so as a  
21 result from the standpoint of basic procedure,  
22 that this Council follows, we probably do need to  
23 place this on a first reading and that it would  
24 then, it would be, I believe, our intent that  
25 there would be no second reading, no waiting of



1 the rule for this evenings issues and for this to  
2 come back at our next Council Meeting as our -  
3 generally speaking, our Council meets every 2  
4 weeks. Council will not be here in 2 weeks. Our  
5 next Council Meeting would be 1 month from today.  
6 Is there any other discussion? All those in  
7 favor, please say aye?  
8 (Wherein all members said aye)  
9 MAYOR BEER: Opposed.  
10 (Wherein there was no response)  
11 MAYOR BEER: Madame Clerk, would you please read  
12 the Bill?  
13 MS. SWENSON: Yes, sir. First reading Bill 05-11,  
14 amending Ordinance No. 2.292 and being an  
15 Ordinance relating to Zoning Ordinance Regulations  
16 and the establishment of Use Districts within the  
17 City of Gladstone, Missouri.  
18 COUNCILMAN SMITH: Do you have a date, specific,  
19 Madame Clerk?  
20 MAYOR BEER: That would be the 28<sup>th</sup>. By rule,  
21 since there is no vote to waive the rule and go to  
22 the second and final reading, this matter will be  
23 taken up, the second reading will be taken up at  
24 our next Council Meeting. And with that, item  
25 number 9B becomes a moot issue until such time as

1 the second reading is either finalized and  
2 accepted or denied.  
3 MR. RAMSAY: Mr. Mayor, if you could continue Bill  
4 05-12 to the same date.  
5 MAYOR BEER: Okay. Does that require a vote? A  
6 motion and vote or is that just by rule.  
7 MR. RAMSAY: No. I think you can declare it  
8 yourself.  
9 MAYOR BEER: Okay. Item number 9B, the First  
10 Reading of Bill 05-12, will be continued to our  
11 next Council Meeting on the 28<sup>th</sup> of March. Did  
12 that - am I correct now?  
13 MR. RAMSAY: Yes.  
14 MAYOR BEER: Okay. Thank you.  
15 MR. RAMSAY: That saves any notice provisions--  
16 MAYOR BEER: Okay, thank you. Item number 10 is a  
17 - oh, let us, it's awfully late. I think that  
18 there are probably, at least one of us, who needs  
19 a break. Let us recess until 10:45 and that will  
20 give the, that will give some opportunity for  
21 those who do not wish to remain, a chance to  
22 leave.  
23 (End of Public Hearing)  
24  
25

1 REPORTER'S CERTIFICATE

2

3

I, JANET H. WIMER, Certified Court Reporter,

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Certified Shorthand Reporter, Certified Verbatim

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Reporter, do hereby certify that I personally appeared

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**FOLLOWING ARE THE REGULARLY TRANSCRIBED  
CITY COUNCIL MEETING MINUTES**

**Item 10. on the Agenda.**    **PUBLIC HEARING:** for consideration of a request to rezone from R-3 (Garden Apartments) to R-1 (Single Family) for "The Preserve at Carriage Hill Estates" at approximately Northeast Antioch Road east of Northeast 68<sup>th</sup> Terrace. Applicant/Owner: J.A. Peterson Enterprises, Inc. (File #1239).

Mayor Beer 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 when this request went to the Planning Commission, it was in two pieces. The first piece was a zoning change from the current zoning of R-3 (Garden Apartments) to R-1 (Single Family). The Planning Commission unanimously recommends this request be approved. The second issue the Planning Commission discussed and voted upon was a preliminary plat. Preliminary plats are within the jurisdiction of the Planning Commission and do not move forward to the City Council. City Council members review the final plat. During the preliminary plat process, the Planning Commission discussed an estate style development on the piece of property described in the agenda caption. This development would contain 44 estate style lots. Some of the proposed amenities include a traffic circle to discourage traffic through the adjoining neighborhoods, private detention basins for storm water, and a walking trail. There was a great deal of discussion at the Planning Commission Public Hearing and the site visit concerning storm water and traffic.

Mr. Wingerson said the project engineers were present at the meeting and would be happy to discuss these issues. The detention basins in this proposed project will greatly reduce the storm water going through Stonebrooke Estates. Mr. Wingerson stated Mr. Cargill represented John F. Lutgen and Associates to the Planning Commission last week and there are two representatives here tonight who can discuss storm water issues. The traffic issue is a little bit different. Members of the Stonebrooke Estates neighborhood suggested that additional traffic control devices should be installed in the roadways internal for the development. Staff response to the Planning Commission and the City Council is to point out that upon entering the development, there is a divided roadway, followed by a traffic circle. The idea is to visibly discourage vehicles from turning into the area from the arterial roadway, which is Antioch Road. This will discourage vehicles from cutting through the neighborhood. Should the property to the south of the subject property develop, it is anticipated that Staff would suggest the same type of traffic control devices in that project, so traffic does not cut through from, theoretically, Pleasant Valley Road to 72<sup>nd</sup> Street.

Mr. Wingerson concluded by saying the request tonight is a zoning change from R-3 to R-1, and the Planning Commission is recommending approval.

#### **Applicant Presentation**

Brian McMillan, a land planner for John F. Lutjen & Associates, 8350 North St. Claire Avenue, Kansas City, Missouri, 64151, stated he was representing the applicant, J. A. Peterson Company. Mr. McMillan began by saying Mr. Wingerson provided a very thorough presentation. The subject property is roughly a 37-acre tract of ground with a 44 large estate lot type development. The basic shape of the ground includes a ridge line around the top, forming something of a horseshoe. There will be a spine road along the top of the ridge line. There is no detention basin at this time. Rainfall goes down the drainage swale and heads north. Mr. McMillan stated there is proposed a divided median that Mr. Wingerson described, which ties into the arterial of Antioch Road. There is also proposed a 'round about' traffic calming device to dissuade traffic from driving through the neighborhood. Mr. McMillan pointed out on a rendering where the proposed development will tie into the arterial street, Antioch Road, and said this development is similar to Stonebrooke Estates that ties into 72<sup>nd</sup> Street.

Mr. McMillan explained the neighbors had concerns about drive through traffic, and said he wished to point out that it is good city street design to link neighborhoods together for fire safety and so forth. Much of Stonebrooke Estates have stubbed their streets out, and it is planned to do the same in this area for future development to the south. Should that development go, it is assumed they will also be tying into the arterial system. Mr. McMillan said his company has done what it could to dissuade the traffic from going through. There will be a stop sign at the "T" of the road, which should dissuade traffic from cutting through to get to 72<sup>nd</sup> Street. Mr. McMillan said he did not feel traffic cutting through would be a concern with this development.

Mr. McMillan said two basins are proposed, a dry basin and a wet basin, so the rain that falls on the houses on the outside of the ridge will drain to the street. Mr. McMillan pointed out on the rendering the houses where the rain water will be collected in a storm sewer system and brought into the basin. The water is then detained and released at a reduced rate back in the system. Mr. McMillan introduced Chris Chancellor, who is a principal of the firm and the project manager.

Chris Chancellor stated this will be a very non-intrusive development with large lots and the houses will be in the \$400,000 to \$500,000 range, and it fits very well with Stonebrooke Estates. The development will alleviate some of the storm water problems that are currently there. The traffic system includes a cul-de-sac at one end and the development tying into the

neighborhood to the north. The development would be stubbed out to the south and the development would tie into the arterial system to the west.

**Comments from those in Favor of the Application**

Andy Clippard, 4116 NE 71<sup>st</sup> Court, Stonebrooke Estates, said he is President of his homes association. Mr. Clippard said he has heard no one who is not in favor of the zoning change. There were two primary concerns from Stonebrooke Estates homeowners, which were mentioned tonight. Mr. Clippard said his home is located on the low end of his area, by 72<sup>nd</sup> Street and the swimming pool, where the underground network comes above ground. There is quite a lake there when it rains, but it does eventually all go away. Mr. Clippard said he was told that if this had been built in Kansas City, it would all have been underground up to 72<sup>nd</sup> Street, rather than flowing over people's lots. Mr. Clippard asked when the development is completed, who maintains the detention basins – the homes association?

Mayor Beer replied that generally the homeowner associations are responsible for the maintenance.

Mr. Clippard said he had a neighbor who was in a development in Raytown where it took \$100,000 to fix their problem, but he did not know if the basins were the same as the ones proposed tonight. The homes association had to foot the bill. That is a concern, because if it is not fixed or maintained, his area will suffer downstream. Mr. Clippard said he wanted to be on the record to support the zoning change.

Bob Meyer, 7105 N. Norton, stated he is an officer in the Stonebrooke Estates Home Association, and everyone he has talked to is in favor of the project. The traffic issue is one concern he would like to put before the City Council. During the development stage it is intended to establish a barricade across the north side of the development so that the heavy equipment would not be going through his neighborhood, but would enter on the west side off of Antioch Road. Following the development, it was mentioned there would be signs on the north end of Stonebrooke Estates, which would discourage or prohibit the subcontractors from going through his neighborhood. Mr. Meyer said he wants to be sure these things do occur, so his neighborhood is not invaded by all types of traffic, heavy equipment and so forth, which is a safety hazard due to the small children in his area.

Mr. Meyer stated the intent is to put a 'round about' from the south, just like they will have on the west side. Mr. Meyer said he would be strongly in favor of that. In fact, he feels that it would be a necessity to have another 'round about' on the south side to discourage traffic through his neighborhood.

John Pace, 4028 NE 71<sup>st</sup> Court, said he is concerned about the traffic. Mr. Pace said in the future when there is a cut through from Pleasant Valley Road, he would appreciate having in writing there would be some kind of deterrent from the traffic taking a "straight shot" down Norton to 72<sup>nd</sup> Street, and 72<sup>nd</sup> Street to Brighton and on to I-435 Highway. North Brighton Street will become very populated with apartments, housing, the theatre, and commercial use. Mr. Pace said he has seen what has happened to North Bales Street, and he would not want to live on North Bales Street, and he could see that happening in his area. He lives in a beautiful area and they would like to keep it that way.

Dick Conn, 4021 NE 71<sup>st</sup> Court, stated he is in support of the zoning change from multi family to single-family housing. Mr. Conn asked if there would be a Public Hearing on the final plat for this development.

Mayor Beer replied, no, there is not a Public Hearing, but of course the deliberations from the Planning Commission and City Council are still public record.

Mr. Conn said he is not opposed to the development, but he sits at the bottom of the creek. Mr. Conn said if the new development's detention pond does not hold, he will be going for a swim. Mr. Conn said he had a sump pump that did not work very well a while back and he did find the water comes up pretty quickly. Mr. Conn said he had water in his back lawn last summer, but that was the first time in three years, and it took a 3-inch rain with just the timber and no retention. It went away pretty quickly. Mr. Conn said he has a 36-inch storm sewer that goes across his back lawn, which absorbs the water coming down right now.

#### **Comments from those Opposed to the Application**

There was no one to speak in opposition to the application.

Councilman Smith said he wants to be certain the City can give Mr. Conn and other neighbors the assurance on the storm drainage.

Mayor Beer said he attended the Planning Commission meetings and feels very confident in the presentations that were made by the developer and his representatives. One of the points that were made fairly early on was that the run-off rate would be decreased. Mayor Beer said he has confidence that these engineers have metered their detention basins in such a way that the rate of release will be much less than the rate of water infiltration into the drainage system now. The pooling and ponding should be greatly reduced.

**Mayor Beer closed the Public Hearing.**



**Item 10a. on the Agenda.** **FIRST READING BILL 05-13**, 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.

Councilman Bill Cross moved to place Bill No. 05-13 on First Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 05-13, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 05-13 and enact the Bill as **Ordinance 3.949**. Mayor Pro Tem Carol Rudi seconded.

Mayor Pro Tem Carol Rudi asked City staff to please give the necessary assurance to the neighborhood regarding the traffic and storm water concerns.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

**Item 11. on the Agenda.** **RESOLUTION R-05-22**, disclosing and ratifying the City Council's prior action in purchasing the Atkins-Johnson Home Historical Site.

Councilman Les Smith moved to adopt **RESOLUTION 05-22**, disclosing and ratifying the City Council's prior action in purchasing the Atkins-Johnson Home Historical Site. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

**Item 12. on the Agenda.** **OTHER BUSINESS**

Councilman Bill Cross moved to appoint Hester Duisik to the Arts Council. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Smith asked if Council needed to deal with the deannexation memo received from City Counselor Ramsay before the meeting. (Note: the subject discussed in the memorandum was the "Status of Water Plant Deannexation by Kansas City").

City Counselor Ramsay replied the memorandum was an item of information. Guidance is needed tonight or in the next few days from Council members as to how to proceed with the insistence by the City of Kansas City that we make a permanent restriction on signage on that property.

Mayor Beer stated there has been discussion on this from time to time, and his initial thoughts were that he does not like being told by someone else that the City cannot put up a billboard, even though the City does not want to put up a billboard. However, looking at past Council's action and this Council's recent action in regard to that issue, Mayor Beer said he has no other than a philosophical opposition to providing that assurance to them.

Councilman Smith stated as Council does not meet for another month and because there is a desire to "strike while the iron is hot", if these are the conditions, he suggests Council do whatever needs to be done to give that consensus to Counselor Ramsay.

Councilman Evans agreed he does not like someone else telling the City what to do. However, it is a valuable piece of property that the City does need to obtain.

Mayor Beer said the property is probably worth more to the City in the tax savings than any income that could be gained.

Councilman Bill Cross agreed to proceed.

Mayor Pro Tem Carol Rudi agreed to proceed.

Mayor Beer stated the consensus is to proceed and to give the City of Kansas City the assurance of a permanent restriction on signage on the Water Plant property as the City of Kansas City requires for the deannexation.

**Item 13. on the Agenda.      QUESTIONS FROM THE NEWS MEDIA**

There were no questions from the News Media.

**Item 14. on the Agenda.      ADJOURNMENT**

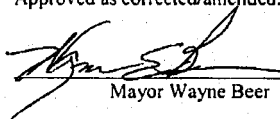
There being no further business to come before the February 28, 2005, Gladstone City Council Meeting, Mayor Wayne Beer adjourned the Regular Meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: \_\_\_\_\_

Approved as corrected/amended:   X  

  
Mayor Wayne Beer

**DUE TO LACK OF A QUORUM  
NO MEETING WAS HELD  
ON MARCH 14, 2005**



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MARCH 28, 2005**

**OPEN STUDY SESSION: 6:30 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will hold a Closed Executive Session immediately following 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 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(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 28, 2005, City Council Meeting Minutes.
- 4a. **PROCLAMATION:** designating April 1<sup>st</sup>, 2005 as "ARBOR DAY" in Gladstone, Missouri, and urging residents to support efforts that focus on environmental betterment and the planting of trees.
- 4b. **PROCLAMATION:** designating April 4-10, 2005 as "PUBLIC HEALTH WEEK" in Gladstone, Missouri, and commending the Health Department's service to our community.
5. **CONSENT AGENDA**

**RESOLUTION R-05-23**, authorizing execution of a contract with Miller Paving & Construction, LLC. in the total amount not to exceed \$226,813.75 for the 2005 Curb and Sidewalk Program Project 055007.

**RESOLUTION R-05-24**, authorizing execution of a contract with Apac-Kansas, Inc. Kansas City Division in the total amount not to exceed \$485,039.62 for the 2005 Mill and Overlay Program Project 065001.

**RESOLUTION R-05-25**, authorizing execution of a contract with Musselman & Hall Contractors, LLC, for the total amount not to exceed \$171,361.00 for the 2005 Intermediate Maintenance Program Project 055003.

**RESOLUTION R-05-26**, authorizing acceptance of work under contract with Musselman & Hall Contractors, LLC, for the 2004 Intermediate Maintenance Program, and authorizing final payment in the amount of \$13,486.91 for Project 045003.

**RESOLUTION R-05-27**, authorizing the sale of a tract of Real Estate owned by the City located at the southeast corner of Northeast 72<sup>nd</sup> Street and North Indiana, to Darrell C. and Marion Stine Rodman, and to Tobin R. and Karen S. Roberts, as surplus property.

**RESOLUTION R-05-28**, accepting a Permanent Easement from property owners in conjunction with the sale of the property at the southeast corner of Northeast 72<sup>nd</sup> Street and North Indiana.

**RESOLUTION R-05-29**, a Resolution of the City Council of the City of Gladstone, Missouri, determining its intent to reimburse itself for certain Capital Expenditures.

**RESOLUTION R-05-30**, authorizing acceptance of work under contract with Kraus-Anderson Construction Company for the new Gladstone Fire Station on North Oak Trafficway, and authorizing final payment in the amount of \$69,473.50 for Project 025602.

**RESOLUTION R-05-31**, authorizing the City Manager to accept a Bill of Sale from the Meadowbrook Townhomes Association and Insituform Technologies, USA, Incorporated, conveying to the City a Sanitary Sewer serving Meadowbrook Townhomes.

**RESOLUTION R-05-32**, disclosing and ratifying the City Council's prior actions in purchasing certain tracts of land for potential redevelopment.

**RESOLUTION R-05-33**, accepting a Temporary Construction Easement from a property owner in conjunction with the Northeast 76th Street Reconstruction Project 985014.

**RESOLUTION R-05-34**, accepting a Temporary Construction Easement and a Permanent Easement from a property owner in conjunction with the 2005 Curb and Sidewalk Program; Northeast 61<sup>st</sup> Street from North Oak to North Wyandotte Project 055007.

**RESOLUTION R-05-35**, accepting a Temporary Construction Easement and a Permanent Easement from a property owner in conjunction with the 2200 Block of Northeast 60<sup>th</sup> Street Storm Sewer Improvements Project 045030.

**APPROVAL OF LIMITED ONE-DAY LIQUOR BY THE DRINK LICENSE** to St. Charles Borromeo Church, 804 Shady Lane Drive, for the Annual Auction on April 9, 2005. Hours: 6:00 PM - 12:00 Midnight. Managing Officer: Mr. Paul G. Danaher.

**APPROVAL OF FINANCIAL REPORTS FOR FEBRUARY 2005.**

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **SECOND READING BILL 05-11**, 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.
10. **FIRST READING BILL 05-12**, approving a Site Plan revision in a CP-1 (Commercial Planned Local Business) Zone for property at 64<sup>th</sup> Street and North Prospect Avenue.
11. **APPROVAL OF A BUILDING PERMIT**: for a new office building, "The Pavilion at Englewood Court", located at 305 NW Englewood Court. Owner: CPA Land Ventures, LLC. Applicant: Mancuso Construction. (BP 05-10000138)
12. **PUBLIC HEARING**: on a request for a Site Plan Revision for Gladstone Gifts, LLC property located at 6100 North Oak Trafficway. Owner/Applicant: Gladstone Gifts LLC. File No. 1246

**AUDIENCE NOTE: This Public Hearing will be opened and immediately continued to the Monday, April 25, 2005, City Council meeting at the request of the applicant.**

13. Other Business.
14. Questions from the News Media.
15. Adjournment.



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

**MONDAY MARCH 28, 2005**

**PRESENT:** Mayor Wayne Beer  
Mayor Pro Tem Carol Rudi  
Councilman Bill Cross  
Councilman Les Smith  
Councilman Joe Evans  
  
City Manager Kirk Davis  
City Counselor David Ramsay  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

Mayor Wayne Beer opened the Regular March 28, 2005, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

Mayor Wayne Beer introduced Wolf Den 5 of Pack #354, sponsored by the Chapel Hill Elementary PTA, who presented the Color Guard and led the Pledge of Allegiance, in which all joined.

Mayor Beer asked Den leader Jim Niederberger to introduce the members of Wolf Den 5. Mr. Niederberger said that most of the Cub Scouts in attendance are in 2<sup>nd</sup> grade at Chapel Hill Elementary School, and introduced them as follows: Calvin Young, Matthew Wingerson, Cole Stevens, Alex Marx, Eli Nielson, Alex Niederberger, Luke Sinnett, Gage Bernal and Brandon Janssen.



**Item 4. on the Agenda.**      **APPROVAL OF THE REGULAR FEBRUARY 28, 2005 CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular February 28, 2005, City Council Meeting Minutes as presented. Councilman Joe Evans seconded the motion.

Mayor Pro Tem Carol Rudi stated there were names that needed to be corrected in the Court Reporter's record and presented to City Clerk Cathy Swenson the list of corrections for incorporation in the minutes.

The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi and Mayor Wayne Beer.

**Item 4a. on the Agenda.**      Mayor Beer read a **PROCLAMATION** designating April 1, 2005, as "**ARBOR DAY**" in Gladstone, Missouri.

Parks and Recreation Director Sheila Lillis accepted the proclamation and offered her thanks to Mayor Beer and City Council members. Director Lillis invited all to attend the Arbor Day celebration at 10:30 AM, Friday, April 1, 2005, at Flora Park. Students from Oakwood Manor School have been invited to participate in the event and to assist in planting a tree.

**Item 4b. on the Agenda.**      Mayor Beer read a **PROCLAMATION** designating April 4-10, 2005, as "**PUBLIC HEALTH WEEK**" in Gladstone, Missouri, and commending the Health Department's service to our community. Freddie Nichols, Clay County Health Department Board of Trustee member, accepted the proclamation and offered her thanks to Mayor Beer and City Council members.

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

**CONSENT AGENDA DETAIL**

Councilman Bill Cross moved to accept the Consent Agenda as presented. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-05-23**, authorizing execution of a contract with Miller Paving & Construction, LLC. for the total amount not to exceed \$226,813.75 for the 2005 Curb and Sidewalk Program Project 055007. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-05-24**, authorizing execution of a contract with Apac-Kansas, Inc. Kansas City Division in the total amount not to exceed \$485,039.62 for the 2005 Mill and Overlay Program Project 065001. Councilman Les

Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-05-25**, authorizing execution of a contract with Musselman & Hall Contractors, LLC. for the total amount not to exceed \$171,361.00 for the 2005 Intermediate Maintenance Program Project 055003. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-05-26**, authorizing acceptance of work under contract with Musselman & Hall Contractors, LLC. for the 2004 Intermediate Maintenance Program, and authorizing final payment in the amount of \$13,486.91 for Project 045003. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-05-27**, authorizing the sale of a tract of Real Estate owned by the City located at the southeast corner of Northeast 72nd Street and North Indiana, to Darrell C. and Marion Stine Rodman, and to Tobin R. and Karen S. Roberts, as surplus property. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-05-28**, accepting a Permanent Easement from property owners in conjunction with the sale of the property at the southeast corner of Northeast 72nd Street and North Indiana. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-05-29**, a Resolution of the City Council of the City of Gladstone, Missouri, determining its intent to reimburse itself for certain Capital Expenditures. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-05-30**, authorizing acceptance of work under contract with Kraus-Anderson Construction Company for the new Gladstone Fire Station on North Oak Trafficway, and authorizing final payment in the amount of \$69,473.50 for Project 025602. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-05-31**, authorizing the City Manager to accept a Bill of Sale from the Meadowbrook Townhomes Association and Insituform Technologies, USA, Incorporated, conveying to the City a Sanitary Sewer

serving Meadowbrook Townhomes. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-05-32**, disclosing and ratifying the City Council's prior actions in purchasing certain tracts of land for potential redevelopment. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-05-33**, accepting a Temporary Construction Easement from a property owner in conjunction with the Northeast 76th Street Reconstruction Project 985014. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-05-34**, accepting a Temporary Construction Easement and a Permanent Easement from a property owner in conjunction with the 2005 Curb and Sidewalk Program; Northeast 61st Street from North Oak to North Wyandotte Project 055007. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to adopt **RESOLUTION R-05-35**, accepting a Temporary Construction Easement and a Permanent Easement from a property owner in conjunction with the 2200 Block of Northeast 60th Street Storm Sewer Improvements Project 045030. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve a **LIMITED ONE DAY LIQUOR BY THE LICENSE** to St. Charles Borromeo Church, 804 Shady Lane Drive, for the Annual Auction on April 9, 2005.. Hours: 6:00 PM - 12:00 Midnight. Managing Officer: Mr. Paul G. Danaher. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

Councilman Bill Cross moved to approve the **FINANCIAL REPORTS FOR FEBRUARY 2005**. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE**

**Shirley Smith, 103 NE 67<sup>th</sup> Street**, stated as she is a former Councilman, she is aware of the number of decisions that are rendered through a year. Some are housekeeping or fairly routine, but some have the potential of affecting the City for years to come.

Ms. Smith said she lives in Gladstone by choice, not by necessity. Councils through the years have made good decisions which have helped bring this City to where it is – a great little place to live.

Ms. Smith continued by saying she knows that City Council members are mostly contacted by citizens about troublesome situations, so she decided to attend this meeting to tell Council members that, although she can only speak for herself, she wished to assure Council that thousands of citizens approve of Council's decisions and trust City Council members to keep on considering the whole of, and future of, Gladstone as they go about the task of leading this City.

### **Item 7. on the Agenda.**

### **COMMUNICATIONS FROM THE CITY COUNCIL**

**Councilman Joe Evans** offered his condolences to Leroy Gunselman on the loss of his wife, Connie.

**Councilman Les Smith** offered his condolences to Mr. Gunselman. Councilman Smith stated there were a couple of issues brought up at the 64<sup>th</sup> and Prospect Public Hearing at the last City Council meeting, and he wanted to be certain answers were given to people about those issues. One issue was the exhaust or carbon monoxide detector at the Fire Station that tends to go off in the middle of the night. The other issue was if the traffic signal at the fire station could be converted to a functional traffic signal.

Assistant City Manager Scott Wingerson reported there was no progress yet in regard to the loud noise from the Fire Station, and the Missouri Department of Transportation (MoDOT) believes the current configuration traffic signal cannot be converted to another type signal.

**Councilman Bill Cross** stated he and Mayor Beer had the opportunity to go to Washington, D.C., and the learning experience was a great opportunity, and the interaction that took place was very helpful. Councilman Cross and Mayor Beer lobbied for several things for Gladstone. Congressman Graves received a Gladstone mug to place on his wall with some of the other City mugs received from his district. Councilman Cross said they did have an opportunity to attend some very educational meetings that will benefit the entire City. Councilman Cross offered his thanks for being able to attend this function.

**Mayor Pro Tem Carol Rudi** extended her sympathy to Mr. Gunselman on the loss of his wife, Connie.

**Mayor Wayne Beer** had no comments at this time.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER**

**City Manager Kirk Davis** reported the tentative date of May 14<sup>th</sup> for the ribbon cutting of the new police headquarters, which is located in the lower level of City Hall. Invitations will be sent out at a later date.

**Item 9. on the Agenda.**

**SECOND READING BILL 05-11**, 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.

Councilman Les Smith moved to accept the First Reading of Bill 05-11, and place the Bill on Second and Final Reading. Councilman Joe Evans seconded.

Councilman Smith stated this has obviously been a difficult decision making process for all of Council. Councilman Smith said he read all of the meeting minutes back to 1978, when this proposal was first brought to the City in any shape or form. Councilman Smith said he was trying to find the history of this location and determine what the objections have been in the neighborhood and what the "up sides" have been, as well. This was precipitated by the fact that whether it be the neighbors who have put a lot of time and effort into this, the developer, or the applicant who has spent a lot of time and money on this project, they deserve to know why we make our decision.

Councilman Smith said he sat down Saturday evening to justify for the developer why he was going to vote in opposition to this proposal. Councilman Smith said as he went through the list of objections that he had of record, something did not add up very well, so he spent part of Easter Sunday and today walking the property. Councilman Smith said he spent six hours in City Hall reading back even more of the meeting minutes, and more of the Staff recommendations and analysis. The time has come that this property is going to develop. Councilman Smith said he believed that given the economic conditions in this community, that this property is going to develop. Councilman Smith said that in reading through the minutes, he found Delores Limpic made a comment that if the plan could be developed as is currently approved, "that would be a God send". Councilman Smith said in using the currently approved project as a benchmark, he went through and made a list of most of the objections that were listed at the Planning Commission Public Hearing and the City Council Public Hearing, and compared them to this project.

Councilman Smith began by saying the current plan does not have any requirements for what will be done with M-1 (Missouri 1) Highway to improve the traffic situation. There is almost 25,000 square feet of commercial plan, and nothing to address the traffic issues

on North Prospect, and the same for 64<sup>th</sup> Street. An awfully lot was heard about the pedestrian safety and so forth on 64<sup>th</sup> Street. Councilman Smith stated both of his children attended Antioch Middle School, and who hasn't seen the herd of children on the last day of school going down to McDonalds, for example. There were no conditions for 64<sup>th</sup> Street.

Councilman Smith said the proposed plan cuts the hill down by 6 to 8 feet. The proposed plan will provide sidewalks on both sides of 64<sup>th</sup> Street. The proposed plan has a "right in" and "right out" only on the western most access point, where on the current plan, it is wide open - full access in either direction. Councilman Smith said he believes some of the issues have been addressed on 64<sup>th</sup> Street. In the developer's agreement they have to work something out with our City and with the Missouri Department of Transportation on M-1 Highway, or the project cannot move forward. That is in addition to the acceleration and deceleration lanes that are already planned as part of this project. One of the large objections by one of the dissenting voters of the Planning Commission, where the rezoning passed by an 8-2 vote and the site plan revision passed on a 7-3 vote, was the fact that there were two fast food businesses on the plan. A condition has been made that there will only one fast food business on the plan. This is a condition and cannot be changed.

Councilman Smith continued by saying there were comment about multiple fast food businesses might mean multiple pole signs, brightly lit until all hours of the night. This is not allowed in this project and it has been addressed - it was not addressed in the current plan. There was a lot of discussion as to probability of failure, and whether or not the City needs this project, or more retail space. That is not within the purview of this Council to decide. That is an economic decision and a risk factor taken by the developer and by the investors in the project. Councilman Smith said he agrees that the C-1 zoning does allow for a wide range of uses, and Council cannot control exactly what business will go in every one of the spaces. Councilman Smith said he did some research on the Liquor by the Drink Ordinance, and our ordinances do not allow liquor by the drink sales within 100 feet of a school, church or residences in an R-1 (Single Family) to R-4 (Apartments) zoning. That measurement is from the furthest point of the backside of the commercial building to the nearest point on the backside of a residential building. State law allows the City to amend that within the City ordinance to be 300 feet, which is something Councilman Smith would like Council to consider at a future meeting. Councilman Smith asked City Counselor David Ramsay to prepare an analysis on this issue.

Councilman Smith said there was a comment in both the 1998 Green Lantern Public Hearing and this recent Public Hearing, that perhaps this property is better suited for office buildings and multi-family homes. Councilman Smith stated he was rather confident that there was no one in the audience who wants Council to approve a three or four story apartment building on this property, and he does not feel that would be the best use of that property. Councilman Smith said he read a report today that said there is a glut of office space and it is not a recommended investment, and the projections are for retail space. The demand for retail space is only going to continue to improve north of the river.

Councilman Smith reported the neighborhood presented a letter from a former appraiser Mr. Noble Johnson, who stated there could be an adverse affect on the residential property owners. The City has received a letter from another professional who to some degree at least discredits the letter from Mr. Johnson. Councilman Smith asked Assistant City Manager Scott Wingerson to explain this when Councilman Smith concluded his remarks. Councilman Smith stated drainage issues have been addressed with two detention ponds on the proposed plan. The current plan has one detention basin near M-1 Highway, which Councilman Smith said he is certain everyone will agree, is not enough to serve the entire project. This project cleans up the drainage issues. Councilman Smith agreed that this project would provide commercial zoning further to the west than any existing zoning up and down Antioch Road. The current plan has residential on the west side. The proposed plan does encroach a further distance to the west and towards the residential area.

Councilman Smith said that although it is not in the Master Plan, in last corridor study that he participated in with the City, which was a few years ago, the City did a series of overlay districts of approximately 300 to 400 feet deep along North Oak Trafficway and along North Antioch Road. There was a consensus of the group of people who worked on the Master Plan that there should be overlay districts to get the depth of the commercial zoning we need in this community in order to offer the proper set-backs, parking and so forth.

Councilman Smith stated he had a couple of ideas he would like to suggest in regard to noise pollution that might help. This should be addressed on the site plan vote. One of the things Councilman Smith said he would like to recommend is that the two commercial buildings on the west and on the northwest of the property be moved to the east a bit. There is an over abundance of parking for those two buildings. The parking has been over-designed and there is room to pull about 20 feet out of that parking lot, and pull those buildings about 20 feet farther away from the homes. Councilman Smith said, in walking the property today, the clearing limits are marked with flags on the trees. Most of the decent size trees remain. There are some 4 inch or 5 inch diameter trees that are going to come out. If the buildings are pulled a little closer to the corner, that will preserve even more of the woods.

Councilman Smith said he believed the light pollution issue has been addressed with the lighting plan that has been submitted. There are no requirements or restrictions on lighting in the currently approved plan.

Councilman Smith said the comment was made that the owner of the property might be asking far too much than is practical. Councilman Smith stated he believes he knows what the asking price of the property is, and he read in the Bloch Report that tracts of land this size, that are considered larger than just a pad site on a corner, are actually selling in the range of \$4.00 to \$9.00 per square foot in the north of the river market. Councilman Smith said it is his understanding the price per square foot of this property is below the \$4.00 range.

Councilman Smith continued by saying there are some site lines prepared by the applicant's Civil Engineer that show the line of sight distance from ground level and the second floor of the houses as they look out over the project. Councilman Smith said he would like to suggest that on the buildings on the west and the north that if this project is approved, there be additional consideration given to the height of the buildings; that they become more residential in nature, with pitch roofs of a more residential type material, with the mechanical units set towards the front side of the buildings, totally screened from visibility and from any sound to the neighbors. Work needs to be done on some plantings along the walls so that even in the winter, the neighbors do not see a retaining wall.

Councilman Smith continued by saying he understands the concerns of the neighborhood and he has friends in the neighborhood, but given all the circumstances, including the potential for residential on the west side, if the grading limits are taken back to put in town homes for example, this property would be graded back to the property line. As it is shown now with the commercial structure, there is 32 feet of existing woods left, and if the buildings are pulled further away, virtually everything that is there now, will be there in the future. A residential development razes all the woods and our engineers confirm that. This is a very significant point. Councilman Smith said if the trade off can be made with more residential in nature buildings and the buffer is maintained that the neighbors want and deserve, then we have come out ahead with this project.

Councilman Smith said he has some suggestions for the property to the very north, which is the drive-through business. The suggestion is to flip flop the plan and not allow any canopy, parking, speakers, or signage on the north or west side of the building. There would be merely a drive-through lane to get from the front around to the backside, and erect a 12 foot wall, with heavily planted evergreens abutting the wall. This should block out headlights and mitigate concerns.

Councilman Smith concluded by saying using Mrs. Limpic's comment led him to use the current plan as a benchmark. The current plan does not stack up to the proposed plan. If the City really wants to protect the neighbors of this project, this proposed plan really does this better than the plan on record. Although on the current plan the northern most building shows a one-story bank, it does not have to be a bank. There are no guarantees that will be a bank, or restaurant, or what ever is pictured on the plan. If a business falls within a C-1 classification, the City will really be stretching it not to approve something, even if it is other than a bank. The northern most building does have a drive around it. Councilman Smith said in doing the homework, he is ready to move forward with this proposed plan at this time.

Mayor Pro Tem Carol Rudi said she has done a similar evaluation. Councilman Smith states it more eloquently than she can, but there are a couple of items she would like to see included in the proposal. One would be fencing around the detention area. Considering the proximity to the school, this safety feature needs to be added. Another item is matching materials throughout the development.



Councilman Smith stated that in regard to the fencing around the detention basins, he believes that at the detention basin in the middle of the project, there may need to be created an interior wall that might have a fall hazard, and he agrees with Councilman Rudi. On the other basin that will have a gentle 3 to 1 slope, possibly trees and vegetation could be planted on the top of it to give more of a natural appearance, rather than a hard surface like a fence or a wall. On the one that has a fall hazard, Councilman Smith said he concurs that a fence would be in order. Councilman Smith said he agreed with the matching materials. Councilman Smith said it will be a challenge for the architect to incorporate some of the items he talked about and do that throughout the project, but the City does have final approval on building permits that will provide the opportunity to address that issue again.

Mayor Pro Tem Rudi explained this was extremely difficult for her and she has weighed her decision back and forth from being in favor and opposed to the proposal, and has lost many hours of sleep. Councilman Rudi said she lives close to the fire station, so has also heard the noises, and after having lived close to the fire station she has made some adjustments and has become accustomed to some of the issues. Councilman Rudi said at this point, she is in favor of rezoning the property, but what is proposed on paper right now will not serve the neighborhood well. If it were developed as is, there would be so many things that are missing. There are restrictions on lighting and odor that would not be seen on the existing plan. For some of those reasons, Councilman Rudi said she is in favor of the rezoning.

Councilman Bill Cross said he did not do his homework as extensively as Councilman Smith, but he did study on what occurred five years ago, and talked to many citizens in the area. Councilman Cross said he can sympathize with them a great deal, and he feels they bought their homes with the idea that something like this would not be developed. However, they are realists enough to know that development would show up sometime. One of the issues that is troublesome to him is that the hours would extend until midnight. Councilman Cross said that bothered him. Being an educator, he worried about the school. There were promises received about sidewalks, but when there are 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> graders running wild before, during and after school, it is worrisome that something might happen. Councilman Cross said he wished the developer had not gone so far west, and the buffer could be saved for something else.

Councilman Joe Evans said he believed what is proposed and before Council now is a very good plan and City staff has done their due diligence with the developer in order to perfect what he believes will be a very good project for Gladstone.

Mayor Wayne Beer said Councilman Smith has been very eloquent and has expressed many things Mayor Beer would have said. Mayor Beer stated he wished to extend special thanks to the City's professional staff. The Community Development staff has gone the extra mile in its efforts to reduce some of the bureaucracy that is often a fault given by developers and levied against City governments. City staff took extra effort to take into consideration all of the concerns that were brought forth by the community and all

interested parties. City staff has a lot of responsibilities in trying to deal with both the developer's concerns and the neighborhood's concerns, and they did so exceptionally well. In doing so they have helped to protect the entire City's interests. Good redevelopment has been a question brought up a number of times by neighbors surrounding this site as well as other people around town. People are concerned about some of the redevelopment efforts or areas that need to be redeveloped in the City with the thought that the development is never going to happen or it is not going to do well, or existing businesses that are closed indicate that there is no market for that kind of business.

Mayor Beer said that one of the things that inhibits the success of a business, whether it is an existing business or a redevelopment business, is the fact that our commercial corridors are under such fragmented ownership that it makes it very difficult for a developer to assemble enough property to do a larger development. The properties that are available where there are failed or marginal businesses, are so small that they cannot adequately support some of the businesses that have failed. These are residential sized properties that are zoned commercially, and there cannot be successful businesses on such small lots. The business climate is not the same today as it was 30 years ago. These small properties and fragmented ownership properties end up with different kinds of businesses that are in many cases considered unsavory or they have limited markets, or produce little or no sales tax. Sales taxes support the City's police and fire divisions, street maintenance, construction and repair of water mains, and everything that our City provides. Property taxes only provide less than half of the money needed for these services; sales tax makes up the rest. In the last few years, the sales tax climate has been negative. Mayor Beer said he believed our sales tax levels are still reduced to the level of he believes 1996, and asked City Manager Davis for confirmation.

City Manager Kirk Davis replied the year would be 1999.

Mayor Beer continued by saying sales taxes are a vital and necessary evil in the operation of City governments and provision of City services. The previous Green Lantern project at 64<sup>th</sup> and Prospect failed for a number of reasons. For our City, the merits of the project were just not there. It included a number of environmental hazards that the City was not prepared to want to deal with. It had a high negative impact on the neighborhood and it did not adequately provide services to the entirety of the City's needs. That project failed on its merits. It was not the correct project for the property. City Council's job is to ensure the best possible projects and development that can be provided given the circumstances at the time and the location. At the same time Council wants to assure that negative impact on the surrounding neighborhoods is limited as much as is possible, and to serve the needs of the City in its entirety. Mayor Beer said as a result, he would be voting in favor of the rezoning and unless there is new information from Staff, he would be casting a positive vote on the site plan.

Councilman Smith invited Assistant City Manager Scott Wingerson to comment on some of the issues that have been discussed.

Mr. Wingerson said he would like to begin by discussing the information that was provided in Council's packet late last week. The first item is a letter from J. Brian McHenry, which is in response to property value information provided by Mr. Noble Johnson. Mr. Wingerson said at the Council's Public Hearing there was a lot of discussion regarding the letter from Mr. Johnson, and Mr. Wingerson said he would like to highlight a couple of items from the McHenry Real Estate Services report. The first being that Mr. Johnson is not a licensed appraiser. Mr. Johnson is a real estate broker, therefore their opinions on value are based on different criteria. Mr. McHenry makes that very clear in his letter dated March 9, 2005. Mr. Wingerson read an excerpt from Mr. McHenry's report as follows:

*Concerning a possible loss in value to the Limpic property, theirs, and several others in the area, are already affected by high traffic flow and the associated noise along both North Prospect and NE 64<sup>th</sup> Street. Furthermore, commercial property along North Prospect existed prior to the construction of the houses that lie on the west and north sides of the subject property, whether it is zoned commercial or residential. In buying these located near and in some cases along high traffic interchange with existing high traffic commercial property, the buyers were, or should have been, aware of this traffic and noise.*

*According to the plan provided, a significant part of the property is already zoned commercial and changing the zoning of the western part of it to match makes for a homogenous use. Next, a natural buffer exists between the existing commercial and the existing homes, with an additional treed buffer to be created between the potentially rezoned area and the existing homes. If this land is used for residential development, no buffer is required and because of the land, many of the trees would be razed. So, changing the zoning to commercial allows the residents greater say in its use than if it were used residentially.*

*Next, a plan provided showed 9 lots in the RCH-1 zoned area. If these residential properties are 2,500 square feet each, this equals 22,500 square feet of gross floor area. The plan provided to rezone this ground contains two buildings that total 20,000 square feet, a less dense use by 2,500 square feet or 13 percent.*

*In closing this consulting service section, I do not develop an opinion as to whether the homes will or won't be harmed by changing the zoning of the western part of the subject site. This is already a high traffic area because of the middle school with heavy bus traffic on the west, 64<sup>th</sup> Street being a through road between North Prospect and North Oak, and heavy traffic up and down North Prospect. Not only is this area noisy because of traffic, there are already heavy commercial services in plain view from many of the homes. Changing the distance between them by a few hundred feet does equal the creation of a new influence. A thoroughly prepared and appropriately developed appraisal and market study on a property by property basis would be required to fully ascertain any effect the proposed project would have on any of the adjoining properties. The study would have to be this thorough to analyze the possible influence of the new proposal versus the existing influences.*

Mr. Wingerson said the letter is signed by J. Brian McHenry of Real Estate Appraisal, Analysis and Consultation. Mr. Wingerson reported that attached to the letter are the qualifications of Mr. McHenry and the letter from Pryor Appraisal Services and Mr. Noble Johnson, along with Mr. Johnson's credentials.

Mr. Wingerson said there was also in Council's packet a letter dated March 23, 2005, that has to do with development density. According to the letter the proposed 64<sup>th</sup> and Prospect plan that is being discussed tonight contains approximately 4,175 square feet of building per acre. Using Councilman Smith's terminology, that is the benchmark. The letter also states that Prospect Plaza contains 9,762 square feet of buildings per acre; Commerce Bank has about 5,850 square feet of building per acre; Westlake Hardware has 9,091 square feet of building per acre; Shops of Kendallwood has 9,400 square feet of buildings per acre; and there are several others with an average of 8,805 square feet of building per acre. The conclusion of the letter is that this development is less aggressive in terms of square footage than many other developments along the same corridor.

Mr. Wingerson stated there is also in Council's packet a currently approved development plan, Staff report, and site plans that have been the subject of Public Hearings. There is also a letter from Mr. and Mrs. Umphenour that was received today concerning this request. There is also a significant packet of information from Mr. Robert Settich. Mr. Settich has taken it upon himself to do a lot of homework concerning sight and visibility lines and has done a very good job. His conclusion is that under the current plan, some of the mechanical equipment would be viewable from some of the locations.

Mr. Wingerson continued by saying that City Council asked that the City employ a traffic engineer to review the traffic study provided by the developer. The City employed a company by the name of TranSystems Corporation, who is a world wide renowned traffic engineering firm. Mr. Tom Swenson, who has done numerous traffic studies for the City performed the review. In Council's packet is a complete review. Mr. Wingerson said he discussed with Mr. Swenson the ability to condense it into something that could be read tonight, and is as follows:

*Although the specific methodology and specific techniques vary, TranSystems believes that the basic concepts and strategies employed by the developer traffic study are appropriate. Staff recommended conditions concerning the deceleration lane on 64<sup>th</sup> Street and the use of right in/right out devices address those related concerns.*

*A concern remains relative to the M-I driveway. Solutions to this concern are complex and difficult to achieve. Resolution of this issue is a recommended condition and the subject of a future development agreement. Solution of this issue lies in continued discussion with MoDot, City staff, the developer and TranSystems.*

Mr. Wingerson said in very basic terms, the traffic engineers may not have agreed on exactly the specific techniques utilized between the two engineering firms, but they came to the same conclusion. The conclusion being there is a concern at 64<sup>th</sup> and North Wabash

because of sight distance, there is a concern at 64<sup>th</sup> Street, east of there, near the intersection of North Prospect having to do with queuing distances backing into that intersection and causing traffic problems, and a concern at M-1 Highway related to traffic safety. Both engineers agree that reducing the hill at North Wabash, increasing the sight distances, and instituting the right in/right out devices is the proper solution. Both engineers agree that the inclusion of a deceleration lane on 64<sup>th</sup>, which is a recommended condition, is appropriate to solve the queuing concern. They agree that the intersection of the driveway at North Prospect is a concern. That is the reason it is part of a future development agreement and all parties involved will have an opportunity to address it. Basically the developer's traffic study and the traffic study review performed by TranSystems are consistent in their solution to the concerns.

Mr. Wingerson brought Council's attention to a Power Point presentation that began with an aerial photograph that shows the northwest corner of 64<sup>th</sup> Street and North Prospect. Mr. Wingerson discussed the site plan, pointing out the pad sites and buildings. Mr. Wingerson then discussed sight lines from homes and various locations in the proposed development. Mr. Wingerson pointed out one of the things Councilman Smith had discussed was the possibility of adding an architecturally compatible wall, which would reduce the sight lines and the ability to view a large majority of the development. Mr. Wingerson mentioned the landscape plan, and erosion control and sediment control plan. Mr. Wingerson pointed out the exhibit that showed the reduction of the hill at 64<sup>th</sup> and North Wabash, which is a combination of cut and fill. The Power Point presentation included the approved development plan and the Green Lantern Plan.

Councilman Smith asked Mr. Wingerson if there were 26 conditions in the site plan revision Bill. Mr. Wingerson agreed that was correct.

Councilman Smith said he would like to highlight one of the conditions, which is Condition 23, as follows:

*The developer and City shall negotiate and enter into a development agreement that provides for improvements to M-1 designed to improve traffic safety and mitigate traffic congestion. The agreement shall also provide for reconstruction of NE 64<sup>th</sup> Street at North Wabash to create safe sight distances and provide curb, gutter and sidewalk. Finally, the development agreement will analyze and repair any currently exposed sanitary sewers.*

Roll Call Vote: "Aye" - Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. "Nay" - Councilman Bill Cross (4-1). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 05-11 and enact the Bill as **Ordinance 3.950**. Councilman Joe Evans seconded.

Roll Call Vote: "Aye" - Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. "Nay" - Councilman Bill Cross (4-1).

**Item 10. on the Agenda.**      **FIRST READING BILL 05-12**, approving a Site Plan revision in a CP-1 (Commercial Planned Local Business) Zone for property at 64<sup>th</sup> Street and North Prospect Avenue.

Councilman Les Smith moved to place Bill No. 05-12 on First Reading with the additional conditions hereto:

27. Alternative solutions to screening mechanical equipment shall be developed. Mechanical equipment shall not be visible from any adjacent single-family home or from any point of the 64<sup>th</sup>/Prospect intersection. Mechanical and physical sound reducing strategies shall be instituted to ensure a noise level less than or equal to a typical single-family home. A revised plan shall be reviewed and presented as part of any development permits.

28. All retaining walls visible from adjacent single-family homes shall be aggressively planted with rapid growing and sustainable vines.

29. Both detention basins shall be enclosed by a decorative fence or extensive tree and/or shrub plantings not less than 42" in height. Fence material shall be wrought iron, tubular steel or similar.

30. The developer shall draft restrictive covenants applicable to the entire site. At minimum, these restrictions shall be designed to ensure architectural compatibility between all segments of the development. These restrictions shall address overall scale, massing, materials, colors and general design philosophy. These restrictions shall be submitted to staff and approved by the City Council prior to recording and prior to issuance of development permits.

31. The development shall be limited to one (1) drive-through restaurant.

32. Evergreen plantings shall be utilized along the north and west development boundaries. (See proposed conditions relating to overall landscaping.)

33. An architecturally compatible sound and visual screening wall shall be constructed approximately 6' south of the proposed retaining wall adjacent to lot 1. The wall shall be 12' in height and planted with evergreen trees.

34. No parking or canopy shall be allowed on the north side of the building on lot 1. No speakers shall be located on the north or west sides of the building.

35. Additional evergreen trees shall be installed in a basic triangular pattern west of and adjacent to tracts A and B.

36. Retail buildings on lot 4 shall contain a pitched roof parapet feature. The design of this feature shall further screen mechanical equipment and enhance overall visual screening. The roof material shall be earth tone to bronze standing seam or compatible composition shingles.

37. If possible with the current grading plan, strip retail building #1 and strip retail building #2 as shown on the plan, shall be moved at least 10 feet further to the east.

Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 05-12, Waive the Rule and place the Bill on Second and Final Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 05-12 and enact the Bill as **Ordinance 3.951**. Councilman Joe Evans seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

**Item 11. on the Agenda.**      **APPROVAL OF A BUILDING PERMIT:** for a new office building, "The Pavillion at Englewood Court", located at 305 NW Englewood Court. Owner: CPA Land Ventures, LLC. Applicant: Mancuso Construction. (BP 05-10000138)

Mayor Pro Tem Carol Rudi moved to approve a **BUILDING PERMIT** for a new office building, "The Pavillion at Englewood Court", located at 305 NW Englewood Court. Owner: CPA Land Ventures, LLC. Applicant: Mancuso Construction. (BP 05-10000138). Councilman Bill Cross seconded.

Councilman Smith stated that at one point in time he had an ownership interest in this property, but has not had an ownership interest for about a year, so he has no interest in the property whatsoever.

The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, and Mayor Wayne Beer. (5-0)

**Item 12. on the Agenda.**      **PUBLIC HEARING:** on a request for a Site Plan Revision for Gladstone Gifts, LLC property located at 6100 North Oak Trafficway. Owner/Applicant: Gladstone Gifts LLC. File No. 1246

Mayor Beer opened the Public Hearing and immediately continued the Public Hearing to the Monday, April 25, 2005, City Council meeting at the request of the applicant.

**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.

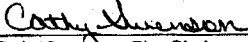
**Item 15. on the Agenda.**      **ADJOURNMENT**


There being no further business to come before the March 28, 2005, Gladstone City Council Meeting, Mayor Wayne Beer adjourned the Regular Meeting.

Mayor Pro Tem 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, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Councilman Joe Evans seconded the motion.

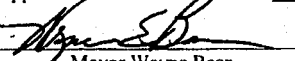
Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Wayne Beer





**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, APRIL 11, 2005**

**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 28, 2005, City Council Meeting Minutes.**
5. **STATE OF THE CITY ADDRESS**
6. **FIRST READING BILL 05-14**, declaring the results of the Tuesday, April 5, 2005 Gladstone General Election as certified by the Clay County Board of Election Commissioners that City Council Candidates **Carol Rudi** and **Wayne Beer** have been elected to Three Year Terms on the Gladstone City Council.
7. **CITY COUNCIL OATH OF OFFICE: CAROL RUDI AND WAYNE BEER.**
8. **REMARKS FROM THE CITY COUNCIL.**
9. **ELECTION OF MAYOR AND OATH OF OFFICE.**
10. **REMARKS FROM THE CITY COUNCIL.**
11. **ELECTION OF MAYOR PRO-TEM.**
12. **REMARKS FROM THE CITY COUNCIL.**
13. **CONSENT AGENDA.**

**RESOLUTION 05-36**, authorizing execution of a contract with Larkin Excavating, Incorporated in the total amount not to exceed \$1,271,361.56 for the Northeast 76<sup>th</sup> Street & Harrison Place Street Reconstruction Project. Project 985014.

**APPROVAL OF A BUILDING PERMIT:** for installation of antennas and construction of a shelter at the Antioch Water Tower. Owner: City of Gladstone. Applicant: Selective Site Consultants, Incorporated (for Cingular Wireless). (BP 05-10000174)

**APPROVAL OF NEW CLASS "A & B" 7-DAY LIQUOR BY THE DRINK LICENSE,** Stoney's Bar & Grill, LLC, 6829 North Oak Trafficway. Managing Officer: Ryan Frazier.

**REGULAR AGENDA.**

14. Communications from the Audience.
15. Communications from the City Council.
16. Communications from the City Manager.
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 11, 2005**

**PRESENT:** Mayor Wayne Beer  
Mayor Pro Tem Carol Rudi  
Councilman Bill Cross  
Councilman Les Smith  
Councilman Joe Evans

City Manager Kirk Davis  
City Counselor David Ramsay  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

Mayor Wayne Beer opened the Regular April 11, 2005, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR MARCH 28, 2005  
CITY COUNCIL MEETING MINUTES.**

Councilman Bill Cross moved to approve the Regular March 28, 2005, City Council Meeting Minutes as presented. Mayor Pro Tem Carol Rudi seconded the motion.

The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi and Mayor Wayne Beer.

**Item 5. on the Agenda. STATE OF THE CITY ADDRESS**

Following is the State of the City Address as presented by Mayor Wayne Beer:

*Good Evening. I would like to begin by thanking you for this opportunity to present the annual State of the City Address; this is the second such address and one that we hope will become a tradition as we move from year to year. It's exciting to be able to share with you the many great things that have and are happening in the City of Gladstone.*

*During this past year we have seen many accomplishments in Gladstone, and I believe we have continued to be true to our word. Four years ago we asked voters for a quarter cent Fire Protection Sales Tax to do some specific things that would improve our delivery of service to the citizens. Just as we promised, we purchased some land on North Oak and today there is a new fire station on that land serving the west side of our City. Along with the new fire station came a new aerial ladder fire truck as an upgrade to a 30-year-old piece of equipment that had outlived its service life. With the fire station no longer being housed in Public Safety Headquarters, downstairs in this building, we are in the process of renovating that space to provide some much needed extra space, thus making it more user friendly and efficient. We are currently waiting to receive bids on a Computer Aided Dispatch (CAD) System that will greatly improve our public safety dispatching capabilities. The citizens said they needed these things and we are providing them.*

*But even with these improvements in the delivery of public safety services, as a City we still had a long way to go in providing for our future. As a City Council, we continued to listen to not only the citizens we represent, but to the City Staff. What we heard was that there was a great need for future planning, planning that would direct the future of the City for many years to come. As we looked to the future and what we thought would be needed, a group of dedicated and willing citizens stepped forward and asked to help. The positive community involvement of the 100+ people that made up "Gladstone on The Move" was successful in developing a plan for the City's future, a plan that will take us at least 20 years into the future and allow us to leave behind a stronger community for our children and grandchildren. As we watched the citizens of "Gladstone on the Move" promote the plan for the future, we reached a historic milestone in our City's history with the passage of the first property tax increase in Gladstone's history. The citizens of Gladstone have directed us to a stronger future...a future that is guaranteed.*

*We have taken a harder look at economic development and are making strides to improve the economic future and stability of the City. We have looked at the North Oak corridor and its aging buildings and empty shops. We have requested developer qualifications and are preparing to move forward as the right developer is identified in developing what we have often referred to as a 'downtown district'. This development will bring many new opportunities to our City that range from dining, to residential, to retail shops. All of this will improve the economic future of our community. At the same time this is taking place, we are experiencing growth opportunities with the redevelopment negotiations surrounding Gladstone Plaza, the construction of the new Tower Plaza, Plaza 57 and the Aly-Beck Office Building. As our businesses grow...the City grows.*

*We have also become involved with an exciting project in the historic preservation of the Atkins-Johnson Farm. This Gladstone home, in part, was originally built about 1826 and is still standing and is in remarkable condition today. This historic preservation will allow us to preserve the past as we build the future.*

*There have been many capital improvement projects as well as street, curb and sidewalk improvements throughout the year. Happy Rock West is currently under development as a new 30-acre park directly across the street from Happy Rock Park. The Happy Rock Park walking trail was replaced with a new 8-foot wide paved trail that makes the trip through the woods around the park much more enjoyable.*

*In 2004, the City replaced 3,200 lineal feet of curbs and gutters, 160 lineal feet of sidewalk and 90 square yards of driveway. During this period, North Main was completely reconstructed from 61<sup>st</sup> Street to 64<sup>th</sup> Street. Also included in this project were significant storm drainage improvements. North Askew Circle was included in the street full depth replacement program and represented a unique partnership with the residents in that neighborhood. This project included the relining of a sanitary sewer line, new curbs, gutters and sidewalks as well. Five other streets received full depth replacement and six streets received complete overlays. This City has made strides to bring a greater cultural arts presence to the community. We have a beautiful amphitheater at Oak Grove Park, which has become the central location for community cultural events that range from Blues Festivals to ballet. Of course, every summer we look forward to great stage productions with our Theater in the Park program, a great 4<sup>th</sup> of July celebration of our Nation's Independence, and most recently a concert by the Middle School Orchestras, ballet presentations, and movies in the park. All of these things allow us to bring culture on many different levels, providing something for nearly everyone.*

*Of course, it would be nice for this council to be able to take all of the credit for the many great things that have happened throughout the course of the year. However, while we do have ideas, goals and objectives, the plans we develop are being carried out each day by a dedicated and committed professional staff. From the City's Leadership Team headed by City Manager Kirk Davis, to seasonal park employees who work to keep things looking good in our parks, we find quality people doing quality jobs. My hat is off to these people for their contribution in making Gladstone the great place to live that it is.*

*All in all, even during the economic hard times that Gladstone has endured in the past few years, the state of this City is well and strong.*

*Please accept my thanks to you for allowing me to serve as your Mayor during this last year. Thank-you!*

**Item 6. on the Agenda.**      **FIRST READING BILL 05-14**, declaring the results of the Tuesday, April 5, 2005 Gladstone General Election as certified by the Clay County Board of Election Commissioners that City Council Candidates Carol Rudi and Wayne Beer have been elected to Three Year Terms on the Gladstone City Council.

Councilman Bill Cross moved to place Bill No. 05-14 on First Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 05-14, Waive the Rule and place the Bill on Second and Final Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 05-14 and enact the Bill as **Ordinance 3.952**. Councilman Les Smith seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0).

**Item 7. on the Agenda.**  
**AND WAYNE BEER.**

**CITY COUNCIL OATH OF OFFICE: CAROL RUDI**

City Clerk Cathy Swenson gave the oath of office to Carol Rudi and Wayne Beer for three year terms on the Gladstone City Council.

**Item 8. on the Agenda.**

**REMARKS FROM THE CITY COUNCIL.**

Councilman Les Smith congratulated Mayor Pro Tem Carol Rudi and Mayor Wayne Beer.

Councilman Bill Cross stated it is nice to have the same five Council members, who have worked together for several years, to continue working together. Councilman Cross said he appreciates the opportunity to work with such an outstanding group of Council members.

**Item 9. on the Agenda.**

**ELECTION OF MAYOR AND OATH OF OFFICE**

Mayor Wayne Beer presided and opened nominations for the office of Mayor of the City of Gladstone. Councilman Bill Cross nominated **Carol Rudi** for Mayor. Councilman Les Smith seconded the motion. There being no further nominations, Mayor Beer asked for a vote.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Bill Cross, Mayor Pro Tem Carol Rudi, Mayor Wayne Beer. (5-0)

The City Clerk administered the Oath of Office for the position of Mayor of the City of Gladstone, Missouri to Mayor Pro Tem Carol Rudi.

**Item 10. on the Agenda.**

**REMARKS FROM THE CITY COUNCIL**

Councilman Les Smith congratulated Mayor Rudi, and said although she is not quite "home grown", she has spent a great majority of her life in Gladstone, having moved into Gladstone in the mid-60's. Councilman Smith said he hoped Mayor Rudi would remain an independent thinker, maintain the confidence of the Council, and always feel free to funnel to Council members way more information than she thinks they might need, because Council really does not know it all, although they may act as if they do. Councilman Smith said he looks forward to serving in a supporting role this year during Mayor Rudi's term as Mayor.

Councilman Bill Cross agreed with Councilman Smith's remarks and said it has been a pleasure working with Mayor Rudi.

Councilman Wayne Beer congratulated Mayor Rudi and said he and Mayor Rudi have known each other a long time. Councilman Beer said he could not think of anyone more suited right now for the job than Mayor Rudi.

Councilman Joe Evans congratulated Mayor Rudi and said he knew she would continue the good, hard work for the citizens of Gladstone. Councilman Evans said he has worked with Mayor Rudi for some time on different Commissions and City Council, and he knows Mayor Rudi will do a very fine job.

Mayor Rudi thanked her family and friends, who were present, and said they have been great support and inspiration to her. Mayor Rudi thanked everyone for the honor and privilege, and said she will do her best to do a good job and always represent the City well.

Mayor Rudi stated she would like to introduce her family, and began with Greg Strasser, to whom Mayor Rudi said she owes a great deal for all the cooking and cleaning he has done over the years while she has served the City. Mayor Rudi then introduced her mother, Bonnie Belknap, who she said raised her to believe in doing what is right. Mayor Rudi introduced her daughter Allison Ross, and said Allison brought with her this week, Mayor Rudi's extra daughter, Lauren Kirk, from San Antonio, Texas, and said they are both so special to her. Mayor Rudi said her oldest daughter, Stephanie, had to return home as she and her husband have just begun new jobs in Kirksville. Mayor Rudi stated Lauren's younger sister, Janine, could not be here as she is in school at Texas A&M. Mayor Rudi said her family are great people and she loves them all.

**Item 11. on the Agenda.**

**ELECTION OF MAYOR PRO TEM**

Mayor Carol Rudi invited nominations for the office of Mayor Pro Tem. Councilman Les Smith nominated **Councilman Bill Cross** as Mayor Pro Tem of the City of Gladstone.

Councilman Wayne Beer seconded the motion. There being no further nominations, Mayor Rudi called for a vote.

Roll call vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Councilman Bill Cross, Mayor Carol Rudi. (5-0)

**Item 12, on the Agenda.**      **REMARKS FROM THE CITY COUNCIL**

Mayor Pro Tem Bill Cross noted there were many former Mayors in the audience, and said it is a privilege to see so many show up and still have such an active interest, as they do cover a span of a number of years. It is very heartwarming to have the backing of so many former Mayors, Council members, and also Boards and Commission members.

**Item 13, on the Agenda.**      **CONSENT AGENDA**

**CONSENT AGENDA DETAIL**

Following the Clerk's reading, Councilman Les Smith asked the Liquor License for Stoney's Bar & Grill be removed from the Consent Agenda to be considered as Item 13a. under the Regular Agenda.

Mayor Pro Tem Bill Cross moved to accept the Consent Agenda as amended. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-05-36**, authorizing execution of a contract with Larkin Excavating, Incorporated for the total amount not to exceed \$1,271,361.56 for the Northeast 76<sup>th</sup> Street & Harrison Place Street Reconstruction Project 985014. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to approve a **BUILDING PERMIT** for installation of antennas and construction of a shelter at the Antioch Water Tower. Owner: City of Gladstone. Applicant: Selective Site Consultants, Incorporated (for Cingular Wireless). (BP 05-10000174). Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

**REGULAR AGENDA**

**Item 13a, on the Agenda.**      **APPROVAL OF A NEW CLASS "A & B" 7-DAY LIQUOR BY THE DRINK LICENSE.** Stoney's Bar & Grill, LLC, 6829 North Oak Trafficway. Managing Officer: Ryan Frazier.



Councilman Les Smith moved to approve **A NEW CLASS "A & B" 7-DAY LIQUOR BY THE DRINK LICENSE** for Stoney's Bar & Grill, LLC, 6829 North Oak Trafficway, Managing Officer: Ryan Frazier. Councilman Joe Evans seconded.

Councilman Les Smith inquired into the hours of operation for Stoney's Bar & Grill, LLC.

**James Kessinger**, said he is an Attorney and his office is located at **6812 North Oak Trafficway**. Mr. Kessinger began by saying he brought with him Bob Arbuckle, Ryan Frazier, and Mr. Hart, who are all related to the business and the liquor license request. Mr. Kessinger suggested that Mr. Arbuckle answer the question as to the proposed hours of the business.

**Bob Arbuckle** stated he plans to have his business open from 11:00 AM to approximately 1:00 AM, seven days per week.

Councilman Smith inquired into the occupancy limit for the space.

Mr. Arbuckle replied 225 is the occupancy.

Councilman Smith asked what is proposed for security.

Mr. Arbuckle replied he has his own private security personnel that he is presently using at the existing business, The Que. That same staff will be maintained in the new environment to ensure their high standards are maintained.

Mr. Kessinger pointed out that in the handout he provided to City Council members there is a picture that shows there are sixteen individual security cameras that may be monitored from the office. The cameras monitor the outside, the inside, and the front door, so one person in the security office can monitor what is going on at all times. There is also someone who mans the door and patrols inside and outside in the parking lot.

Councilman Smith asked how many Liquor Licenses are remaining in the City.

City Clerk Cathy Swenson replied in the Class "A&B" Liquor License category, she believes there are six remaining licenses available.

Councilman Wayne Beer stated, for clarification, this proposed establishment is to take the place of The Que, which was an under age establishment. As much as it was hoped this under age establishment would succeed, it was unfortunately unable to do so. Councilman Beer asked if this "A&B" liquor license is truly for an adults only, age 21 and over establishment.

Mr. Kessinger replied that was correct; the business owner is planning to move to an adult format.

Mayor Rudi asked if this will be the same ownership.

Mr. Kessinger replied Stoney's Bar & Grill, LLC will have the same ownership as The Que.

Mayor Rudi asked City staff if there have been any issues or incidents with The Que of which Council members should be aware.

City Manager Kirk Davis replied none of which he is aware and none have reached his desk. However, Mr. Davis said he wished to defer to Public Safety Director Bill Adamo for comment.

Director Adamo reported there have been complaints from residents of the apartments and neighboring businesses. There has been congestion in traffic, under age drinking, assaults, and thefts. Director Adamo said there have been problems in the past at this location.

Councilman Beer asked if the incidents were more typically of what one might expect of an under age club where there is a number of people who would try to "crash the doors" so to speak.

Director Adamo replied, "no".

Mr. Kessinger stated that it is his impression, having represented The Que, that the incidents that occurred and the complaints were endemic of wilder teenagers. Mr. Kessinger provided handouts to Council members, which included a menu and information on businesses similar to what is planned for the new Stoney's Bar & Grill. Mr. Kessinger explained the new format for Stoney's Bar & Grill is expected to be patterned after the format similar to what is found at Side Pockets. Mr. Kessinger pointed out on the handout information about the franchise of Side Pockets. Side Pockets is the pool table establishment on Englewood Road and 169 Highway. Mr. Kessinger stated the proposed business's format will be a pool table establishment that serves food, drink and will have a dance floor. The physical location is divided into two rooms that are approximately 20 to 25 feet wide and 50 to 70 feet long. One room will have the pool tables and the other room has the dance floor, the eating tables, and the bar.

Mr. Kessinger said this establishment will not be the same type of format as what one would expect from the kids and the problems that have occurred in the past. In an adult format there will be the same type of crowd that is seen at Side Pockets. Side Pockets does not have the same type of problems that The Que had, mainly because adults are more afraid of going to jail. Mr. Kessinger said to answer Councilman Beer's question, the business does intend to go to an adult format, and follow the national trends as shown in the handout, for which they believe there is a market. There are two establishments within a 15-mile radius of this location that are open and doing well. Mr. Kessinger said if the liquor license is approved, it is expected that this location will also do well.

Mr. Kessinger continued by stating the prices at Stoney's Bar & Grill are much more competitive than what would be found at the Brass Rail on Highway 152. The Brass Rail serves a different area. The prices are also more competitive than Side Pockets. This proposed business would be an upscale, pool table salon, where one can order food or drinks, sit at tables, or use the dance floor. There are also seventeen televisions that play a sports bar format. Mr. Kessinger said the format at Stoney's Bar & Grill will follow the same format as the ones in the handouts he provided, and he believes there is a very sufficient market to turn this business around and make it go.

Mr. Kessinger stated the investment in The Que has been significant. There is more than \$215,000 of cash money spent and on the books to renovate the building inside. The outside has been the responsibility of the landlord. The inside is really nice. The pictures in the handout are intended to show what Council members are voting on, and it is intended to be a very nice place. It is expected the adults will be respectful. The pool tables are not coin operated; they are upper end pool tables, that are single slate with leather pockets and all wood framed. It is intended to establish leagues and competitions, and the tables are high enough quality to do this. It is intended to have the adult format, which will be a much more stable format. When the kids were coming in, they could be controlled inside, but when they left and got wild, the business could not control that. Adults tend to go somewhere else or go home when they leave. Mr. Kessinger said this business is absolutely intended to mirror and follow the format at Side Pockets.

Councilman Smith said unfortunately wild teenage behavior does not end at the teenage years. Councilman Smith asked City staff to provide information as to what the issues have been with the neighborhood, then perhaps those issues may be addressed. Councilman Smith asked if the issues with the neighborhood were noise, or lack of access restriction to the east, or foot or automobile traffic. Councilman Smith stated he would like to determine what can be done to mitigate some of the concerns that have been seen with The Que, so there are not the same problems with this establishment.

City Manager Davis said he would like to familiarize himself with all of the issues, and asked City Council members if this issue could be deferred for a couple of weeks to determine the issues, and decide what needs to be accomplished. Mr. Davis said he does not want to delay the applicants, but if Council feels strongly about the issues, this will give Staff a chance to research the issues and research some alternatives, and discuss the issues with the applicant.

Councilman Smith said he wants to help the business get the liquor license approved. Councilman Smith said based on what the Director of Public Safety said, and the unknown issues out there, he cannot support that. Councilman Smith stated if the applicant can wait until the next City Council meeting, which is two weeks from this evening, there will be time for the applicant to address those issues with City staff, and he would be in favor of the application, if the issues were resolved. Councilman Smith said based on the unknown, if he had to vote on this application this evening, he would not be able to support it.

Councilman Beer stated he had not had the opportunity to be at the Brass Rail during their noontime trade nor at their evening trade. However, he has been to Side Pockets during the noon trade, but not at the evening trade. Councilman Beer said the crowd he has seen at Side Pockets was a very respectful crowd and he would not fear that kind of a crowd and would not have any negative questions based upon what he has seen at the noon crowd at Side Pockets. Councilman Beer said he has been in The Que at the Gladstone Area Chamber of Commerce ribbon cutting and what he saw was a very nice facility.

Councilman Beer said he shares Councilman Smith's concerns, but is not sure he is as uneasy as Councilman Smith. Councilman Beer stated that out of respect for the need of additional information, he would go in the same direction as Councilman Smith. Councilman Beer said based upon what little experience he has, he would not have any reservation about Stoney's Bar & Grill, but Councilman Smith's questions are valid and they need to be addressed.

Councilman Smith said he appreciated Councilman Beer's remarks, and he, too, has been in Side Pockets and it is an entirely different crowd. Councilman Smith said he does not want to take a position where there are unanswered questions, and the answers may be very simple, but he would like to have those answers.

Mr. Kessinger stated that is why he asked Mr. Arbuckle to speak. He is the owner, manager and been there the entire time. Mr. Kessinger said a delay at this point really could severely hamper the business continuing. They have been in the red since they started, and they continue to be in the red. Their doors may not be open, if this is tabled much further. Mr. Kessinger said the Director of Public Safety is present, and if he can tell Council members the concerns that have arisen. Mr. Kessinger stated Mr. Arbuckle was present to explain what happened. Mr. Kessinger continued by saying he is not there everyday, but would argue that any establishment that serves liquor may have a problem from time to time, and there is no way to get rid of that. Mr. Kessinger stated they are not saying the business will be perfect, because they could not. What they are saying is they expect that any problems that might happen are not going to be any more significant than what they would be at Side Pockets or the Brass Rail, which they believe are a more responsible crowd than what has been marketed to in the past. Mr. Kessinger asked that if there are concerns or problems, to please voice them tonight, and have Mr. Arbuckle tell Council what has been going on.

Councilman Smith said he appreciated Mr. Kessinger's client's position, and he wants to help get this license approved. However, Council has a responsibility to other residential neighbors, commercial neighbors, and to anyone who may be on the street. This would be an entirely different crowd, but it is still a crowd. Councilman Smith said he felt confident Director Adamo most likely is going to have to pull out a file and see what the issues are before they can be discussed. Councilman Smith stated that hopefully two weeks will not derail the entire business, but quite frankly it is one owner versus the other 27,000 people Council has to be concerned about. Councilman Smith said he did not want to jeopardize

this business's stability, but Council has a job to do as well, and he did not think Council was prepared to have this discussion at this meeting.

Mayor Rudi said it was her recommendation to postpone this issue rather than voting on it at this meeting with the possibility of being denied.

Councilman Les Smith moved that the **Approval of a New Class "A & B" 7-Day Liquor by the Drink License for Stoney's Bar & Grill, LLC**, 6829 North Oak Trafficway, be continued until the April 25, 2005, City Council meeting. Mayor Pro Tem Bill Cross seconded.

Mr. Kessinger asked if there are specific concerns that his client may address in the interim.

Councilman Smith replied City staff would probably be getting in touch with Mr. Kessinger, tomorrow, and City staff and Council will try to expedite this, but Council does need these answers.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

**Item 14. on the Agenda.**

**COMMUNICATIONS FROM THE AUDIENCE**

There were no communications from the audience.

**Item 15. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL**

**Councilman Joe Evans** congratulated Mayor Rudi and Mayor Pro Tem Cross, and said he looked forward to working with them this coming year.

**Councilman Wayne Beer** had no comments at this time.

**Councilman Les Smith** had no comments at this time.

**Mayor Pro Tem Bill Cross** had no comments at this time.

**Mayor Carol Rudi** said, as noted in the State of the City address, there were a number of events that happened at the Gladstone Amphitheatre this last year. If anyone is interested in the schedule this year, which is quite full and most excellent, please meet with Parks and Recreation Director Sheila Lillis after the meeting and she will provide a schedule of events.

**Item 16. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER**

**City Manager Kirk Davis** reported a generous donation has been received for the City's Youth Scholarship Program. Mr. Davis invited Parks and Recreation Director Sheila Lillis to speak about the program and about the contribution.

Parks and Recreation Director Sheila Lillis reported a check was received from the "Works For Me" campaign of Councilman Les Smith, which is the fund balance of Councilman Smith's campaign. Councilman Smith generously donated over \$1,000 for the Youth Scholarship Program. This scholarship program is used for children who cannot afford to pay the recreation fees. There is a process that is used for children to qualify for funds from the program. Programs that have benefited children have included swimming lessons, swim passes, soccer, T-ball, basketball, and so forth. Contributions are always being sought for this program, as Staff does not want to turn children away from registering for recreational programs. This contribution will help to continue this effort. Director Lillis thanked Councilman Smith for thinking of the children in our community.

Mayor Rudi thanked Director Lillis and Councilman Smith.

Councilman Smith stated it seemed incredibly appropriate that the remaining funds from a political campaign go to something to do with children. The idea was the brainchild of Kelli Clayton, who was his Campaign Treasurer. Quarterly reports must be filed as long as there is a campaign committee open, and that has been done for over four years. In deciding to close out the campaign and deciding what to do with the funds, Ms. Clayton suggested using the money for something involving children. Councilman Smith said there are an unbelievable number of children whose families cannot afford for them to participate in the City's recreation activities, which is a real shame. Ms. Clayton was familiar with the need, having had conversations with Director Lillis over the years, and suggested contributing the funds to the Youth Scholarship Program.

Councilman Smith said there were people present at the meeting whose names are on the campaign list. Councilman Smith said every person who contributed to his campaigns have had a part in this. Hopefully, as the balance in the program dwindles a bit, efforts can be made to go back out into the community and perhaps raise more money for the children of Gladstone. Councilman Smith concluded by saying it was a great idea on Ms. Clayton's part and thanked Director Lillis for her efforts.

**Item 17. on the Agenda.**

**OTHER BUSINESS.**

There was no other business.

**Item 18. on the Agenda.**

**QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

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

There being no further business to come before the April 11, 2005, Gladstone City Council Meeting, Mayor Carol Rudi adjourned the Regular Meeting.

Respectfully submitted:

Cathy Swenson

Cathy Swenson, City Clerk

Approved as submitted: ✓

Approved as corrected/amended:     

Carol Rudi

Mayor Carol Rudi



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, APRIL 25, 2005**

**OPEN STUDY SESSION: 5:00 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will hold a Closed Executive Session immediately following 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 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(3) for Personnel Discussion.

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular April 11, 2005, City Council Meeting Minutes.
- 4a. **PROCLAMATION:** designating May 8th - 14th, 2005, as **"BUILDING SAFETY WEEK"** in Gladstone, Missouri. Sponsored by the International Code Council.
5. **CONSENT AGENDA**

**RESOLUTION R-05-37**, authorizing execution of a contract with Superior Electrical Construction, Incorporated in the total amount not to exceed \$88,400.00 for the Well Pump Electrical Replacement Project 044093.

**RESOLUTION R-05-38**, authorizing execution of a contract with Anderson Backhoe Incorporated in the total amount not to exceed \$154,195.00 for the Northeast 67<sup>th</sup> and North Indiana Drainage Improvements. Project 055023.

**RESOLUTION R-05-39**, accepting a Temporary Construction Easement and Permanent Easement from a property owner in conjunction with the Northeast 67<sup>th</sup> and North Indiana Avenue Storm Sewer Improvements Project (055022).



**RESOLUTION R-05-40**, authorizing the City Manager to enter into a modified agreement with the City of Kansas City, Missouri for the payment of fees associated with the disposal of Lime-Sludge.

**RESOLUTION R-05-41**, authorizing execution of a Water Tower Antenna Site Lease with SMSA Limited Partnership, doing business as Cingular, Wireless, for the Antioch Water Tower location.

**RESOLUTION R-05-42**, accepting a Temporary Construction Easement and a Permanent Easement from a property owner in conjunction with the 2200 Block of Northeast 60<sup>th</sup> Street Storm Sewer Improvements Project (045030).

# **APPROVAL OF FINANCIAL REPORTS FOR MARCH 2005.**

## **REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **APPROVAL OF NEW CLASS "A & B" 7-DAY LIQUOR BY THE DRINK LICENSE**, Stoney's Bar & Grill, LLC, 6829 North Oak Trafficway. Managing Officer: Ryan Frazier.
10. **CONTINUED PUBLIC HEARING:** on a request for a Site Plan Revision for Gladstone Gifts, LLC property located at 6100 North Oak Trafficway. Owner/Applicant: Gladstone Gifts LLC. File No. 1246
11. **FIRST READING BILL 05-15**, approving a Site Plan Revision in a CP-3 Zone for property at 6100 North Oak Trafficway.
12. **RESOLUTION R-05-43**, authorizing the City Manager to enter into a Redevelopment Agreement with Terry L. Morgason, Incorporated, for the construction of certain improvements associated with the development of Plaza 57.
13. **APPROVAL OF A BUILDING PERMIT:** for a retail shopping center to be called "Plaza 57", that could incorporate up to 12 tenants, located at 5711 North Antioch Road. Owner: Terry Morgason. Applicant: Rees Masilionis Turley Architects LLC. (BP 05-10000208)
14. **FIRST READING BILL 05-16**, repealing Ordinance No. 3.912 (Code Section 29-66(A), (B) (1) and (B) (2), and enacting a new ordinance levying Sewer Service Charges and Commodity Rate Charges in the City of Gladstone, Missouri.
15. Other Business.
16. Questions from the News Media.
17. Adjournment.



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

**MONDAY APRIL 25, 2005**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Les Smith  
Councilman Wayne Beer  
Councilman Joe Evans

City Manager Kirk Davis  
City Counselor David Ramsay  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

Mayor Carol Rudi opened the Regular April 25, 2005, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 3, on the Agenda.**

**PLEDGE OF ALLEGIANCE.**

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

**Item 4, on the Agenda.**

**APPROVAL OF THE REGULAR APRIL 11, 2005  
CITY COUNCIL MEETING MINUTES.**

Councilman Wayne Beer moved to approve the Regular April 11, 2005, City Council Meeting Minutes as presented. Mayor Pro Tem Bill Cross seconded the motion.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

**Item 4a. on the Agenda.** Mayor Carol Rudi read a **PROCLAMATION** designating May 8<sup>th</sup>-14<sup>th</sup>, 2005, as "**BUILDING SAFETY WEEK**" in Gladstone, Missouri. Sponsored by the International Code Council. Building Official Alan Napoli accepted and thanked Council members for the proclamation.

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

**CONSENT AGENDA DETAIL**

Councilman Joe Evans requested that Resolution R-05-38 be removed from the Consent Agenda and be considered as Item 5a. on the Regular Agenda.

Mayor Pro Tem Bill Cross moved to accept the Consent Agenda as amended. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-05-37**, authorizing execution of a contract with Superior Electrical Construction, Incorporated in the total amount not to exceed \$88,400.00 for the Well Pump Electrical Replacement Project 044093. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-05-39**, accepting a Temporary Construction Easement and Permanent Easement from a property owner in conjunction with the Northeast 67<sup>th</sup> and North Indiana Avenue Storm Sewer Improvements Project (055022). Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-05-40**, authorizing the City Manager to enter into a modified agreement with the City of Kansas City, Missouri for the payment of fees associated with the disposal of Lime-Sludge. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-05-41**, authorizing execution of a Water Tower Antenna Site Lease with SMSA Limited Partnership, doing business as Cingular Wireless for the Antioch Water Tower location. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-05-42**, accepting a Temporary Construction Easement and a Permanent Easement from a property owner in conjunction with the 2200 block of Northeast 60<sup>th</sup> Street Storm Sewer Improvements

Project (045030). Councilman Wayne Beer seconded. All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to approve the **FINANCIAL REPORTS FOR MARCH 2005**. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

## **REGULAR AGENDA**

**Item 5a. on the Agenda.**      **RESOLUTION R-05-38**, authorizing execution of a contract with Anderson Backhoe Incorporated in the total amount not to exceed \$154,195.00 for the Northeast 67<sup>th</sup> and North Indiana Drainage Improvements. Project 055023.

Councilman Les Smith moved to approve **RESOLUTION R-05-38**, authorizing execution of a contract with Anderson Backhoe Incorporated in the total amount not to exceed \$154,195.00 for the Northeast 67<sup>th</sup> and North Indiana Drainage Improvements. Project 055023. Councilman Wayne Beer seconded.

Councilman Joe Evans explained he would be abstaining from the vote as he has on going business relations with Stanley Anderson of Anderson Backhoe.

The vote: "Aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. "Abstain" – Councilman Joe Evans. (4-0-1).

**Item 6. on the Agenda.**      **COMMUNICATIONS FROM THE AUDIENCE**

There were no comments from the audience.

**Item 7. on the Agenda.**      **COMMUNICATIONS FROM THE CITY COUNCIL**

**Councilman Joe Evans** asked Assistant City Manager Scott Wingerson if there were any updates from the attorney for MBW Builders.

Assistant City Manager Wingerson replied there were no new updates from the attorney. Staff will proceed with enforcement action.

Councilman Evans stated there was a fire at the apartments at 71<sup>st</sup> Street and North Prospect, and he thanked Public Safety Director Bill Adamo for his department's quick response. They did a great job.

**Councilman Les Smith** welcomed back Administrative Assistant Diane Whitaker, and stated he is glad she is doing well with her health issues.

Councilman Smith stated Council members received an invitation to the North Kansas City Baseball Association opening day celebration on April 30<sup>th</sup>. Councilman Smith said he played in this league as a child, and would like to congratulate them on their opening day celebration. Unfortunately, he will be out of town and unable to attend.

Councilman Smith expressed his disappointment with one of our local Representatives who voted in favor of House Bill 209, which is the telecommunication bill. Representative Silvey chose not to support the City's position on this bill. Councilman Smith said he wished to publicly thank Representative Skaggs and Representative Nolte for their vote in opposition of the bill. Councilman Smith explained that if this bill passes the Senate, it could cost the City an excess of approximately one half million dollars per year in revenues, because of legislation being supported by the telecommunications industry.

Councilman Smith addressed City Manager Kirk Davis and Assistant City Manager Scott Wingerson by saying Council received a letter from Mary Abbott, who lives on North Broadway. The letter discusses three or four different projects that still have outstanding issues. Councilman Smith asked that the issues be resolved in a short order, if they have not already been resolved. If they are truly outstanding issues, Ms. Abbott raised some valid concerns.

**Councilman Wayne Beer** stated he is a member of American Legion Post 626, located in Gladstone. The Post makes available to families with Armed Services active duty members a service banner, commonly referred to as a Blue Star Service Banner. This Banner signifies that a family member is in active duty in our uniformed services. Councilman Beer said he would like to present a Blue Star Service Banner to Mayor Rudi, whose daughter's husband is in the Navy and is stationed in Biloxi, Mississippi, at Keesler Air Force Base. He is in the weather detachment.

Mayor Rudi thanked Councilman Beer and said this is her second son-in-law who is in the Navy. They just moved to Biloxi about two weeks ago. Mayor Rudi said this is very special.

Councilman Wayne Beer reported for the audience that the Blue Star Service Banner began in the latter stages of World War I, whereby a retired infantry Captain decided he would honor his son for his service in World War I. It became very common during World War II for the Blue Star Banner to be given to families who had active duty members in the Armed Services. Families place the Banner in a front window of their home. During the Korean War and the Vietnam War use of the Blue Star Banner declined to the point it was rarely used. There was limited use of the Blue Star Banner during the first Persian Gulf War. Through the efforts of veteran's groups, there is resurgence in use of the Blue Star Banner. Councilman Beer asked if anyone in the audience currently has an active duty service member in their family to let him know, so he may give them a Blue Star Banner to commemorate their family member's service.

Mayor Carol Rudi informed the audience that Councilman Beer may be reached at City Hall at 436-2200.

Mayor Pro Tem Bill Cross reported that Gladstone ranks in the top five cities in the Metropolitan area in response times through the Public Safety Department. There are 116 incorporated cities in the Metropolitan area. The fire that Councilman Evans mentioned proves how quickly our Public Safety Department does respond, and they held down the damage. Mayor Pro Tem Cross thanked Public Safety Director Adamo and his Staff for doing such a great job as they always have done.

Mayor Pro Tem Cross agreed with Councilman Smith that he was very disappointed, that after discussions were held with our local Representatives and Senators on both the state and national level, and they say they will do certain things, and then once in a while they do not follow through. Councilman Cross said he was very proud of Representative Skaggs and Representative Nolte, and disappointed in our other State Representative who voted against House Bill 209.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER**

City Manager Kirk Davis reported the Beautification event is April 30<sup>th</sup> through May 1<sup>st</sup>, 8:00 AM to 5:00 PM, in Central Park. If residents would like to dispose of any unwanted belongings, this will be an opportunity to do so.

City Manager Davis said Gladstone is a member of the First Tier Suburb Coalition. This evening, David Warm, Mid America Regional Council Director, dropped off the "idea book", which is a book telling how to update post World War II housing. These books will be available in City Hall in the next couple of weeks for reference for builders, homeowners, developers, and so forth.

Mayor Rudi said she was privileged to work in the booth for the Mid America Regional Council and the First Tier Suburbs Coalition at the Home Show, where she saw a preview of the book City Manager Davis mentioned. If anyone has a home they would like to update, please come into City Hall to look at a book or pick one up to find some great ideas.

**Item 9. on the Agenda.**

**APPROVAL OF NEW CLASS "A&B" 7-DAY**

**LIQUOR BY THE DRINK LICENSE** for Stoney's Bar & Grill, LLC., 6829 North Oak Trafficway. Managing Officer: Ryan Frazier.

Mayor Rudi explained this item was continued from the previous City Council meeting, where there was a motion and a second to the motion to approve this application. Mayor Rudi said she would like to report what has been received since the last meeting regarding this application. There has been received from City Manager Davis an update regarding the Public Safety contacts at this location. Information has been received from City Counselor Ramsay regarding State and City Code governing the issuing of a liquor license.

Petitions in opposition to the application have been received from Gladstone Square Apartments, Gladstone Square business owners, and patrons. Letters have been received from the owner of Kyle's Tap Room, Joel Weaver, and a Kansas City Police Officer, who is a patron. Objections included, drugs and underage drinking; littering; noise; concern for patrons of other businesses; parking; security; safety; property damage; lighting; and Public Safety calls. A letter has been received from James Kessinger, addressing the issues of security, safety, parking, noise, lighting, and Public Safety calls. At Council's places this evening there is a letter of opposition from Michelle Masoner, legal representative to Gladstone Square Apartments, regarding civil action between the apartments and The Que. The letter cites many of the same issues detailed by Mr. Weaver.

Mayor Rudi explained that a liquor license request is normally not a Public Hearing, but Mayor Rudi asked for a show of hands of people who were present and in favor of the application. Mayor Rudi reported by the show of hands, there were a couple of people in favor of the application. Mayor Rudi asked for a show of hands the people who were opposed to the application. Mayor Rudi reported there were quite a few people present who were opposed to the application. Mayor Rudi said although this is not a Public Hearing, she would allow a few minutes for those opposed to present their concerns and issues to City Council members, and asked for one representative from the Gladstone Square Apartments and one representative from the Gladstone Square businesses. Mayor Rudi asked for the remarks to be limited to two minutes or less, and to not present any of the issues about which Council has already received information on paper. Since there were only a couple of people in favor of the application, Mayor Rudi said they might each speak. Following comments from those people in favor of the application and the representatives of the groups opposed to the application, the applicant will be allowed to respond, and if City staff has any comments, they may do so, followed by City Council discussion.

**Pete Hall, 5621 North Clinton Place**, stated he has known the applicants for some years and feels strongly from a business standpoint that trying to provide a place for young people to go was an economic disaster, which is unfortunate. Mr. Hall said the fastest increasing indoor sport is pool. There are a similar number of people in pool leagues as bowling leagues. Mr. Hall said many professional people his age enjoy playing pool at lunchtime and in leagues, and it is one of the fastest growing businesses. There are several large pool centers in Kansas City, with two north of the river - Side Pockets and The Brass Rail. Both are very successful. Mr. Hall said he frequents maybe two or three times a week one of these two restaurants/pool halls. There seems to be a misperception of what today's pool hall is, compared to what it was years ago. There is no comparison.

Mr. Hall said for this type of business to survive, they must have a liquor license. It is not a place people go to drink, but rather a place to participate in a league and a sport. Drinking alcohol is just an aside. Mr. Hall said he could speak personally to the character of the people who would be operating Stoney's Bar & Grill and would recommend to Council to highly consider approving this application, so he does not have to leave Gladstone in the future.

Dick Montgomery, 1940 Northeast Vivion Road, said he has been a businessman in the community for 26 years. Mr. Montgomery stated he is a proponent of the game of pocket billiards. As a youth, he played pocket billiards in a smoky basement type poolroom, with dominoes and perhaps some gambling. Mr. Montgomery said he brings this up, because the game of pocket billiards has evolved and is championed by families and leagues and tournaments throughout the United States. Hopefully, Gladstone will be a part of this process. Mr. Montgomery said he goes to national tournaments and they are well represented. Mr. Montgomery said for a number of years he has been the Co-Director of the Heart of America Pool Association, and firmly believes in pool.

Mr. Montgomery stated he does know the applicant and has been to his establishment for lunch. The equipment they have is very high grade, and he has not seen any type of problems. Kansas City has businesses called Side Pockets and The Brass Rail, that are very upscale and do serve alcohol. Mr. Montgomery said he has played in leagues and has not seen any problems. Mr. Montgomery said his wife plays pocket billiards, his two sons play, and he would like to see Gladstone have such an establishment. It would be a wonderful thing for the area.

Mayor Rudi asked if there was a representative from the Gladstone Square Apartments.

Michelle Masoner, Counsel for Gladstone Square Apartments, located at 450 Northeast 68<sup>th</sup> Street, stated The Que opened last summer and there is a 10-month track record of problems that have been addressed in her letter. Ms. Masoner said on any given night when the apartment complex is monitoring its parking lot, there will be overflow parking from patrons of the neighboring business in the amount of 90 cars. The apartment complex itself is only 121 units. That is almost one additional car per unit in the apartment complex. It is also twice as many cars as there are spaces at this location. Lawful businesses can be operated in such a way that it infringes on neighboring property rights. In this case it is just a question of degree. This location may not be the best place to have a large evening entertainment district, as it is abutting right next to the apartment complex, and infringing upon those neighbors' property rights.

Ms. Masoner continued by saying whatever Council members decide, these two neighbors are going to have to live by one another, and she asks that the Council defer ruling on this application until such time as some of the issues can be worked out between the neighbors either in court or amicably. Ms. Masoner thanked Council members for their time.

Joel Weaver, owner of Kyle's Tap Room, located at 6825 North Oak Trafficway, said he would like it duly noted that all of the established business owners within Gladstone Square have signed a petition against the issuance of another liquor license in this area. Mr. Weaver said they are very concerned with what they have seen over the past 10 months, and don't believe these issues would be resolved by issuing a Liquor license; in fact they would be escalated. Mr. Weaver said Gladstone has never issued a Class "A" or "B" Liquor license next to an existing Class "A" or "B" Liquor license. An example of



where this can be a bad thing can be seen close by in Kansas City, where Wetherbee's existed for years with very minimal police activity. After Marty's Barbeque remodeled and turned into a club, police calls have increased 500 percent. Mr. Weaver said he believes that will be the case with this issue, and the letter from the Kansas City police officer addresses this. Mr. Weaver said he believed 84 or 85 parking spots are not enough to handle the type of business that they do. These are high occupancy, low turnover businesses that operate at the same time. On a Friday or Saturday, Kyle's Tap Room will fill 40 to 50 spaces and sometimes more. People have been seen parking across the street at other businesses and running across North Oak Trafficway in traffic, which is a major safety concern, since the nearest stoplight is two blocks away.

Mr. Weaver said he is certain many of the Gladstone Square business owners are known to Council members, and in some instances have been in business for 20+ years at the same location. He has been in business for three years and has had very few problems with police calls and that kind of activity, simply because they don't allow it. Mr. Weaver said all the Gladstone Square business owners are concerned if this is approved, it could have an adverse affect on their businesses, from property damage, theft, and so forth, and there are not enough parking spots. Mr. Weaver said they would like to see the issuance of another Liquor license on the same property denied.

Mayor Rudi invited the applicant to respond.

James Kessinger, Attorney, 6812 North Oak Trafficway, began by saying present tonight is a vocal minority of people who want to maintain the status quo. The status quo will not be good for The Que, which will, if not cease business, is significantly losing money. The status quo is that Gladstone will continue not to have what Side Pockets or The Brass Rail has, which is an adult population with good entertainment without problems. The status quo is to continue to have a teen club in which the teens periodically cause problems. The complaints that have been heard and are listed in the packet all stem from a 10-month track record for a teen club. Mr. Kessinger said he brought with him the police call list for The Que for the last ten months. Mr. Kessinger said he obtained the police call list for another establishment that caters to teens, called Six Pockets, located just up the street. Their police call list goes on for five pages and is 283 calls during the same time period. Mr. Kessinger said he knows The Que is under a microscope when they request a liquor license so they can do business and serve a different population, and so they can stay in business. It is good to put this in perspective. During the same time period, when The Que had 33 police calls in 10 months, the place up the street that does the same type of business had 283 of the same type of calls.

Mr. Kessinger stated The Que had 10 percent of the same call list of a business that has been in Gladstone since he arrived in Gladstone. When he began practicing law, he went to Six Pockets to play pool, and was uncomfortable with the situation they had there, and he never went back. They are still in business and there is no danger that they will not be in business, but they are not standing here in front of the City Council asking to change their population to improve both their business, the safety and security of the area, and to

increase the revenue in Gladstone. Mr. Kessinger said Mr. Weaver has a personal interest in being here tonight, which is a perception that The Que is going to be in competition with him. Mr. Weaver also sells liquor and to him this is a competition issue. Mr. Kessinger said he wants to assure Council members that he does not believe it is a competition issue and they are not targeting Mr. Weaver's crowd or his market, but rather are targeting Side Pockets and The Brass Rail. They are trying to keep Gladstone patrons in the highest and fastest growing adult entertainment in the nation and keep the Gladstone residents in Gladstone instead of taking their entertainment dollars outside of Gladstone. In comparison to the other types of businesses, The Que had a phenomenal record of controlling the problems that are endemic in the teen population. The Que has also had a better record than some of the bars in the area. Mr. Kessinger said he had the call list for The Groove, who had a third more calls than The Que.

Mr. Kessinger said he attended a meeting at City Hall where City staff went over their concerns, and he understands the main concern is how things are handled outside of the business. There were a couple of problems inside the business, but that was not the majority of the focus. Anytime there is any type of business that has an entertainment and nighttime market, there will be police calls. Even Kyle's Tap Room had police calls. However, the big focus was outside. Mr. Kessinger said he believes they implemented all the recommendations of City staff and were happy to do so. City staff said there are problems in the parking lot, and it is dark in the parking lot, so the applicants have volunteered, even thought it is probably a landlord issue, to go ahead and pay for lights in the parking lot. They are going to light the north end of the parking lot. They have volunteered to hire somebody to do a study of the parking lot space, and to stripe the north end to get the maximum use of the parking area.

Mr. Kessinger said he would like to remind Council members the parking situation does comply with Code. The materials that the owners of Kyle's Tap Room submitted talks about how the south end of the parking lot is dark and their patrons do not like to park there; that is really not The Que's problem. They could do what the applicants are doing and pay to have the lights put at the south end, if they wish to protect their patrons, or they could have the landlord do what he probably should do and pay for the lighting. Mr. Kessinger said the applicant has adopted all of the suggestions and recommendations of City staff, and believe the applicants are being good citizens, and their track record shows that in their industry, they have a pretty good record. They are telling Council they are willing to add and make changes, and to invest even more money to convert their business to an adult format. The applicant believes by converting to an adult format, they are going to take away 80 to 90 percent of the complaints heard tonight. The complaints track record relates to a teen crowd, and the applicant believes by converting to an adult format, there will not be the same kinds of problems as with a teen crowd. Moreover, outside security cameras are being positioned for viewing the parking lot from inside the building. Professional security personnel are being hired to make rounds outside and inside and in the parking lot.

Mr. Kessinger said the things The Que are doing are above and beyond the call of duty, and above and beyond what is at Kyle's tavern or other similar establishments. The applicant is doing their best to be good citizens and to protect their investment, and to change the format to provide a better environment. Mr. Kessinger said the comments made by the Gladstone Square Apartments are not the whole story. What was not heard from their Counselor, is that that they have already strung a chain across what they perceive to be the boundary line, and this was done several months ago. They have prevented cars from going back into the apartment complex parking lot. There is a lawsuit pending. They sued both The Que and the landlord to protect their property rights. Mr. Kessinger stated the lawsuit is a much bigger focus than about The Que. The Que has been put in the middle of everyone else's agenda. The landlord would like to have ownership of the parking lot and obviously the apartment building wants to protect their ownership of the parking lot. The Que is the excuse, but The Que's patrons do not use this area anymore, as it is blocked off. Mr. Kessinger said he would suggest that the Gladstone Square Apartments are not coming here totally disinterested in drawing a liquor license either.

Mayor Rudi asked if City staff had any comments.

Assistant City Manager Scott Wingerson began by saying he believed Council heard a very good summary of the issues from both sides of this case, and drew attention to the letter from Mr. Kessinger that outlines some of the activities they are willing to perform as part of this business. Mr. Wingerson said he would recite those proposals for the benefit of the audience:

- Add outside lights for the parking lot, which are directed away from the Gladstone Square Apartments.
- Hire a consultant to arrange and paint parking lot stripes on the north parking lot.
- Conduct routine patrols outside the facility.
- Position four of the security cameras, including infrared technology, outside of the building.
- Post "no loitering" signs.
- Schedule events, which minimize the chance of excess crowds and monitor the scheduled hours of operation.
- Adopt a plan for overflow parking.
- A governor has already been installed on the volume controls of the sound system, which prevents the disc jockey from increasing the volume.
- A commitment from the ownership to do what they can to limit the time involved by the Department of Public Safety to provide security, and pro-actively head off problems.

Mr. Wingerson said these nine items in addition to a request from City staff that a nightly trash patrol at the site be conducted, would form possible conditions that the City Council may wish to attach to any action regarding this Liquor license. Council does also have the

option for a six-month probationary period, when all these issues could be revisited to ensure compliance.

Mayor Rudi stated there is already a motion and a second, and asked if there was any questions or discussion from Council members.

Councilman Beer stated his understanding is that there are a number of items that must be considered in regard to issuing or granting a Liquor license. Items include that the owner/applicant and principals involved must be of good moral character, a registered voter in the State of Missouri, pays taxes in the jurisdiction of the business, there must be no known liquor violations or ramifications, no known employee has liquor violations with conviction, the property must be safe and sanitary, and properly zoned. Councilman Beer said it is his feeling that based on information provided to this Council, this application meets all of those standards. Some things that are none of the Council's business are the landlord and tenant issues. In this particular case that would include parking lot striping and parking lot lighting in excess of what has been provided, which Councilman Beer understands meets Code. The parking spaces are provided in excess of Code under two levels - a general business, which requires only 56 parking spaces, and the other as an assembly area, which requires 82 parking spaces. There are 85 spaces.

Councilman Beer said the applicant has made a number of recommendations to the Council and he recommends those conditions be part of the motion. Councilman Beer said if those recommendations become part of the motion, and based on everything he has seen and heard tonight and two weeks ago, he will be in support of the application.

Councilman Smith stated what Councilman Beer just said is that City Council can only operate within the guidelines of the authority given to City Council members by law, whether that be State law or City ordinance. No City Council member may believe that 85 parking spaces are adequate, but if the applicant meets that requirement by City Ordinance. Council is bound to consider that as meeting Code. Councilman Smith addressed Mr. Weaver by saying he wished he had negotiated a non-compete with his landlord. The City Ordinances do not prohibit the issuance of a liquor license to a business adjoining another business with a liquor license.

Councilman Smith said he visited with Mr. and Mrs. Bob Teal, who have a business in this location. He understands the concerns of the business owners, but this Council is bound to operate within the purview of the law.

Councilman Smith said Councilman Beer did a good job before, but he would like to go over again the qualifications for a liquor license, and if they are met, Council does not necessarily have the discretion to overrule them. The questions for the applicant or the managing officer of the corporation are:

- Is the person of good moral character.
- A registered voter of any county, city, town or village within Missouri.

- Is a tax paying citizen of any county, city, town or village within Missouri.
- Has not previously had a liquor license revoked by the City or the State.
- Has not been convicted of a violation of any law respecting the manufacture or sale of liquor or beer.
- Does not employ in the business any person whose liquor license has been revoked or who has been convicted of a liquor law violation.
- Plans and proposes to conduct business in compliance with the laws of Missouri and the City of Gladstone. Some of those can be operating a business within the zoning classification of that property.
- Meets parking requirements.
- Obtain a occupancy license, if required in the City of Gladstone.
- The business premises are safe and sanitary – that meaning the building itself. If they obtain approval under the City's fire code, it is a safe building.
- Obtain a health permit from Clay County. If they obtain a health permit, the City has to assume they are safe and sanitary.

Councilman Smith said if the applicant meets these prerequisites, then there are only two grounds by which Council may deny a liquor license: 1. The lack of good moral character by the applicant or managing officer. Councilman Smith stated there is no proof in this case that the applicant is lacking in this regard. 2. Being convicted of a crime involving violation of State Liquor Laws. Councilman Smith said there has been no violation. Councilman Smith continued by saying that with all the prerequisites met, and neither one of these grounds being an issue, this Council's hands are pretty much bound, and it becomes more of an administrative process by this Council and not a discretionary process.

Councilman Smith said Councilman Beer did a good job discussing the parking space requirements, and 82 parking spaces are required and 85 parking spaces are provided. Does City Council believe that is good enough? Perhaps not. Under our City Code, they meet the requirement. Those 85 parking spaces do not include the parking spaces Council understands to be in conflict. Councilman Smith said Council has an applicant who meets all the criteria and Council is bound to issue them a liquor license. Councilman Smith said it was at his urging that this item was removed from the Consent Agenda at the last City Council meeting or it would have been a "done deal" and no one would have known about it. Councilman Smith stated he likes that Council did this, because the public has been involved. The public process is what the City is all about.

Councilman Smith said the applicant was asked to visit City Hall to discuss the issues that were of concern. The applicant agreed to make some improvements to the premises and in their operation that they may not have had to do to get their license, and Council intends to hold the applicant to those.

Councilman Smith said he would like to amend the motion to approve the liquor license application for Stoney's Bar & Grill, LLC to include these following conditions as stated and agreed to in an April 18, 2005, letter from James A. Kessinger, who is the

representative of the applicant, and that they perform the conditions within 30 days of approval of the liquor license application:

- Add outside lights for the parking lot, which are directed away from the Gladstone Square Apartments.
- Hire a consultant to arrange and paint parking lot stripes on the north parking lot to obtain maximum use of the parking lot.
- Conduct routine patrols outside the facility, including a look behind the building situated to the east of the premises.
- Position four of the security cameras outside of the premises to monitor as much of the parking lot as possible, including an infrared camera, which operates with little or no light.
- Post "no loitering" signs in the parking lot.
- Schedule events, which minimize the chance of excess crowds and monitor the scheduled hours of operation.
- Adopt a plan for overflow parking, should it be necessary, which includes good faith negotiating for nighttime use of another parking lot.
- Councilman Smith said he also would like to add another condition that this becomes a six-month probationary license that will allow two reviews of the business. One review will be with the standard July 1 liquor license renewal, when all liquor licenses are renewed. At that time Public Safety does an evaluation of the operation of the business. After another four months there would be another review, if this is a six-month probationary license.

Councilman Smith said this is his proposed amendment to the motion.

Mayor Rudi asked if this is a motion.

Councilman Smith replied, yes. Councilman Beer seconded.

Mayor Rudi stated it has been moved and seconded that the seven conditions that are listed in the letter from James A. Kessinger, dated April 18, 2005, be added to the existing motion, along with the six month probationary period condition, and asked if there was discussion of the amendment to the motion.

Mayor Rudi said the only thing not included in the motion is the recommendation for nightly trash patrol, which is assumed as good neighbors the applicant will do.

Mayor Rudi called for a vote of the amendment to the motion.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

Mayor Rudi asked if there was any discussion on the amended motion to approve the Class "A" & "B" seven-day liquor by the drink license for Stoney's Bar & Grill, LLC.

Councilman Smith suggested that some of the issues that were brought forth by the apartment neighbors and business neighbors, through Mr. Weaver, which were added to the conditions, should be looked at so Council is not in the position of having their hands tied in the future.

Mayor Rudi agreed.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

Mayor Rudi announced the liquor license for Stoney's Bar & Grill, LLC has been approved, and called for a five-minute recess.

**Item 10. on the Agenda.** **CONTINUED PUBLIC HEARING** on a request for a Site Plan Revision for Gladstone Gifts, LLC property located at 6100 North Oak Trafficway. Owner/Applicant: Gladstone Gifts, LLC. File No. 1246.

Mayor Carol Rudi 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 Gladstone Gifts is requesting a site plan revision to allow the construction of a parking lot on the west side of the facility. The parking lot contains a drive to 61<sup>st</sup> Street, and also contains seven parking spaces. City staff is recommending approval of this request with nine conditions, including the planting of trees; repair of a sanitary sewer manhole; handicapped parking spaces; cross connection lighting; and most importantly prohibition of access to adjoining properties; and a hedgerow on the very western edge of the proposed parking lot. Part of this proposal is to close the only currently existing driveway on 61<sup>st</sup> Street. That driveway is located very close to the intersection with North Oak Trafficway, and provides some traffic congestion concerns.

Mr. Wingerson stated that although Staff is recommending approval, the Planning Commission by a vote of 10 to 1 is recommending that the request not be approved. The Council has been provided Minutes from the Planning Commission Public Hearing. Mr. Wingerson said it seemed to him that the Planning Commission focused on three main issues; the first being storm water. In Council's packet is a letter from Aylett, Flowers Surveying and Engineering Company that discusses the impact of the parking lot on the storm water detention basin located on the adjoining property to the west. The letter indicates there is no additional impact.

Mr. Wingerson stated, in terms of scale, Council will remember the proposal from Northland Auto. Originally that proposal had a 24-foot driveway going from the currently developed portion of the property to 61<sup>st</sup> Street. The approximate square footage of that driveway is roughly 2,300 square feet. The proposed square footage of the driveway and the parking area for Gladstone Gifts is approximately 3,500 square feet, for a difference of about 1,300 square feet in total. The entire proposed parking lot would drain into the detention basin constructed by Northland Auto, and flow downstream from there.

Mr. Wingerson continued by saying the Planning Commission also discussed ownership a great deal. Mr. Wingerson stated at the time of the Planning Commission Public Hearing, it was his understanding that the property where the parking lot was proposed would be sold to the current owner of that property. Mr. Wingerson said his understanding today is that the property would be leased for the purposes of this parking lot. The Planning Commission was also concerned about coordination of the entire development. In other words how conditions relative to this request could be applied to different property owners, and a non-conforming/coordination type of discussion. Mr. Wingerson stated the conditions proposed in the draft Ordinance are applicable, and should the parking lot be approved and constructed, then those conditions would apply to that parking lot, if they are on the site of the leased property where the proposed parking lot is, or if they are on adjacent properties.

Mr. Wingerson said just to follow up on Northland Auto, it's the driveway through this area that the Council prohibited through the Site Plan approval process, ensuring that there was no connection. Mr. Wingerson stated that in reviewing the minutes of the Planning Commission and City Council Public Hearings on that issue, it appears that the intent may have been to keep test driving cars from going through the neighborhood. Mr. Wingerson said Staff is recommending approval with nine conditions, and the Planning Commission's recommendation to City Council by a vote of 10 to 1 is to not approve this request.

Councilman Smith asked Mr. Wingerson what would happen to the storm water that flows into the front parking lot that will be closed.

Mr. Wingerson replied the applicant was present and would be better able to answer that question, but he believes it would flow primarily to North Oak Trafficway, and into the North Oak storm system, and then downstream.

Councilman Smith stated if some of the claims are correct in Mrs. Abbott's letter, and the detention pond is not functioning as it should, this is a concern. If there is additional storm water run-off on to 61<sup>st</sup> Street and getting down to the bottom of the hill, it is a legitimate question as to what happens to the water that is on the front lot. Councilman Smith said he believes the water has to drain that way.

Mr. Wingerson replied that in looking at the topography map, it appears the water drains to the west, which would not be North Oak Trafficway.



Councilman Smith continued by saying there would then be water from both of the parking lots draining down 61<sup>st</sup> Street, and the calculations for the run-off would have dealt with the run-off on the parking lot on 61<sup>st</sup> Street, as it goes to the west. Councilman Smith asked if calculations would have been done on the front parking lot and then on the west side, as a drive, where 1,300 square feet of coverage surface is being added?

Mr. Wingerson replied it adds approximately 3,500 square feet to today's configuration; 1,300 square feet as opposed to the drive.

Councilman Smith asked for confirmation, the hydraulic calculations were done on the drive, so 1,300 square feet is being added to what was calculated?

Mr. Wingerson replied that is correct, but to be clear, the hydraulic calculations for Northland Auto were prepared based on the existence of the drive, and were also based on the existence of a future parking lot that was to the west of the currently developed portion of Northland Auto, both of which City Council did not allow at that time. This request contains approximately 1,300 more square feet of impervious surface, however Aylett, Flowers Survey & Engineering Company has provided analysis for that particular expansion as it relates overall to the detention basin.

#### **Applicant Presentation**

Gary Lindsley, 7339 Asbury Circle, Wichita, Kansas, began by saying he works for a company called L.C. Enterprises, a business management group from which Priscilla's buys services, including construction management. Mr. Lindsley stated that relative to the point as to whether or not the drainage of the front lot would be dammed by the establishment of a curb line toward the south, please understand while Aylett, Flowers was hired to do a topography study as well as the engineering side as to whether or not the detention basin was adequate, they have yet to be hired for the engineering of the parking lot. With that business yet to be done, any and all requests to divert the water to a proper location that can be done through engineering study and proper building techniques will be obviously done.

Mr. Lindsley stated to answer the question relative to the future back parking lot, water would not feed towards 61<sup>st</sup> Street. Only water that is currently following the front parking lot should end up on 61<sup>st</sup> Street, whether it is going down the hill right now openly through a 24 foot cut, or through a small culvert. That may be diverted back in toward the property line to the north, and join it at a point where it is not aggravating the neighborhood. Mr. Lindsley said it came to him some time ago that there was an aggravation relative to illegal parking on 61<sup>st</sup> Street during business hours for people visiting Priscilla's. This is an attempt to make that not happen any longer, by providing safe, private parking off-street. If there was an aggravation toward that relatively narrow street being filled up with customers, that can be fixed to a degree with the addition of this parking lot. However, it is seven parking spots, and it is hoped if the City does this for Dunkin' Donuts or Wendy's, they will do it for Priscilla's, because it is not a huge request, and it does take off-street

parking out of the picture. Mr. Lindsley said Mr. Wingerson's summation was really all he planned to say, and asked Council if they had any questions of him.

**Comments from those in Favor of the Application**

There was no one to speak in Favor of the Application.

**Comments from those Opposed to the Application**

**Mel Langston, 210 NW 59<sup>th</sup> Terrace**, stated he lives about three blocks west of the parking lot that is being proposed, and asked Council to consider that every time ground is paved, additional water runs off more quickly. It doesn't matter what a study says, it is just common sense. Mr. Langston said 61<sup>st</sup> Street is very steep going down the hill, and it is prone to sink holes, which he encounters when he jogs down the street nearly everyday. The sinkholes are difficult to fix because the sides of the street are very steep. The City really does not want any additional water going down that street, if it can be avoided at all. The water will eat into the road and it will be expensive to fix the road. The road needs to be fixed now.

Mr. Langston said he has lived at this location since 1974 and in the creek basin drainage area, it used to take a lot more rain than it does now to get the creek out of its banks. Some repair has been done to keep some properties from flooding that did flood in the past, but additional work needs to be done. Mr. Langston stated he has a neighbor who has a chain link fence that extends 15 feet out into nothing, where the creek has eaten toward her property. It just keeps going rapidly towards her house. This really needs to be looked at. Mr. Langston continued by saying there was one inch of rain several days ago and the creek became two thirds full, and he cannot imagine what it would be like if there were four or five inches of rain in a quick period of time with all the pavement. Mr. Langston stated his property does not go next to the creek, but his friend's property does, and they are very concerned about the creek.

**Jeff Bonistill, 100 NW 59 Place**, stated he lives on the creek that has been repaired with the Gabion Baskets, and even with the Gabion Baskets, his patio blocks have fallen down due to the water rushing beneath them. The water that flows down contains mud and the erosion coming from the detention pond is damaging. It appears grass seed was put down, but the last rain washed it away. The water running down has deteriorated the creek and his property, which is his concern.

**Galen Neill, 6010 North Wyandotte**, said he would be speaking as the Chairman of 59-61 Neighborhood Watch Group and had in his possession protest petitions signed by 66 property owners within the 59-61 Neighborhood Watch Group. Mr. Neill distributed pictures to Council members of adjoining property to Priscilla's. Mr. Neill said he believed Council has copies of the petitions, but he also had copies with him at this meeting. The signers of these petitions were strongly opposed to the parking lot requested by Gladstone Gifts, LLC, dba Priscilla's, which gives ingress and egress to 61<sup>st</sup> Street.

There are concerns of flooding on East Creek, since the water will flow down 61<sup>st</sup> Street to East Creek. Based on one-inch rain, there would be 3,000 gallons of water dumped into East Creek. This water would be rapid since it would be washing down a hill. Mr. Neill said Priscilla's building is not in this computation, but asked Council to note in the pictures the downspouts on the west side of the building drain into this proposed area. Therefore, the 3,000 gallons in a one-inch rain would be even more. The downspouts can be viewed in the pictures.

Mr. Neill said he would read the language that is in the protest petition that was signed by 66 homeowners in this area:

*Please take notice that the undersigned are all owners of property in the area that will be directly affected by the construction of the parking lot on the west side of Priscilla's. Whereas we, the undersigned, believe our property values will be impacted negatively by such construction because:*

- 1. 61<sup>st</sup> Street has a high volume of traffic. It is the cut-through from North Oak Trafficway to North Broadway. It is the main thoroughfare for the Bircain tenants, also three subdivisions in close proximity, including residents of Hickory Hills, Sycamore Heights and apartments west of Broadway.*
- 2. We appreciate that just recently the Gladstone Planning Commission and the Gladstone City Council both denied the use of this land for ingress and egress to 61<sup>st</sup> Street, recognizing the hazards that already exist at the intersection at North Oak and that Priscilla's currently has ingress and egress to 61<sup>st</sup> Street.*
- 3. We are concerned that if this area is concrete, the increased run-off will not be accommodated by the current retention basin. We feel the increase from this development would enhance the possibility of more flooding every time we have a big rain. The city eliminated the flooding on East Creek by building a new bridge on Broadway. We would like to remind you that the new fire station also flows into East Creek and there is no retention basin at that facility.*
- 4. We think that a new parking lot on the west of Priscilla's would magnify all the above problems. Grass on all the disturbed ground is the answer to prevent erosion.*

Mr. Neill gave Mayor Rudi the petitions. Mr. Neill asked Council to note the erosion in the pictures and the water and mud that runs down 61<sup>st</sup> Street. This is a hilly area and the mud accumulates at the bottom of the hill. There is also a sinkhole on 61<sup>st</sup> Street, which is attributed to the water run-off, and it appears the street has settled in this area, which is additional expense to the taxpayers. Mr. Neill thanked Council for listening and urged them to vote "no" on the parking lot.

**Jim Birt, 805 W. Meyer Boulevard, Kansas City, Missouri**, stated he and his family own, operate, and care for 250 residents at the Bircain Apartments, and they built 61<sup>st</sup> Street and gave it to the City in 1965. There is plenty of runoff right now. Fifteen years ago without the additional widening of North Oak Trafficway, and the additional

construction on North Oak Trafficway, there was water flowing through the apartment complex. As a result they had to put up dikes to help control the stream that became a river when it rained hard. This was fifteen years ago. Since then there has been a lot more construction and more asphalt on North Oak Trafficway. One more rain like that and there won't be a phase 3 of Bircairn Apartments; it will be downstream somewhere.

Mr. Birt said another concern of his is the way this has been set up. Priscilla's doesn't own this; they are going to get an option to buy it, if they can get this done. Now it's going to become a lease deal. He is not certain whatever is decided at this meeting is going to be owned up to ten years down the road. The initial program was to make a new curb cut to allow for cars coming out of the parking lot, which is what everyone decided they didn't want, because we do not want test driving going through the neighborhood. It is bad enough with people driving 35, 40, or 50 miles per hour down the hill, without having additional traffic.

Mr. Birt said he is not sure that if someday Priscilla's is gone, and the new owner does not want the lease, the lease expires, and all of a sudden there is access that can be obtained through the back way. The cut that is in Priscilla's right now was put there decades ago when North Oak Trafficway was a two-lane road. It is a very dangerous intersection as it is, and he understands pushing it back would no doubt help, but it should be eliminated altogether. There should be no curb cut on 61<sup>st</sup> Street due to the high traffic volume coming on the street.

Mr. Birt said the Planning Commission Chairman's objection was not brought up tonight. His objection was not what is being discussed now, it is why do we want to make a change to a property that should be redeveloped and torn down. Mr. Birt said he agrees with him, and doesn't see why we are going through all of this, unless there is a hidden agenda here that will come up down the road. Mr. Birt said that is what he fears, besides the issue of the runoff. Mr. Birt said he has looked at the plan, and has been in real estate development for 30 years. He helped build Bircairn Apartments. This proposal could be redesigned so there is no curb cut onto 61<sup>st</sup> Street. Mr. Birt said he could almost live with this if there was a way to keep the water down. One issue that is being overlooked is proper redevelopment of the corner. Mr. Birt thanked Council and said he hopes they do not vote in favor of this proposal.

Margaret Coke, 211 NW 59<sup>th</sup> Terrace, stated her property does border on the creek. Ms. Coke said anytime there has been any development on North Oak Trafficway, more water comes with more force down the creek, and her property has flooded in the past. Ms. Coke said the property where she lives gets water from all directions; the overflow from the small lake on the other side of the creek, and water comes from three directions down the street that leads back to the creek through her property. Ms. Coke said she is against any additional pavement that cuts down on the water absorption of the ground and adds to the creek flow.

Councilman Beer asked Assistant City Manager Wingerson if it was correct that the storm water design analysis for Northland Auto indicated the ten year storm design would provide that the new runoff would be virtually identical to the runoff of the undeveloped property.

Mr. Wingerson replied that was correct.

Councilman Beer requested confirmation that for the 50-year event, the designed storm water runoff would be roughly 25 percent less than the undisturbed original property.

Mr. Wingerson replied that was correct.

Councilman Beer stated with a 100-year event, the storm water runoff would be approximately 30 percent less.

Mr. Wingerson replied that was correct.

Councilman Beer stated that was the original design analysis of Northland Auto at its origination. The latest revised analysis states that the 10-year event runoff with the revised analysis is only very slightly more at  $\frac{1}{4}$  cubic foot per second. The 50-year event has increased slightly to 24 percent less than undisturbed land. The 100-year event has a 33 percent reduction.

Mr. Wingerson replied that was correct.

Councilman Evans inquired into Item 8., Section 1, of the Site Plan Approval, which says "The sales contract for the proposed parking lot must be executed", is this going to be a lease issue?

Mr. Wingerson suggested the property owner address this question, as Staff is uncertain at this point.

Councilman Smith said he is less comfortable with this being a lease arrangement than with a land sale. Councilman Smith addressed Mr. Wingerson and said he knows Mr. Wingerson does everything in the world that can be done, but he is tired of talking about mud, drainage, detention basins, 61<sup>st</sup> Street, and 58<sup>th</sup> and Broadway. Councilman Smith said it seems every time Council meets there is an issue in this neighborhood, and asked Mr. Wingerson to assist in these issues.

Mr. Wingerson replied he would do his very best, and stated Councilman Smith referenced Ms. Abbott's letter dated April 21<sup>st</sup>. Attached to the back of that letter is a letter dated April 16<sup>th</sup> from the City's Building Official Alan Napoli that pretty directly talks about these issues at Northland Auto before Ms. Abbott's letter was written, saying basically to "get after it" and do the restoration to address the erosion concerns to help the situation. Mr. Wingerson reported that Mr. Napoli inspected Northland Auto today and they have

hydro seeded. There were several areas that needed to be re-hydro-seeded, and the contractor will take care of that this week. Mr. Napoli will re-inspect it in two weeks to be sure that grass is growing. If grass is not growing, the City will enforce the condition that requires the area to be sodded, which will solve the problem. This is really an intermediate step to establish ground cover, and should it not work, there is the fallback position of requiring sod. Hopefully this solves this issue. At 58<sup>th</sup> and Broadway, there is a little bit of construction, but the erosion for the most part has been mitigated through the establishment of ground cover at the Englewood Vista.

Councilman Smith inquired into the time frame of the Temporary Certificate of Occupancy at Northland Auto?

Building Official Alan Napoli replied a Temporary Certificate of Occupancy is issued for 30 days at a time. There is no limit to the amount that can be given. Issues do come up, such as with Northland Auto, where there are certain times of the year where landscaping, sodding, seeding or whatever is required. The only outstanding issue was the areas that were disturbed that had not been sodded or seeded, because of the weather conditions. That is where Staff is right now; trying to get this addressed. Once that has been taken care of, then they can move forward to receive a permanent Certificate of Occupancy.

Councilman Smith stated he understands weather conditions, but at some point in time it has to be understood that there is some sense of urgency.

Mr. Napoli replied he believes they understand that. They may not understand as well Staff would like them to understand it. There are mitigations the City can do, but does not like to do, such as closing the business, if they do not comply. Staff tries to avoid that. In most cases businesses work with Staff. Mr. Napoli said Larry Meyers, who owns Northland Auto, did receive Mr. Napoli's letter, and phoned to say they have taken care of the situation. Mr. Napoli stated he has not had a problem dealing with Mr. Meyers, and hopefully if there is an issue, he will take care of it relatively quickly.

Councilman Smith said he appreciates how our City goes about business, and that is what makes us so attractive to developers and business owners, but the flip side is that we have long time residents who are rightfully complaining to the City. We have another business owner who is getting "run through the wringer" because of this, and it is not necessarily fair to either one of those parties. Councilman Smith asked if the detention basin has silted in?

Mr. Napoli replied they have cleaned out the silt that silted in, re-did the erosion control around the basin inlet, and have hydro-seeded the entire basin area and the outskirts they missed. Since the last rain, there has been a small amount of tracking of water that is normal when seeding has been done. Hydro-seed would normally take a stand quickly, which is why within two weeks, Mr. Napoli will pay a visit to be certain it was growing.

Councilman Smith stated that once they actually grow grass, the basin will be restored to the condition it should be, and asked if that was correct.

Mr. Napoli replied that was correct. Once they grow grass, the basin should be grassed in and there should be no siltation problems or any erosion control that would be necessary.

Councilman Smith said as he understands Councilman Beer's analysis, we are going to see less runoff towards 61<sup>st</sup> Street than would have been seen otherwise.

Councilman Beer stated his comments had to do with runoff on the property that is directed to the detention basin, where it is regulated as it leaves the basin at the 8.9 cubic foot per second.

Councilman Smith stated that is adequate to handle that runoff.

Councilman Beer replied much more than adequate.

Councilman Smith said there is still the opportunity, through the design process with the parking lot to affect that runoff on the front. If everything is added up, there should be progress being made. Councilman Smith inquired into 61<sup>st</sup> Street itself and asked about the sinkhole and the plans to repair that.

Councilman Beer stated that Mr. Napoli commented that the City is not restricted on the number of Temporary Certificate of Occupancy that can be granted.

Mr. Napoli replied that was correct.

Councilman Beer stated for clarification that the City is not obligated to continue to issue time and again Temporary Certificates of Occupancy.

Mr. Napoli replied that was correct.

Mr. Wingerson stated 61<sup>st</sup> Street is part of the annual street program for the coming year. Improvements on 61<sup>st</sup> Street from North Oak Trafficway to the west are currently being designed, with construction expected in late summer or early fall of this year.

Councilman Smith asked if there is a safety hazard, will temporary repairs be made?

Mr. Wingerson replied yes, absolutely.

Councilman Smith said he was interested to hear from the property owner regarding the purchase versus leasing of the land.

Mayor Rudi asked for more information as to what will be done to 61<sup>st</sup> Street.

Mr. Wingerson replied work will include full depth patching where it is necessary, which will address the sinkholes or significant potholes. The edge of the roadway will be reconstructed and the entire stretch will receive a mill and overlay. In addition, there will be storm sewer work on the side of the road.

**Randy Robb, 701 South Woodland Drive, The Village of Oakwood, Missouri,** apologized to Council that he was out of town when this came up a couple of weeks ago, and he said he is really at a loss as to where the lease issue originated. Mr. Robb said it has always been his intention to purchase the property that is the subject of the discussion this evening, which amounts to seven parking spaces, and not much bigger than the Council Chambers. Mr. Robb said when he was originally approached, as a property owner, about doing this project, he was somewhat lukewarm, because the first thing he was asked by City staff was to close the southern driveway onto 61<sup>st</sup> Street. As everyone knows curb cuts are valuable, hard to get, and once you give them up, you never get them back. Mr. Robb said he was reluctant to give up the curb cut, however, he has known for years, having owned the property and living in this area all his life, there has always been a problem with this site. People trying to get out the south curb cut would tie up traffic on 61<sup>st</sup> Street. People turning off North Oak Trafficway would create a huge traffic problem at this location.

Mr. Robb said, to him, this is a "win, win" for everyone. It's a win for the tenant because he gets the additional parking spaces that they really need. It's a win for the City because they eliminate any potential parking problems on 61<sup>st</sup> Street that occurred during a high volume time of the year. Mr. Robb said it's a win for him because he extends a lease on a very good tenant. Mr. Robb stated what is really being discussed is seven parking spaces. We are not talking about flooding 61<sup>st</sup> Street or Bircain Apartments. Mr. Robb said he feels the discussions are way out of proportion. These seven parking spaces will eliminate a very big existing traffic problem on 61<sup>st</sup> Street. Mr. Robb said it is his intention to buy the ground, not to lease it, so it will permanently be attached, which will eliminate any concerns regarding cars cutting through from the car lot and racing through the apartments and the adjoining neighborhoods.

Councilman Evans asked Mr. Robb if it is Mr. Meyers' intent to sell?

Mr. Robb replied, yes, they have reached an agreement.

Mayor Rudi asked for confirmation from Mr. Robb that if the condition is left in the Ordinance requiring the execution of a sales contract for the parking lot, that would not be a problem.

Mr. Robb agreed that would not be a problem.

**There being no further questions or discussion, Mayor Rudi closed the Public Hearing.**



**Item 11. on the Agenda.**      **FIRST READING BILL 05-15**, approving a Site Plan Revision in a CP-3 Zone for property at 6100 North Oak Trafficway.

Councilman Wayne Beer moved to place Bill No. 05-15 on First Reading. Councilman Les Smith seconded.

Councilman Smith asked confirmation from Mayor Rudi that the motion would include all nine of the Staff recommendations.

Mayor Rudi replied that was correct.

Mayor Rudi asked if a tenth recommendation should be added requiring that the engineering be done and whatever construction necessary to take the drainage from the front parking lot to that detention basin.

Councilman Beer said his thoughts are that this be left to the discretion of City staff. They would have a better ability to see the merits of where the water goes once they see the engineering.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 05-15, Waive the Rule and place the Bill on Second and Final Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 05-15 and enact the Bill as **Ordinance 3.953**. Councilman Joe Evans seconded.

Councilman Beer said safety at this intersection has been an issue for a long time, and one of the questions that was raised by many is that the City would be just adding another cut to the intersection. That is really not the case, we are taking a cut out that is near North Oak Trafficway, and replacing it with a new cut some distance away from North Oak, that will provide greater safety at that intersection than is there now. Councilman Beer said safety is one of the paramount things of importance here. Councilman Beer said he believed storm water issues from an engineering standpoint, have been addressed. It has been shown that even with the addition of the new square footage that the runoff at the inlet and outlet of the detention basin provides an improvement over the undisturbed earth before either of these projects started.

Councilman Beer said one of the issues brought up has been the runoff from Northland Auto, and part of that runoff has to do with the fact that it basically seems to be right now

uncontrolled. Part of that uncontrolled condition is because of the fact that there is no vegetation on that ground. Weather conditions have had a significant impact on getting that project completed. There has been some good weather recently whereby the issue has not been adequately addressed by Northland Auto project developers. However, City staff has made some additional renewed efforts to address that issue. Councilman Beer said he believes that once that ground is covered with vegetation, grass and sod, that the issues of uncontrolled runoff and mud are going to be addressed and under control.

Councilman Beer continued by saying the fact that it is an older development, with regards to this particular type of project, is of no concern for the fact the City does not require any other similar development to be totally re-developed. If we have an old property that was compliant with its codes at the time it was built, and is compliant with codes when it has been significantly modified since it was built, then the City has no reason to say they have to tear it down and come back with an all new structure. If the City did that, there would be nothing left of Gladstone. It would be all vacant properties, because nearly everything that is here would be torn down, so this argument is not valid. Councilman Beer said for these reasons, he would be in support of enacting this Bill as Ordinance 3.953.

Roll Call Vote: All "aye" - Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

**Item 12 on the Agenda.** **RESOLUTION R-05-43**, authorizing the City Manager to enter into a Redevelopment Agreement with Terry L. Morgason, Incorporated, for the construction of certain improvements associated with the development of Plaza 57.

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-05-43**, authorizing the City Manager to enter into a Redevelopment Agreement with Terry L. Morgason, Incorporated, for the construction of certain improvements associated with the development of Plaza 57. Councilman Joe Evans seconded.

Councilman Smith asked if Council members ever receive copies of the development or redevelopment agreements before they are approved.

City Manager Davis said typically Staff had not included those in Council's packets, however, it is up to Council's discretion if they would like to receive these prior to considering the action.

Councilman Smith said he would like to see what Council approves, and as a matter of practice have those agreements included with Council's information.

Mayor Pro Tem Bill Cross agreed with Councilman Smith, and said this is a very good idea.

Councilman Smith inquired into the timeline of this project.

Mr. Wingerson replied Dennis Markey, representing the owners, was present at the meeting. Mr. Wingerson said he knows the owner wants to move forward very quickly with this development. Mr. Wingerson said whether two weeks hurts anything, he is not qualified to answer, but certainly if the Council is not comfortable, this is a significant agreement, and Council should take the time to look at it if they desire.

Councilman Smith said as this is the beginning of the construction season and there has been a great deal of discussion regarding this project and they have worked closely with City staff, he was comfortable moving forward now, but from this time forward he would like to see the development agreements.

Mayor Pro Tem Cross said he concurred.

Councilman Beer said he does not share the same concerns as Councilman Smith or Mayor Pro Tem Cross. Councilman Beer stated a redevelopment agreement is a significant document, but there has not been any serious issues in this regard in the past, and he has every confidence in the City Manager that his interests lie with the City of Gladstone and not with his personal interests.

City Manager Davis stated the issues with a development agreement all come up during a Public Hearing. They are all conditions of the Site Plan that Council approves, and are turned into a different type of an agreement. City Manager Davis said he had no problem with bringing these agreements forward, but remember they are conditions that are already discussed by the Council in the Public Hearing.

Councilman Beer said that is why he has no fears with having to see the agreement itself. Everything that is on the agreement is already mandated by Council as it is now, and the City Manager does not have any discretion in changing the Council's mandates.

Councilman Smith stated he did not disagree, but he does not see a downside. It is just another piece of paper, which gives Council an opportunity to read it before they make approval, and if nothing else to refresh Council's memory on what they are doing. Councilman Smith said the City Manager should feel good about the fact that Council has approved something that they have read a couple of days before acting upon it.

Councilman Beer agreed there is no downside, and would not oppose this, but just does not have the same degree of concern as Councilman Smith or Mayor Pro Tem Cross.

Mayor Rudi stated the City Manager has direction that Council would like to see the development agreements in the future.

All "aye" - Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

**Item 13. on the Agenda.**      **APPROVAL OF A BUILDING PERMIT:** for a retail shopping center to be called "Plaza 57", that could incorporate up to 12 tenants, located at 5711 North Antioch Road. Owner: Terry Morgason. Applicant: Rees Masilionis Turley Architects LLC. (BP 05-10000208)

Councilman Les Smith moved to approve a **BUILDING PERMIT:** for a retail shopping center to be called "Plaza 57", that could incorporate up to 12 tenants, located at 5711 North Antioch Road. Owner: Terry Morgason. Applicant: Rees Masilionis Turley Architects LLC. (BP 05-10000208). Councilman Joe Evans seconded.

All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

**Item 14. on the Agenda.**      **FIRST READING BILL 05-16**, repealing Ordinance No. 3.912 (Code Section 29-66(A), (B) (1) and (B) (2), and enacting a new ordinance levying Sewer Service Charges and Commodity Rate Charges in the City of Gladstone, Missouri.

Councilman Wayne Beer moved to place Bill No. 05-16 on First Reading. Councilman Joe Evans seconded.

Councilman Beer commented for purpose of the public in attendance that this sewer rate increase simply reflects the additional rate increase that has been levied upon our City by the City of Kansas City. The City of Kansas City does provide our sewer treatment services by contract. If their rates go up, we need to raise our rates commensurately. This means nothing in terms of increased revenue to the City.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 05-16, Waive the Rule and place the Bill on Second and Final Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 05-16 and enact the Bill as **Ordinance 3.954**. Councilman Joe Evans seconded.

Roll Call Vote: All "aye" - Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

**Item 15. on the Agenda.**      **OTHER BUSINESS.**

There was no other business.

**Item 16. on the Agenda.**

**QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

**Item 17. on the Agenda.**

**ADJOURNMENT**

Mayor Rudi stated it was originally scheduled to go into Closed Session, but that has been postponed, and as there was no further business to come before the April 25, 2005, Gladstone City Council Meeting, Mayor Carol Rudi adjourned the Regular Meeting.

Respectfully submitted:

Cathy Swenson  
Cathy Swenson, City Clerk

Approved as submitted: ✓

Approved as corrected/amended:       

Carol A. Rudi  
Mayor Carol Rudi



**PUBLIC NOTICE**

**GLADSTONE CITY COUNCIL**

**CLOSED EXECUTIVE SESSION**

**WEDNESDAY, APRIL 27, 2005**

**TIME: STARTING AT 5:00 PM**

**LOCATION: CITY MANAGER'S OFFICE**

The Gladstone City Council will meet in Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel.

Representatives of the News Media may obtain copies of this notice by contacting:

City Clerk Cathy Swenson  
7010 N Holmes  
Gladstone, MO 64118  
436-2200, Extension 3102



**MINUTES  
SPECIAL CITY COUNCIL MEETING  
FOR PURPOSES OF ADJOURNING TO A CLOSED EXECUTIVE SESSION  
GLADSTONE, MISSOURI**

**WEDNESDAY, APRIL 27, 2005**

**PRESENT:** Mayor Carol Rudi  
Councilman Wayne Beer  
Councilman Joe Evans  
  
City Clerk Cathy Swenson

Mayor Carol Rudi opened the Special City Council Meeting for the purpose of adjourning to a Closed Executive Session on April 27, 2005, at 5:00 PM in the Gladstone City Council Chambers.

Councilman Joe Evans 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. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Mayor Carol Rudi. (3-0). Mayor Pro Tem Bill Cross and Councilman Les Smith did not vote, but were present for the Closed Executive Session.

Respectfully submitted:

Cathy Swenson  
Cathy Swenson, City Clerk

Approved as submitted: ✓

Approved as corrected/amended:     

Carol A. Rudi  
Mayor Carol Rudi



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MAY 9, 2005**

**OPEN STUDY SESSION: 6:00 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will hold a Closed Executive Session immediately following 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 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(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 357, Den 7, sponsored by St. Luke's Presbyterian Church.
4. Approval of Regular April 25, 2005, City Council Meeting Minutes.
- 4a. **PROCLAMATION:** designating the week of May 15<sup>th</sup>-21<sup>st</sup>, 2005, as "National Public Works Week" in Gladstone, Missouri, as sponsored by The American Public Works Association.
- 4b. **PROCLAMATION:** recognizing Boy Scout Troop 180, sponsored by St. Charles Borromeo Church, on their 50<sup>th</sup> Anniversary and congratulating them on their service to youth in the Northland.

**REGULAR AGENDA**

5. **RESOLUTION R-05-44,** authorizing execution of a contract with Bridges Land Surveying Services, LLC., in the total amount not to exceed \$33,800.00 for the Mill and Old Pike Creeks Sanitary Sewer Improvement Survey. Project 054091.
6. Communications from the Audience.
7. Communications from the City Council.



8. Communications from the City Manager.
9. **FIRST READING BILL 05-17**, amending Ordinance No. 3.807 restricting certain vision reducing materials for motor vehicle windows pursuant to Section 307.173 of the Revised Statutes of Missouri.
10. **FIRST READING BILL 05-18**, amending Ordinance No. 2.542 prohibiting the crime of stealing within the City of Gladstone.
11. Other Business.
12. Questions from the News Media.
13. Adjournment.



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

**MONDAY MAY 9, 2005**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Les Smith  
Councilman Wayne Beer  
Councilman Joe Evans  
  
City Manager Kirk Davis  
City Counselor David Ramsay  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

Mayor Carol Rudi opened the Regular May 9, 2005, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

Mayor Carol Rudi introduced Den 7 of Cub Scout Pack #357, sponsored by St. Luke's Presbyterian Church, who presented the Color Guard and led the Pledge of Allegiance, in which all joined.

Mayor Rudi asked Den leader Steve Ng to introduce the members of Den 7. Mr. Ng introduced the Cub Scouts in attendance as follows: Chris Beaubien, Jared Bland, Jackson Giebler, Kyle Williams, Matthew Ng, Franke Ferro, Jacob Lohmeyer, and Jacob Bullin. Mr. Ng thanked the Mayor and City Council for allowing Den 7 to participate in this evening's meeting.

Mayor Rudi thanked Mr. Ng and the members of Den 7.

**Item 4. on the Agenda.**      **APPROVAL OF THE REGULAR APRIL 25, 2005 CITY COUNCIL MEETING MINUTES AND THE MINUTES OF THE APRIL 27, 2005 SPECIAL CITY COUNCIL MEETING FOR PURPOSES OF ADJOURNING TO A CLOSED EXECUTIVE SESSION.**

Mayor Pro Tem Bill Cross moved to approve the April 25, 2005 Regular City Council Meeting Minutes and the April 27, 2005, Special City Council Meeting Minutes as presented. Councilman Joe Evans seconded the motion.

Councilman Les Smith stated neither he nor Councilman Cross were in attendance at the April 27, 2005 Special City Council meeting, and as the motion is for both the April 25, 2005, and April 27, 2005 City Council Meeting Minutes, he would be abstaining from the vote.

Mayor Pro Tem Cross stated he would also abstain from the vote.

The vote: "Aye" – Councilman Joe Evans, Councilman Wayne Beer, Mayor Carol Rudi.  
"Abstain" – Councilman Les Smith, Mayor Pro Tem Bill Cross. (3-0-2)

**Item 4a. on the Agenda.**      Mayor Carol Rudi read a **PROCLAMATION** designating the week of May 15<sup>th</sup>-21<sup>st</sup>, 2005, as "**National Public Works Week**" in Gladstone, Missouri. Sponsored by The American Public Works Association. Public Works Director Chuck Williams accepted and thanked Council members for the proclamation, and said he accepted the proclamation on behalf of all the staff members within the Public Works Department. Mr. Williams said that although the Public Works staff does serve the community, they do not serve the community without a lot of support from the citizens, through their input, and from all the Departments within the City's organization.

**Item 4b. on the Agenda.**      Mayor Carol Rudi read a **PROCLAMATION** recognizing **Boy Scout Troop 180 and Cub Scout Pack 180**, sponsored by St. Charles Borromeo Church, on their 50<sup>th</sup> Anniversary and congratulating them on their service to youth in the Northland. Mr. Mike O'Neil accepted the proclamation, and offered thanks to the City of Gladstone and all the residents, as well as City Council members and Mayor Carol Rudi, for the opportunities Troop 180 has had in the past 50 years to provide service to the community. Service to the community is one of the founding ideals of Scouting. Scout projects have been performed in Gladstone parks and other areas in Gladstone.

Mr. O'Neil stated he wished to thank all citizens and the leaders of Gladstone for the great cooperation Troop 180 has had from the community. Mr. O'Neil said receiving this proclamation is a highlight for the Troop, as they receive few recognitions outside of the Scouting community. Mr. O'Neil stated Mayor Rudi would be presenting this proclamation to Troop 180 at a celebration dinner on Saturday at St. Charles Parish.

## **REGULAR AGENDA**

**Item 5. on the Agenda.**      **RESOLUTION R-05-44**, authorizing execution of a contract with Bridges Land Surveying Services, LLC., in the total amount not to exceed \$33,800.00 for the Mill and Old Pike Creeks Sanitary Sewer Improvement Survey. Project 054091.

Mayor Pro Tem Bill Cross moved to approve **RESOLUTION R-05-44**, authorizing execution of a contract with Bridges Land Surveying Services, LLC., in the total amount not to exceed \$33,800.00 for the Mill and Old Pike Creeks Sanitary Sewer Improvement Survey. Project 054091. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0).

## **Item 6. on the Agenda.**      **COMMUNICATIONS FROM THE AUDIENCE**

Anne Alexander, 6767 North Askew Circle, stated she came to the meeting to publicly thank the City Council, Public Safety Director Bill Adamo, and all City staff for the courtesy of the Public Safety units. Two weeks ago there were three police cars in her cul-de-sac, and when she went outside to investigate, the officers were very courteous. The officers had received a call from the neighbor of an 89-year-old woman. The neighbor, who usually puts the woman's trash out, had not recently seen her. By going through the neighbor's deck, the Public Safety Department staff could see the woman lying on the floor. In addition to the three police cars, an ambulance and a fire truck arrived. They were able to get the woman to a hospital. The courtesy with which all the neighbors were treated was great and so appreciated. The woman, who has no family and no one to care for her, has gone from North Kansas City Hospital to a care facility. Ms. Alexander said she was also grateful to the neighbor who phoned for assistance. Ms. Alexander continued by saying that having read about the recent school bus accident, she realizes how fortunate we are to have the combined Public Safety services, and we are in good hands in Gladstone.

## **Item 7. on the Agenda.**      **COMMUNICATIONS FROM THE CITY COUNCIL**

**Councilman Joe Evans** stated he had the opportunity to represent the City at the Opening Day of the A.J. Wilson little league baseball park on April 30<sup>th</sup>. Councilman Evans said he read a proclamation from the City. The event was well attended and everyone was very appreciative of our City's interest in North Kansas City Area (NKCA) Baseball. Councilman Evans said he was given a baseball to present to City Manager Davis. Councilman Evans continued by saying Ed Kamler, Lindy Evans, and Kansas City Councilman Ed Ford asked why NKCA Baseball was not playing on our City park fields. Councilman Evans asked Parks and Recreation Director Sheila Lillis to respond to this question.

Parks and Recreation Director Lillis stated the City has eight fields within the City limits. Currently five fields are used for the adult softball program. Two fields located at Central Park, and one field at Flora Park are being used through the Clay County Rotational Softball program, which is a long standing program. Baseball teams are allowed to rent fields on an individual basis, and there are two teams currently using fields on Sundays, from 1:00 to 3:00 PM.

**Councilman Les Smith** noted that former Mayor Larry Whitton, who is an adjoining property owner at 72<sup>nd</sup> and Broadway, was in the audience. Councilman Smith said he was pleased they now have their island. The island at 72<sup>nd</sup> and Broadway looks just fabulous, thanks to the combined efforts of the Parks and Recreation Department and the Public Works Department, through Director Chuck Williams and Director Sheila Lillis. The island has been cleaned and an irrigation system installed. Beth Houlihan and Margaret Sammon placed some plantings in the island, and it now makes a much nicer gateway into our community.

Councilman Smith stated he knows that City Manager Davis has been trying to make customer service a priority in the City, and in the short time that Public Works Director Chuck Williams has been with the City, he has taken care of two items. One issue was concerning a citizen, Oletha Penn, who felt she was not being treated fairly by her insurance adjustor. Another issue was concerning a citizen, Buddy Wilk, who had a place in his yard that was torn up during a water main project. Mr. Williams addressed both of these issues, and both citizens have phoned Councilman Smith, expressing their appreciation. Councilman Smith thanked Mr. Williams and City Manager Davis, and expressed his hope for the continued success in getting the excellent customer service culture developed throughout the City organization. It is already prevalent in the organization, but Mr. Williams responded quickly and took care of these issues and the citizens, and that is appreciated.

Councilman Smith stated when the City recently replaced copiers, the old copiers were sold at the City auction for \$100 to \$125 a piece. Councilman Smith inquired into the required process the City must follow to sell used equipment or if there are other methods by which the City may dispose of used equipment. Councilman Smith said one copier was resold for nearly \$5,000.

City Manager Davis replied he would like to have some time to check the records to more accurately provide an answer to this question. The City declares equipment and items as surplus and then sells them at a City auction. The other way the City disposes of used equipment and vehicles is through trade-ins. City Manager Davis said it was his impression, based on conversations with former Finance Director Sweiven, that the copier companies did not want the old copiers in terms of any trade-ins on leases or purchases of the new equipment. It is assumed that was based on the equipment condition. City Manager Davis said he was very surprised at the numbers Councilman Smith mentioned.

Councilman Smith stated one copier that sold for \$125 had nearly five reams of paper still in the paper bin. Councilman Smith said he hesitated to bring this up at a public meeting, but he has meant to ask about this for two months. Councilman Smith continued by saying a man has been offered nearly \$2,000 for another copier. Councilman Smith said he wondered if we are allowed by law to sell items outright or go some other direction. However, if an auction is the only way the City may dispose of equipment that is not traded in, then our hands are tied.

City Manager Davis reported that the City was having difficulty getting parts for the old copiers, and some of them were not serviceable anymore. City Manager said he would like some time to investigate this a little further.

Councilman Smith said this was the information given to him by another party, but he has no reason to believe it is not accurate.

**Councilman Wayne Beer** had no comments at this time.

**Mayor Pro Tem Bill Cross** stated he lives in Carriage Hill, and the work Public Works Director Chuck Williams has done in this area has made the area more attractive. Councilman Cross reported Carriage Hill neighbors had a large garage sale over the weekend, and numerous law enforcement officers came through the area on their patrols, which was appreciated. On behalf of the Board members of Carriage Hill, Councilman Cross thanked Public Safety Director Adamo and his staff.

**Mayor Carol Rudi** noted there were Boy Scouts in the audience, and asked them to introduce themselves.

Shawn Irwin stated he attends Antioch Middle School, and is in Boy Scout Troop 180, which is sponsored by St. Charles Borromeo Church.

Branden Winebrenner stated he attends Maple Park Middle School, and is in Boy Scout Troop 180, which meets at St. Charles Borromeo Church.

Don Edmunds, stated he attends Barry Middle School, and is in Boy Scout Troop 288, which meets at Englewood Presbyterian Church.

Mayor Rudi thanked the Scouts and said Council members are always glad to see Scouts in attendance at City Council meetings.

Mayor Rudi informed the audience that the Public Safety open house and ribbon cutting has been postponed and will not be held on May 14, 2005. Notices will go out when the date is rescheduled.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER**

City Manager Kirk Davis stated a Finance Director has been hired, whose name is Deborah Daily. Ms. Daily comes from the City of Manhattan, Kansas, and comes to our City with a great deal of experience. Ms. Daily went through the assessment process, which involved members of our community, City Council, and employees, and did a fine job. Mr. Davis stated Staff is looking forward to her arrival, which should be the middle of June.

City Manager Davis reported 1,330 vehicles were counted on Beautification Weekend, April 30<sup>th</sup> through May 1<sup>st</sup>, with many people taking part in this program. Brush disposal was last weekend, with over 1,700 vehicles counted that used the Public Works drop-off site. Mr. Davis said he was very pleased with the citizen participation in these programs.

Councilman Evans asked if there would be a follow-up brush disposal event, as was done last year.

Public Works Director Chuck Williams stated he was agreeable with having a Fall Brush Disposal event. In fact the brush that is on site now will not be disposed until after the fall drop-off event. Mr. Williams said it was his understanding that last year's Fall Brush Disposal involved a minimal charge to the citizens.

Councilman Evans agreed that was correct.

Director Williams stated the cost to the citizens for the additional Fall Brush Disposal may be determined by City Council members at a later date.

**Item 9. on the Agenda.**

**FIRST READING BILL 05-17, amending Ordinance No. 3.807 restricting certain vision reducing materials for motor vehicle windows pursuant to Section 307.173 of the Revised Statutes of Missouri.**

Councilman Joe Evans moved to place Bill 05-17 on First Reading. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the First Reading of Bill 05-17, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the Second and Final Reading of Bill 05-17 and enact the Bill as **Ordinance 3.955**. Mayor Pro Tem Bill Cross seconded.

Councilman Smith asked if there are ramifications for those people who took advantage of the typographical error in the State Statute, and exceeded the 35 percent of luminous reflectance.

City Counselor David Ramsay stated that since the State law for one year was that one could have luminous reflectance that was "more than" instead of "less than" 35 percent, he believes if someone could prove that during that particular time period their tinting was applied, they would probably be exempt. Mr. Ramsay stated the Public Safety Department requested the Ordinance be amended so citations could be issued for violations.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

**Item 10. on the Agenda.** **FIRST READING BILL 05-18**, amending Ordinance No. 2.542 prohibiting the crime of stealing within the City of Gladstone.

Councilman Wayne moved to place Bill 05-18 on First Reading. Councilman Les Smith seconded.

Mayor Rudi asked Counselor Ramsay to explain why Council is now approving a Bill which makes stealing illegal.

Counselor Ramsay stated the current Ordinance makes the crime prosecutable in our Municipal Court if the value of property taken is less than \$150. State Statutes have revised that level of stealing, and it is now applied to any property in value of less than \$500. This Bill increases the value of the property stolen for the purposes of prosecution in our Municipal Court, rather than having to go to State Court.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 05-18, Waive the Rule and place the Bill on Second and Final Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 05-18 and enact the Bill as **Ordinance 3.956**. Councilman Les Smith seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).



**Item 11. on the Agenda.      OTHER BUSINESS.**

Mayor Pro Tem Bill Cross stated it has come to the Council's attention that there are Board vacancies that need to be filled, and after reviewing the list of interested citizens, Council believes there are candidates that will do a good job in filling the vacancies.

Mayor Pro Tem Bill Cross moved to appoint the following people to Boards and Commission vacancies as listed:

**Industrial Development Authority**  
Allen Dillingham

**Board of Zoning Adjustment**  
Robert Settich, with a term to expire in June 2005.  
Charles Carmack, Alternate  
Leroy Gunselman, Alternate  
Staci Hagen, moved from an Alternate to a regular term expiring June 2005.

Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

**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 May 9, 2005, Gladstone City Council Meeting, Mayor Carol Rudi adjourned the Regular Meeting.

Councilman Les Smith 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, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Councilman Joe Evans seconded the motion.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

Respectfully submitted:

Cathy Swenson  
Cathy Swenson, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

Carol A. Rudi

Mayor Carol Rudi



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MAY 23, 2005**

**OPEN STUDY SESSION: 6:30 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will hold a Closed Executive Session immediately following 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 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(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 354, sponsored by Meadowbrook United Methodist Church.
4. **Approval of Regular May 9, 2005 City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-05-45**, accepting Temporary Construction Easements, Permanent Easements, and a Quit-Claim Deed from certain property owners in conjunction with the Northeast 76<sup>th</sup> Street Improvements, North Troost to North Lydia. Project 055014.

**APPROVAL OF PARK FESTIVAL USE PERMITS** for the 9th Annual Gladstone Summertime Bluesfest in Oak Grove Park, 76th & North Troost, Friday and Saturday, June 10-11, 2005, and the 26th Annual Gladfest Celebration on Friday, Saturday and Sunday, September 30-October 2, 2005 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 10-11, 2005, Managing Officer: Amy Harlin; and Gladfest Celebration in Gladstone Central Park, 69th & N Holmes, (3-day license), September 30-October 2, 2005. Managing Officer: Amy Harlin.

**APPROVAL OF FINANCIAL REPORT FOR APRIL 2005.**

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **PUBLIC HEARING:** on the proposed 2005-2006 Annual Operating Budget for the City of Gladstone, Missouri.
10. **FIRST READING BILL 05-19**, approving the Final Plat of "Gladstone Nissan", a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said plat for recording.
11. **FIRST READING BILL 05-20**, amending Ordinance No. 3.809 concerning the registration of kegs containing beer, wine, or intoxicating liquor within the City of Gladstone.
12. **Other Business.**
13. **Questions from the News Media.**
14. **Adjournment.**



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

**MONDAY MAY 23, 2005**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Les Smith  
Councilman Wayne Beer  
Councilman Joe Evans

City Manager Kirk Davis  
City Counselor David Ramsay  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

Mayor Carol Rudi opened the Regular May 23, 2005, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

Mayor Carol Rudi introduced Boy Scout Troop 354, sponsored by Meadowbrook United Methodist Church, who presented the Color Guard and led the Pledge of Allegiance, in which all joined.

Mayor Rudi asked Troop Leader Doug Martin to introduce the Scouts present from Troop 354 and to include the name of the schools they attend. Mr. Martin introduced the Boy Scouts in attendance as follows: Andrew Martin, Antioch Middle School; Cameron Reimenschnider, Liberty Junior High School; Eric Walsh, New Mark Middle School; Taylor Walsh, New Mark Middle School; Parker Christian, Oak Park High School; and Curson Light, Antioch Middle School.

Mayor Rudi thanked Mr. Martin and the members of Boy Scout Troop 354.

Mayor Rudi recognized Boy Scout Troop 270, sponsored by Holy Cross Lutheran Church, who were in attendance, and asked them to introduce themselves. Scouts from Boy Scout Troop 270 were: John Paterini, Holy Cross; Mitchell Creagh, Holy Cross; Andrew Timm, Holy Cross; Michael Bahl, St. Charles; and Henry Creagh, Scout Master.

Mayor Rudi thanked all Scouts for attending the meeting and suggested if they have any questions about the meeting to visit with City staff or Council members.

**Item 4. on the Agenda.**      **APPROVAL OF THE REGULAR MAY 9, 2005 CITY COUNCIL MEETING MINUTES.**

Councilman Wayne Beer moved to approve the May 9, 2005 Regular City Council Meeting Minutes as presented. Councilman Joe Evans seconded the motion.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

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

**CONSENT AGENDA DETAIL**

Mayor Pro Tem Bill Cross moved to accept the Consent Agenda as presented. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-05-45**, accepting Temporary Construction Easements, Permanent Easements, and a Quit-Claim Deed from certain property owners in conjunction with the Northeast 76<sup>th</sup> Street Improvements, North Troost to North Lydia. Project 055014. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to approve the **PARK FESTIVAL USE PERMITS** for the **9th Annual Gladstone Summertime Bluesfest** in Oak Grove Park, 76th & North Troost, Friday and Saturday, June 10-11, 2005, and the **26th Annual Gladfest Celebration** on Friday, Saturday and Sunday, September 30-October 2, 2005 in Gladstone Central Park, 69th & N. Holmes under the sponsorship of the Gladstone Area Chamber of Commerce and City of Gladstone. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to approve a **BEER LICENSE** for **Gladstone Summertime Bluesfest** in Oak Grove Park, 76th & North Troost, (2-day license), June 10-

11, 2005, Managing Officer: Amy Harlin; and **Gladfest Celebration** in Gladstone Central Park, 69th & N Holmes, (3-day license), September 30-October 2, 2005. Managing Officer: Amy Harlin. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to approve the **FINANCIAL REPORT** for April 2005. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE**

Sharon Zdany, 2905 NE 56<sup>th</sup> Terrace, stated she was representing all the neighbors on Northeast 56<sup>th</sup> Terrace, who have an extreme problem with speeders up and down their road. Ms. Zdany said they have contacted the police numerous times, and has been no help at all. People have said they have seen cars traveling up to 70 miles per hour in the 25 miles per hour zone. The neighbors believe installing sidewalks on their street would improve the problems for most of them, as many have children. Ms. Zdany stated they know there has been a recent tax increase for sidewalks, and she would like her street to be one of the major ones considered due to the problem with the speeders. Police patrol would also be very helpful. The police are aware of the problem, as they have told one of the neighbors to remove her car from the street due to the problem with the speeders.

Ms. Zdany continued by saying her street is very hilly and it is dangerous for anyone to walk in the street. There are some teenage girls who walk with their sisters' babies, and she is terrified a car will hit them. Ms. Zdany stated she had a two and one half page petition, signed by the neighbors stating that they do want sidewalks due to the tax increase. Ms. Zdany said she talked to someone who does the sidewalks and the first time she spoke with them, they said it would not be done in her lifetime. The next time she talked to them, they said due to the road not having curbs and so forth, sidewalks would not be installed within the next five to six years. Ms. Zdany stated she felt this is unacceptable, and if they lived on the road and realized how dangerous it is, they would change their minds. Ms. Zdany said she did not realize there were children in the neighborhood until she took the petition around and found there were children in the neighborhood who could not even go in their front yard, and they have no place to play.

Ms. Zdany stated when she was young her mother would say not to pass the sidewalk. That was a perfect border to keep children away from the road. She and her neighbors do not have this. Some children in the neighborhood are not allowed bicycles, as there is no place to ride them. If they ride their bikes on the road, they are bound to be hit by a car, due to the hills and the way people speed. Ms. Zdany said she does not feel it is acceptable to wait any longer to have sidewalks installed in her neighborhood. There at

least needs to be a policeman sitting in someone's driveway, clocking the speeders to see how fast they are going.

Councilman Les Smith asked Ms. Zdanyis if she would allow a traffic trailer that clocks vehicles' speeds to be placed in her front yard.

Ms. Zdanyis replied yes, that would be more than welcome. Ms. Zdanyis stated she had tried to help the situation by suggesting a sign that says "Children Walking in Roadway", but she was told, as the road is not near a school or a park, they could not do that.

Mayor Rudi explained a tax increase was passed, and one of the items to be provided with the increase is sidewalks, along with curbs, gutters, streetlights, and a number of improvements. There is in place a plan and schedule as to how to address these improvements. Mayor Rudi asked Assistant City Manager Wingerson to visit with Ms. Zdanyis to discuss the schedule and why the schedule is planned as it is. Mayor Rudi stated she did not know who visited with Ms. Zdanyis, but hopefully they are not with the City any longer, and there is a new Director of Public Works.

Mayor Rudi stated the speeding does need to be addressed and Director of Public Safety Bill Adamo will address that issue, and the traffic trailer will be delivered to this area.

Ms. Zdanyis gave the signed petition to Mayor Rudi.

Mayor Rudi stated she had been told that legally one could not ride a bicycle on the sidewalks, but they must be in the street, and asked for confirmation from City Counselor David Ramsay.

Mr. Ramsay stated there is no City Ordinance to that effect.

Mayor Rudi asked Mr. Wingerson to check on the signage regarding children in the neighborhood. Mayor Rudi asked Ms. Zdanyis if the issues she suggested would help.

Ms. Zdanyis replied, hopefully, it will.

Councilman Smith stated a gentleman named Reggie Roselle wrote a letter to the City in the last six or seven months inquiring about improvements to this street. Councilman Smith said he uses this street because he lives at the end of it, and he believes there are "No Parking" signs on the north side of this street. The signs are sparse; perhaps Staff could look into this to make certain the street is properly signed. There is a reoccurring violation in front of one of the residences not far from Ms. Zdanyis's house. A neighbor parks in the street right underneath a "No Parking" sign. Perhaps more intense patrol would solve that problem, as well. Councilman Smith stated this is a horrendous street and one of the worst in the City, but he does not know how it falls in the priority list because there are many streets in the City to address. Councilman Smith stated everything Ms. Zdanyis said is correct.



**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL**

**Councilman Joe Evans** had no comments at this time.

**Councilman Wayne Beer** had no comments at this time.

**Councilman Les Smith** had no comments at this time.

**Mayor Pro Tem Bill Cross** pointed out there was a school Principal in attendance at the Council meeting, and stated that several Councilmen attended the D.A.R.E (Drug Abuse Resistance Education) program at Chapel Hill Elementary School. Council members do this each year and he is thankful the City has a law enforcement officer that goes to several schools. Many of the districts have eliminated their D.A.R.E. officers, and Gladstone still has them. Council also went to Linden West Elementary School. Councilman Cross stated he will speak on Wednesday to 8th Grade history and government classes at New Mark Middle School, and asked the students in the audience to introduce themselves if he speaks to their class.

**Mayor Carol Rudi** stated she wished to clarify some Board of Zoning Adjustment appointments from the last meeting. People were appointed as Alternates, but their alternate numbers were not assigned. They are as follows:

<b>Jerry Menefee</b>	<b>1<sup>st</sup> Alternate</b>
<b>Charles Carmack</b>	<b>2<sup>nd</sup> Alternate</b>
<b>Leroy Gunselman</b>	<b>3<sup>rd</sup> Alternate</b>

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER**

City Manager Kirk Davis reported Katie Porter, the City's Assistant Prosecutor, has submitted her resignation, and the process will begin to fill that position. The City-wide garage sale event is scheduled for June 10<sup>th</sup> in conjunction with the Blues Festival. June 10<sup>th</sup>-11<sup>th</sup> will be a big weekend in the City.

City Manager Davis stated Staff would address the concerns of Ms. Zdanys to the best of their ability. Public Works Director Chuck Williams has visited with her. The sidewalk, curb and gutter, storm water, and the street improvements are related issues, which makes that project extremely expensive. However, an alternative will be investigated, and Staff will address it to the best of their ability.

**Item 9. on the Agenda.**

**PUBLIC HEARING** on the proposed 2005-2006 Annual Operating Budget for the City of Gladstone, Missouri.

**Mayor Carol Rudi** opened the Public Hearing.

City Manager Davis stated he was pleased to present to the City Council the City's 2005-2006 budget. It has been a long process, which began in February. The budget will cover the July 1<sup>st</sup> through June 30<sup>th</sup> Fiscal Year. This has been an exciting process. The City of Gladstone has experienced some unprecedented successes this past year, which have impacted this budget, and created several milestones that are included in the 2005-2006 document. Highlighting the successes is the Gladstone on the Move Strategic Planning Process that culminated in a successful campaign for a new community center and the first property tax increase in 52 years, which will fund several initiatives, including an expanded ambulance service.

The Community Center and pool improvement project will be funded by a sales tax approved in February that will commence in July 2006. The City intends to begin the process to design these facilities this fall. The \$.39 Property Tax increase will fund another ambulance in this budget as well as six firefighter/paramedics, the initial phases of a new comprehensive plan, 40 new streetlights, new sidewalks, an enhanced public transportation service, and several neighborhood initiatives.

These improvements, combined with the ongoing economic development initiatives, make for a very exciting time for our community. City Manager Davis said he looks forward to discussing progress toward the redevelopment of Gladstone Plaza with the Council later this summer. City Manager Davis stated he looks forward to discussing our City Center plans later this summer, and looks forward to the further redevelopment of our commercial corridors in several other locations.

City Manager Davis said these exciting improvements will provide the economic foundation for our community this year and many years beyond. Despite the economic downturn we have experienced since 2001, the City of Gladstone has managed to continue to provide services, avoid layoffs, and establish sound financial management techniques that have stabilized the economic operation of our organization. The Gladstone on the Move initiative, the economic development objectives before us, and the recent number of reinvestment applications that have come before us make our financial future much brighter. The City has been very dependent upon sales tax in funding our operation. We have talked about the need to be more economically diverse. The Gladstone on the Move property tax success has helped in this regard. The property tax in this budget is 21 percent of our overall revenue picture, as compared to last year when it was 13 percent. Despite these trends, we must continue to be vigilant, economically prudent, and opportunistic. Sales tax revenue is once again not expected to increase. We are still receiving the same sales tax revenue, which is our largest revenue, which was received in 1999. Cumulatively, we have lost over \$1 million since 2001.

This budget not only includes the revenues from the Gladstone on the Move initiative, it includes the programming objectives relative to those revenues. This budget also addresses Council goals and objectives from last year, and this budget completes the Fire Staffing Study that was authored in 2000 and 2001.

City Manager Davis reported the 2005-2006 Budget reflects total revenues in the amount of \$14,122,117 and total expenditures of \$14,016,311 in the General Fund. This represents a 4 percent increase in the budget and is primarily representative of the Gladstone on the Move initiatives.

Highlighting the General Fund expenditures are the previously mentioned strategic planning objectives, new personnel, new supplemental expenditures, and insurance increases. This is the first time in four years that some personnel needs have been able to be addressed. The Capital Equipment Replacement Fund is being utilized to purchase all of the capital equipment items, such as vehicles, motorcycles, a sweeper, and a mower, and subsidize the overall General Fund by approximately \$50,000. A highlight of the proposed General Fund expenditures is as follows:

- A new ambulance - \$150,000
- New supplies and equipment for the ambulance - \$150,000
- New sidewalks - \$50,000
- New streetlights and streetlight funding - \$100,000
- Neighborhood services - \$55,000
- A Comprehensive Plan - \$100,000
- Public transportation services - \$50,000
- Seven new firefighter/emergency medical service personnel - \$350,000
- One new Parks Division employee - \$50,000
- One new Public Works employee - \$50,000
- A 3 percent raise pool - approximately \$160,000
- \$180,000 increase for group health benefits.
- Property and Casualty Insurance increase - \$104,000
- Technology and computer replacements - \$30,000
- Four Patrol vehicles - \$78,000. City Manager Davis said this is the first time since 2001 this objective has been met.
- Two motorcycles - \$27,840
- Street sweeper - \$35,000 for the first of a five-year lease purchase.
- A 72-inch front deck mower for Parks - \$17,000
- Repair and replace stucco in front of City Hall - \$15,000
- Atkins Johnson historic site - \$35,000

City Manager Davis continued by saying, in addition to the General Fund, the City of Gladstone has two Enterprise Funds and a Capital Improvement Program. The first Enterprise fund Mr. Davis discussed was the Combined Water and Sewer Fund. This fund had a very difficult year due to the cool and wet conditions we experienced last fiscal year. If we take the five-year average production estimates, the City will sell 881 million gallons of water this year. This revenue will generate \$5,931,616. This revenue estimate includes a \$.10 per thousand-gallon rate increase, and a service charge increase of \$1.54 bimonthly. The City established a policy to review our rate structure every other year and that cycle is this year. The rate increase will generate \$85,000 annually; however, the rate increase will

take effect in January, therefore generating approximately \$40,000 for this budget. The rate increase will be invested in a water plant equipment replacement program that will allow the City to more effectively maintain the plant and its equipment. There was a bond issue several years ago and about \$2.5 million in improvements were done at the plant. This rate increase will help in maintaining the equipment and make the expenditures in a more timely fashion. The service charge will generate approximately \$45,000 annually and will allow the City to keep pace with administrative costs in operating the system.

Proposed expenses in the Water Fund are \$5,913,717. The proposed operating expenses increased \$94,852 based primarily on a \$75,520 expected increase in sewer treatment charges, which is a pass-through to Kansas City, based on what they charge us. Other highlighted expenditures proposed in this budget are:

- \$165,500 for the replacement of 2 inch water lines
- \$55,000 for electrical upgrades at wells 4 and 5
- \$100,000 for repair of bearings at the east and west secondary basins
- No personnel additions are recommended for appropriation

City Manager Davis stated the second Enterprise Fund is the Municipal Pool. The 2006 Budget projects \$180,815 in revenues and \$180,600 in expenditures. No capital expenditures are reflected; however, the City anticipates beginning the design process later this summer for strategic planning improvements at the pool, which will be approximately \$1 million in improvements to the pool, including slides and so forth, which will make an attractive facility.

The City has a very aggressive Capital Improvement Plan. The proposed plan covers two funds, the Capital Improvement Sales Tax Fund (CIST) and the Transportation Sales Tax Fund (TST). The proposed revenue projections are flat for both funds. In the CIST, total revenues equal \$1,720,000. Debt requirements for Fiscal Year 2006 are \$1,254,000. Highlighting the CIST plan for Fiscal Year 2006 are:

- Storm water improvements at the 2200 block of 67<sup>th</sup> Street - \$80,000
- 73<sup>rd</sup> Terrace - \$90,000
- Meadowlane Townhomes design - \$25,000
- Wayne at Shady Lane design - \$20,000
- Happy Rock Softball Complex playground - \$60,000
- Trail replacement at Oak Grove Park - \$50,000
- Building improvements at Station 2 - \$90,000

City Manager Davis continued by saying that revenues in the Transportation Sales Tax Fund are also not projected to grow. Sales tax revenues for both funds continue to be projected at \$1,625,000 each. Highlighting the TST capital projects are:

- Street Maintenance Program - \$565,000 (the overlay program)

- Intermediate maintenance - \$200,000 (crack sealing and so forth)
- New curb, gutter, and sidewalk program - \$150,000
- ADA curb cut sidewalks - \$100,000
- Arterial sidewalk program - \$150,000
- Kendallwood at M1 - \$100,000
- Operation Green Light signal upgrades - \$70,000
- NW 61<sup>st</sup> Terrace, Main to Wyandotte - \$325,000

City Manager Davis said there is a lot of information contained in Council members' packets and budget books, and he would not go into all the details of the budget. Total funds are approximately \$25 million. City Manager Davis said this completes his presentation of the Fiscal Year 2005-2006 Budget for the Public Hearing. It is anticipated that the necessary Ordinances to adopt the budget will be on the June 13<sup>th</sup> City Council meeting agenda. Mr. Davis thanked the City Council for spending their time reviewing and discussing the budget during the two work sessions prior to this evening. Mr. Davis thanked the departments and their Directors for spending time to prepare and analyze each of the submitted budgets. Mr. Davis also thanked the Budget Team for spending the necessary hours to review and prepare the budget for presentation. These folks included Financial Analyst Beth Saluzzi, Human Resources Administrator Charlene Leslie, and Assistant City Manager Scott Wingerson. Mr. Davis offered to answer any questions City Council members might have.

Mayor Rudi directed her comment to the young people in the audience by saying that one of the things being purchased in part in this budget will be a street sweeper for \$175,000 total. The reason there is a need for this equipment is that people throw their trash out as they drive along the road. The biggest thing that is thrown out is cigarette butts. Mayor Rudi said she hoped none of the young people in the audience will smoke cigarettes and need to dump them out, and hopefully they will not have friends or relatives who do that. Another thing that is a problem is leaves and grass clippings, because people blow those out into the street or mow so they go into the street. If people took care of the area right in front of their homes or business, this might be an expenditure that could be used in the parks, the Municipal Pool, the Community Center, or as the resident mentioned earlier, sidewalks. Although \$175,000 in this budget is not a huge amount, it is a big amount. Mayor Rudi stated that help is needed from the citizens to keep the budget in control and keep it balanced.

**There were no comments from the audience.**

Councilman Wayne Beer stated for the benefit of the audience, that although Council has made few comments regarding the City's budget this evening, it is not because they are not interested in the budget, but it is because they have had a number of work sessions where they had a lot of discussion and questioning. All of the discussion and questioning has been completed up to this point.

**Mayor Rudi closed the Public Hearing.**

**Item 10. on the Agenda.** **FIRST READING BILL 05-19**, approving the Final Plat of "Gladstone Nissan", a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said plat for recording.

Councilman Wayne Beer moved to place Bill 05-19 on First Reading. Councilman Bill Cross seconded.

Councilman Joe Evans stated he would be abstaining from the vote as he has an ongoing business relationship with Mr. LeFever.

Councilman Beer suggested this might be a good time for Staff comments.

Assistant City Manager Scott Wingerson stated the site being discussed is generally described as McCarthy, Nissan. It has recently closed and been purchased by Larry LeFever. Mr. LeFever desires to combine four existing parcels into a single developed parcel. There is already a car dealership, a body shop and several other facilities on the site. As part of the request, the North McGee right of way and various utility easements are proposed to be vacated. The right of way is not currently and cannot practically serve any additional properties. No public utilities exist in the areas proposed to be vacated. Basically what this does is allow Mr. LeFever to combine the parcels into a single ownership and to provide security to the entire complex without the right of way and various easements throughout the area.

Mr. Wingerson reported the Planning Commission unanimously recommends to the City Council to move forward with the Plat.

The vote: "Aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. "Abstain" – Councilman Joe Evans. (4-0-1). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 05-19, Waive the Rule and place the Bill on Second and Final Reading. Councilman Bill Cross seconded. The vote: The vote: "Aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. "Abstain" – Councilman Joe Evans. (4-0-1). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 05-19 and enact the Bill as Ordinance 3.957. Councilman Bill Cross seconded.

Roll Call Vote: "Aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. "Abstain" – Councilman Joe Evans (4-0-1).

**Item 11. on the Agenda.**      **FIRST READING BILL 05-20**, amending Ordinance No. 3.809 concerning the registration of kegs containing beer, wine, or intoxicating liquor within the City of Gladstone.

Councilman Bill Cross moved to place Bill 05-20 on First Reading. Councilman Wayne Beer seconded.

Mayor Rudi asked if there was information from Staff regarding this Bill.

City Counselor David Ramsay reported that the City in October of 2001, adopted a beer keg registration ordinance that applied within the City. Gladstone was one of the first cities to do so throughout the State of Missouri. Counselor Ramsay said the reason for the amendment tonight is that the State has now adopted a State-wide registration program that supercedes the City program. In order for the City to be able to enforce the restrictions and enforcement provisions of our Ordinance, it is necessary that the Ordinance be amended to comply with the State registration policies. In effect, the Ordinance will say it is a violation of the City Ordinance to fail to follow the State registration provisions, where in the past it was a violation of the City Ordinance to fail to follow the City registration provision. Mr. Ramsay stated apparently the State has caught up with the City and felt it appropriate to enact a keg registration Ordinance on a State-wide basis.

Councilman Cross asked, for clarification, if all cities that have previously passed such an Ordinance, even after our City, will have to do the same thing as we are doing tonight.

Mr. Ramsay replied that was correct.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the First Reading of Bill 05-20, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Bill Cross moved to accept the Second and Final Reading of Bill 05-20 and enact the Bill as Ordinance 3.958. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (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.

Item 14. on the Agenda.

**ADJOURNMENT**

There being no further business to come before the May 23, 2005, Gladstone City Council Meeting, Mayor Carol Rudi adjourned the Regular Meeting.

Councilman Les Smith 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, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Councilman Bill Cross seconded the motion.

Roll Call Vote: All "aye" - Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

Respectfully submitted:

Cathy Swenson

Cathy Swenson, City Clerk

Approved as submitted: X

Approved as corrected/amended:     

Carol A. Rudi

Mayor Carol Rudi





**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JUNE 6, 2005**

**SPECIAL MEETING: 7:00 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Pledge of Allegiance.
3. PRESENTATION AND PROPOSAL FOR A COMPETITIVE POOL AT THE NEW COMMUNITY/RECREATION CENTER.

**REGULAR AGENDA**

4. Communications from the Audience.
5. Communications from the City Council.
6. Communications from the City Manager.
7. Other Business.
8. Questions from the News Media.
9. Adjournment.



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

**MONDAY JUNE 6, 2005**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Les Smith  
Councilman Wayne Beer  
Councilman Joe Evans

City Manager Kirk Davis  
City Counselor David Ramsay  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

Mayor Carol Rudi opened the Special June 6, 2005, City Council Meeting at 7:00 PM in the Gladstone City Council Chambers.

**Item 3, on the Agenda. PRESENTATION AND PROPOSAL FOR A  
COMPETITIVE POOL AT THE NEW COMMUNITY/RECREATION CENTER.**

City Manager Kirk Davis stated it was with a great deal of pleasure and excitement that he would like to present to Council members a very exciting proposal that would have a far reaching impact on our community, the North Kansas City School District, and the metropolitan area.

City Manager Davis stated that it was approximately 18 months ago that a group of citizens began a citizen based strategic planning process called Gladstone on the Move-Citizens Making a Difference. Several objectives were generated from this citizen-based effort. One of the primary objectives that came from this effort was the recommendation for the City to move forward with the development of a Community/Recreation Center. The

center would be paid from a voter approved  $\frac{1}{4}$  cent sales tax. This sales tax would pay for the debt service on a bond issue to build the facility and allow for a small subsidy in the operational costs. The City's feasibility study indicated a center should include an indoor aquatic facility. Unfortunately, the sales tax would not generate enough money to pay for an indoor aquatic component. This would have to be considered as a future phase along with a proposed performing arts center. The voters overwhelmingly approved the sales tax in February of this year. These revenues would also be utilized to upgrade the existing outdoor pool by an additional \$1 million investment.

City Manager Davis reported that approximately four weeks ago, representatives of North Kansas City School District contacted City staff to see what opportunities may exist at this recently approved Community/Recreation Center for a competitive pool facility. The North Kansas City School District does not have a competitive pool, and therefore does not have a home facility to host swim team meets, nor does it have a pool for practices. All meets are away meets. The District teams practice at the YMCA very early in the morning, and possibly the North Kansas City Community Center. City Manager Davis said City staff is very excited to open this dialogue, and he believes the City of Gladstone would be very proud to partner with the District on a first class facility.

City Manager Davis stated to that end, we have had two meetings with the North Kansas City School District staff and would like to present to the Council this evening a proposal that would allow for the construction and operation of a competitive pool, a natatorium, at the site of the Community/Recreation Center in Central Park. If the City Council agrees with these terms, it is proposed to make a similar presentation to the North Kansas City School District Board of Education on Tuesday, June 14<sup>th</sup>. Mr. Davis said Staff is very excited to make this presentation, and believes our City has an excellent working relationship with the staff of the School District. Mr. Davis said he believes that Gladstone is an integral part of the District, and that the School District's successes translate into Gladstone successes.

Mr. Davis continued by saying Staff is proposing to partner with the School District on the construction and operation of a first class competitive swimming facility, and believes our Community Center site is ideal for such a facility:

- It is centrally located within the District.
- Gladstone has a population that attends all three existing High Schools.
- Gladstone already has much of the infrastructure in place needed to support such a facility.
- The City already owns the land.
- The City is already preparing a bond issue to reconstruct several streets in the area and will utilize existing revenues.

Mr. Davis introduced Dave Schwartz, of Water's Edge Aquatic Design, the City's consultant on aquatic improvements, to discuss what the proposed facility will look like and the programming opportunities.

As a PowerPoint presentation was shown, Mr. Schwartz stated he would like to discuss the City's potential facility, which is different from an outdoor pool where you discuss fun and features first. With an indoor facility, it is crucial to talk about the programming possibilities and the potential for income. Operating costs are sometimes a challenge with indoor facilities. Possibilities include swim team practice and swim team meets, which as City Manager Davis said, would take precedence, and this will be first and foremost a competitive facility. However, recreational activities would also be allowed.

Mr. Schwartz pointed out the various aspects of the proposed Community Center area, which includes a bathhouse, a modified outdoor pool, with a diving area, lap lanes, and a reconstructed shallow area. Mr. Schwartz explained that this design is under way. Mr. Schwartz pointed out that to the right of this facility would be the proposed Recreation/Community Center. A concept plan for the indoor pool facility is being discussed tonight. This will be a short course, eight-lane pool. There is room for the indoor pool and there is adequate parking.

Mr. Schwartz pointed out the indoor pool amenities, which would include eight 25 yard or meter lanes, with two 1 meter diving boards shown, but depths would be adequate for 3 meter diving boards in the future. Mr. Schwartz stated a key part of a competitive facility is the number of seats available to host a swim team meet. It is proposed that the facility would accommodate 1,800 to 2,500 seats. For a State meet, a minimum of 1,800 seats is necessary for a facility to be considered. It is also a good number of seats for other meets, as well. Mr. Schwartz pointed out that as a supplement there is shown spaces for coaches and officials meeting rooms, which are proposed to be under the seating areas, taking advantage of the building.

Mr. Schwartz stated that competition is not the only programming being planned. Deep water suitable for competition leaves out short children and some of the recreational programs. A shallow water facility is planned just to the right of the lap pool. This also serves the swim team to a degree, because a cool down, warm up pool facility adjacent to the main competition pool is a good idea. Three lanes are shown for this pool, but it could be expanded to four, and it is planned to have a 0 depth entry, with a ramp suitable for ADA (American with Disabilities Act), and suitable for toddlers and so forth. It is proposed a general recreation/play facility that would enhance the programming capabilities that this facility would offer. Mr. Schwartz mentioned that Central High School is a 50-meter pool, but is used as a short course with a movable bulkhead.

Mr. Schwartz stated some of the details that would be included in Gladstone's proposed facility are a 5 foot shallow end, or at least 4 foot 6 inches, and 13 feet for the diving area. Eight-foot wide lanes are planned; seven foot is the minimum, but to enhance the competitive value, it is planned to increase that. Buffer lanes are included and some very

effective wave suppression gutters. The plan is to make the pool fast, which is important to the swimmers. Bottom inlets, and ultraviolet light to enhance the chemical treatment are planned. The proposal would include a lot of deck space for the officials and judges, and team areas are planned, which could be supplemented by the dry side of the Community Center with areas such as the gym, meeting rooms, and so forth. The entire facility would help supplement this. Mr. Schwartz stated that concessions are an important piece of having a swim meet. People stay for many hours and sometimes multiple days, so concessions are a source of energy and income for the City.

Mr. Schwartz reported the City would want to meet or exceed both United States Swimming Association (USA) and the National Federation of High School (NFHS) standards in an effort to compete for some of the swim meets. Twenty-five yard lane lengths would probably be recommended, but a long course has been discussed and is not out of the question. Whether it can fit the site and the budget are the two big questions. A minimum of seven-foot lane widths is necessary but seven foot, six inch to eight foot lanes are recommended. Lane depths of four-feet is the minimum, but Mr. Schwartz said he recommends five foot depths. Mr. Schwartz said he recommends buffer lanes. Different temperatures can be allowed with the two pools.

Mr. Schwartz stated the potential swim meets for the pool include High School meets and invitational meets; USA swimming meets; perhaps National Athletic Intercollegiate Association (NAIA) meets; Masters; and Special Olympics. There are multiple program possibilities from the competitive swimming perspective. Mr. Schwartz said there is a need for this type of facility in the community and the greater Kansas City metropolitan area. Recreation programming would include pool time, swim lessons, and play time. Recreation features could include amenities such as spray features and floatables.

Mr. Schwartz continued by saying the building is important, and dehumidification is at the top of the list, followed by materials that resist corrosion; ventilation is crucial; and a vapor barrier is critical. Mr. Schwartz addressed the cost by saying it can be expected to cost between \$200 per square foot to \$250 per square foot for the indoor pool area. That is building and pool project costs, including design fees. The proposed building size is 27,850 square feet. The estimated total cost would be approximately \$6 million. Operating cost is an ongoing concern, and an estimate for those costs would be approximately \$300,000 per year. Mr. Schwartz stated this is just a first step to see if our community is interested and would support this project, and do we take this to the next step to create a detailed floor plan and a detailed cost analysis.

Mr. Schwartz reported his company has started the design process to renovate the City's existing outdoor pool, and he was asked to provide some planning information for Council's consideration this evening. Mr. Schwartz said his company's qualifications include aquatic experience along with an engineering background, and the company is a resource for the entire community. Not only is design experience available, but also operations experience and CPO (Certified Pool Operator) certification experience to train the City's operators. Water's Edge Aquatic Design firm's staff totals about 100 years of

cumulative experience specific to pools, and has helped communities all over the nation with their facilities, and would be proud to continue to assist Gladstone. The firm is confident of their strong technical background in offering the knowledge to design a "fast pool". Mr. Schwartz concluded by saying his company is made up of engineers and designers, and they team with other specialists in this business, such as Pete Malone, the Blazers coach; Bill Shalley, who operates the US Olympic Training Center in Colorado Springs, Colorado, and is currently in Blue Springs; and Bruce Verink, a National Collegiate Athletic Association (NCAA) swim official who has participated in 42 NCAA swim meets.

City Manager Davis thanked Mr. Schwartz, and stated to make this project happen, Staff would like to propose:

- The City finance, build, and operate a facility in conjunction with the construction and operation of our new Community/Recreation Center.
- The City would build a facility that would meet School District standards, involve School District employees in the design, and involve School District coaches and athletic directors in the design.
- The facility would be designed and built to meet all standards of the Missouri State High School Athletic Association, qualify to host local swim meets, State meets, and regional meets.
- The facility would be managed by the City, with no management fee assessed to the School District.
- The School District would have top priority to utilize the facility, and the facility would be available to the public when the District is not using the facility, and therefore it would be designed to have the flexibility for a recreation component.
- The City intends to seek proposals for the design of the Community/Recreation Center this fall, begin the design process immediately, begin construction next year, and open the facility in the fall of 2007.
- The City staff has a great deal of aquatic management experience. The City would bond the entire project and ask the District to enter into a long-term lease that would cover the portion of the debt service directly related to the aquatic facility. The School District would be asked to pay a maintenance fee for the facility. The City is already bonding the project, constructing related facilities, such as a locker room and restroom facilities, parking, entries, and so forth for the Recreation Center, and therefore it is proposed to not charge the School District for these costs, or the exterior site development costs.
- The City would partner with the District to market the facility for special events.
- The facility could be utilized by the District for their education curriculum at no additional cost.
- Membership rates for District staff would be the same as for Gladstone City staff.
- School booster clubs could operate concessions for their respective events. The City would operate concessions for District-wide events, and regional/State events.
- Propose to the District that this is the single competitive facility in the District.

- The cost of this project is approximately \$6 million. Combined with the road improvements and Recreation Center, this would require a \$16.3 million bond issue (\$7.3 million for the Community Center, \$2 million for road infrastructure, \$1 million for the outdoor pool, and \$6 million for the natatorium).

City Manager Davis stated the City is anticipating a 20-year debt service schedule for the Recreation Center bonds. It has been discussed with the School District staff a lease to cover debt for the aquatic portion of the project that would be approximately \$480,000 per year on that same debt service schedule. If the District wished to accelerate the payments, that would be possible. In addition, the City's proposal calls for the District to assist in maintenance, repairs, and utilities to the facility in the amount not to exceed \$120,000 per year. We would anticipate negotiating another lease at the end of the debt service period. In other words, the District would not have to issue debt to participate in this partnership. Mr. Davis said this is a general outline of the highlights of the proposal. Details still need to be finalized. City staff would be open to any financial restructuring concepts that make sense and still achieve our goals.

City Manager Davis stated that at this time, it is simply a proposal. The proposal has not been shared with the North Kansas City Board of Education, and unless the Council has further direction, Staff anticipates making a presentation to the School District Board on June 14<sup>th</sup>. Following that meeting, and given the schedule for seeking design services for the pool, Staff would anticipate the finalization of terms and the development of agreements that would allow us to move forward with this exciting opportunity.

Mr. Davis said it might be asked why we should do this. Prior to the Community/Recreation Center election in February, The Kansas City Star issued an editorial entitled "Good Plans for Gladstone". It was their opinion that our citizen based strategic planning process was valid, that it reflected solid work by numerous citizens, and proposed a plan that would benefit our community. As mentioned earlier, this proposal will be consistent with several objectives developed by Gladstone on the Move - Citizens Making a Difference:

- The obvious objective is the continued development of a Community/Recreation Center. An aquatic component would enhance the programs and services that a Center can offer.
- Such a Center would create a hub or focus of activity. Gladstone on the Move was looking for a "central place", a building or area with varied amenities for all facets of our community to use and enjoy year around.
- This facility would be an integral part of the City Center concept we are currently trying to develop. This would create a link with the downtown district for area residents, and encourage a concentration of retail, residential, and business investment into a City Center.

- Such a facility would generate interest from throughout the metro area and become a landmark for visitors. This facility will create a sense of identity and enhance the image of Gladstone and the North Kansas City School District.
- Gladstone on the Move was very aware of the impact a good school district has on the health of any community. Mr. Davis said he believes this proposal will enhance the facilities and image of our school district, and establish a strong community centered environment through this partnership.
- Another objective reflects the desire to work with the North Kansas City School District on mutually beneficial issues. This proposal and project is mutually beneficial.
- Gladstone on the Move wanted the City to work toward improving our partnerships with the District, and this project is consistent with that objective.
- Gladstone on the Move wanted the City to be a leader on regional issues. This proposal would reflect a unique partnership that addresses issues for both the School District and the City. It is an issue that furthers our standing as a leader in Clay County and will certainly draw attention to Gladstone throughout the metro and throughout the State.

City Manager Davis concluded by saying he would like to summarize the proposal as follows:

- Enter into a long-term lease that would allow the City to finance, construct, and operate a competitive swimming facility in partnership with the North Kansas City School District.
- Build a first class facility that would allow the partnership to market the facility for regional and statewide events.
- Give the School District a neutral, competitive facility that would be centrally located, and serve the entire District with no management costs.
- Provide School District employee membership benefits equal to the City employee membership benefit.
- Allow for a design and construction schedule and process that would begin immediately with a goal to open before the 2007/08 winter season.
- Give the School District another facility for curriculum programming.
- Involve the School District representatives in the design process.
- Give the citizens of our area additional recreation opportunities.
- Enhance the planned Community/Recreation facility.
- Provide an economic development tool.
- Comply with several community objectives.
- Do all of this for no additional taxes.

Councilman Wayne Beer stated the citizens of Gladstone did approve a tax that will design, construct, and operate a Community Center, at the request of Gladstone on the Move. The Community Center was a topic of significant discussion during the Gladstone on the Move sessions. The inclusion of a pool was also a big part of those discussions. It



was determined at that time that the City was not likely to be able to pass a tax issue that would have included the pool, so the pool was recommended as a "phase in" operation for sometime in the future, where the City would go back to citizens with another tax proposal in order to construct a pool. Councilman Beer said he felt if that happened in his lifetime, he would be surprised. If this proposal is acceptable to the School District and to the City, and we are able to phase in a pool much more quickly than was thought could happen, and with no additional taxes, it would be phenomenal. Both the School District and the City would be beneficiaries of a wonderful thing.

Councilman Beer stated the idea that Gladstone would have the management of the pool is also something that is important to him. Gladstone has a management staff that has provided a pool for 27 years, and we are one of the few pools in the United States that does not operate by subsidy from the City. It operates on its own generated funds, which is remarkable. Our City has a proven management Staff. It makes sense that our City manages the pool, presuming the proposal takes place. Councilman Beer said he believed there is only one other pool in the state of Missouri that is comparable to the one being proposed, and that is on the St. Louis side of the state. The Missouri State High School Activity Association and its regional tournament contests take place in St. Louis. Other forms of athletics take place in St. Louis and Columbia, but nothing is happening on this side of the state. This proposal could change that. Councilman Beer said, as is evident from his remarks, he is in favor of this proposal.

Councilman Bill Cross inquired into the recommended temperature for competitive swimming.

Mr. Schwartz replied it is usually between 78 and 82 degrees, which is too cool for swim lessons.

Councilman Cross asked if seating capacity of at least 1,800 is recommended to be considered for State competition.

Mr. Schwartz confirmed that was correct, and is at the top of the list. The bleachers shown on the proposal were for 1,800+, but there is room for additional spaces for bleachers on the deck or over some of the mechanical spaces. There could be 2,500 seats.

Councilman Les Smith asked if this facility would be adequate to serve our entire population.

Mr. Schwartz replied any time an indoor pool is built, there is compromise. The swim team would love 50 meters, 10 lanes, 75 feet wide and so forth. Proponents of shallow water would love a lazy river, water slides, and so forth. That does not fit the site nor this project's budget. This proposal is a good compromise that addresses both entities. It has good short course deep water for a swim team, and there is shallow water for younger people. Mr. Schwartz reminded Council this is a concept and there is room for some change.

Councilman Smith said he wanted to be sure that the City is building a facility that will serve our citizens, which on a daily basis would be more recreational than competitive. Councilman Smith asked if competitive swim people place a high premium on the warm up pool.

Mr. Schwartz replied yes, and they also like to use it for a cool down pool, which is crucial. Five lanes would be ideal for this size facility. The cool down/warm up pool lanes are not 25 yards long; but it serves the purpose, which is a compromise. The shallow water can be enlarged and once the program is set, and the dollars and operation is considered, it may grow a little bit.

Councilman Smith stated that it is his understanding that although the City would have some obligation to the ongoing operating costs, we already have funds earmarked, and it is his understanding that there would be no subsidy required of the City's General Fund. Councilman Smith asked City Manager Davis if this is correct.

City Manager Davis agreed there would be no General Fund subsidy. The sales tax proposal that came forward through Gladstone on the Move allowed for the debt service on the Recreation/Community Center and a 20 percent subsidy within the revenue source generated by that sales tax. Relative to this facility, there is an opportunity to increase those revenues through additional memberships. The City conducted a feasibility study several years ago that indicated with a smaller facility, that 20 percent same subsidy came from a recreation only indoor component. With this combination, there is that opportunity plus whatever revenues may be generated from competitive meets and so forth.

Councilman Smith stated Mr. Davis mentioned that this would be the only competitive pool built by the School District, but he has seen recently in the press the location of the new high school with a site plan that includes a potential future aquatic center. Councilman Smith said he presumes that part of the City's proposal to the School District is that this would be the only competitive pool to which the School District would be committed. Perhaps a practice facility by the new high school would be fine, but this proposal would be the only competitive pool.

City Manager Davis agreed that was correct, and said this proposal is for a competitive pool, and in City staff's opinion this is the best location. Our City has a population that currently serves three high schools, and we do not believe it makes economic sense to build a competitive pool in our City and have a competitive pool built outside our City limits at another facility.

Councilman Smith said in looking at a map with the geographic locations of the high schools, with the exception of Oak Park High School, our proposed pool seems to be centrally located for the other high schools. It seems like a unique opportunity for the School District to be able to place a facility like this in the geographical center of the District as it relates to the three high schools. This seems like a unique opportunity for two

public entities to work together for the betterment of the community. It is a "win-win" situation. Councilman Smith said hopefully the School District would look at it that way and he looks forward to the opportunity to be able to partner with the School District. Gladstone is somewhat unique in that we do not have a School District to call our own, yet many of our residents go to all three existing high schools. Councilman Smith encouraged Council to direct the City Manager to take this forward to the School District.

Councilman Joe Evans stated that it was mentioned the typical operating expenses would be in the \$300,000 range, and asked how realistic are those figures.

Mr. Schwartz replied a spreadsheet was prepared just before tonight's meeting, and some assumptions were made based on staffing and energy costs. It worked out to about \$12 per hour per lane. He also researched what USA swimming says on their website, and they are saying \$8 to \$15 as an operating cost. Mr. Schwartz said the figure he used is in the middle and he feels good about that, and with the first class aquatic staff the City already has, they won't make the cost go any higher.

Mayor Carol Rudi stated it was mentioned there were facilities similar to the one proposed in Topeka and she has heard there is one in St. Louis. Mayor Rudi asked where there are similar pools in the state of Missouri.

Mr. Schwartz replied the University of Missouri has a new 50-meter facility and St. Peter's has a similar facility. Central High School has a 50-meter facility, which is used, but it has no seating, no coaches' area, and so forth. It is a school pool. Lawrence and Topeka have indoor 50-meter pools. Marshalltown, Iowa has a short course 25-meter pool. The next deciding point, if the project moves forward, is what is the pool? His firm has provided an outline of what they think is appropriate as a beginning point for conversation.

Mayor Rudi said we have been talking about high school competitions. Could this pool be used for other types of competitions, such as a corporate challenge.

Mr. Schwartz replied yes, absolutely.

Mayor Rudi stated we need to be sure this is built to the required standards. There is a facility in Kansas City that was just a little short of what was needed for professional sports, and they lost that activity. We don't want that to happen here. We have to really watch those standards.

Mr. Schwartz agreed.

Mayor Rudi asked City Manager Davis to review the schedule beginning from this point.

City Manager Davis said the proposal would be presented to the Gladstone Area Chamber of Commerce on Thursday. The main step is to go to the School Board, if Council agrees to move forward. The School Board meeting is June 14, where the same proposal would

be made asking them if they are interested and beginning discussions, followed by finalizing the agreement and all the documents following that. Mr. Davis said he does not have specific dates for the finalization of documents and things of that nature, but he believes if the School District is interested, we will move forward immediately with the idea that we can still continue to design the improvements that we have already scheduled – the outdoor pool improvements and the Recreation Center design. Mr. Davis said he does not want to lose sight of that time frame because of this proposal, so that is scheduled to move forward early this fall. We are still on that same time frame; we just have a little more work to do.

Councilman Smith said he believes it would be exciting to the School District that we could conceivably be open by the end of 2007, and he does not know what they could do to beat that time frame. Councilman Smith asked City Manager Davis if he has had any conversations with the folks from the Greater Kansas City Sports Commission to see what type of marketing opportunities there might be for this and what type of economic impact there might be.

Mr. Davis replied yes, he had lunch with Kevin Gray, the head of the Sports Commission, and he is extremely excited about a competitive pool of this nature and of this stature in the metropolitan area, especially on the Missouri side. We do not have any final agreements as to the economic impact, but those economic impact numbers could be fairly substantial. That depends on a lot of different factors. There have also been beginning discussions with the Chamber and folks involved in athletic event planning in the Kansas City metro area. Mr. Davis said he believes we would offer a great venue north of the river.

Councilman Beer stated one of the Gladstone on the Move major recommendations to City Council was a closer working relationship with the North Kansas City School District, and he believes a lot of people have seen the merit in that collaborative relationship. Councilman Beer said he sees this proposal as another way to foster and strengthen that relationship.

## **REGULAR AGENDA**

### **Item 4. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE.**

**Jodi Hilton, 7501 North Baltimore**, stated she has been a Gladstone resident for 19 years, and she and her daughter use the Gladstone pool. Ms. Hilton said her daughter has been involved in the swim team for the last five years and is involved in a year around competitive team. Ms. Hilton said she works for the School District and has a big interest in this proposal and has always wanted to see this happen. It would be really positive for Gladstone to do something different and not what everyone else is doing. This is a great idea. Ms. Hilton said her daughter swims at Park Hill High School, and hopefully she will swim for Oak Park High School at a pool here. At the YMCA, there are sometimes 12 high school swimmers in a lane, which is too many to have an effective practice. Ms. Hilton said she and her daughter go to a lot of places for swim meets and are charged a

facility fee for each swimmer. If there are 500 swimmers, at \$5 each, that's quite a bit. Ms. Hilton said this is a great opportunity for Gladstone, and she hopes we can move forward with this proposal.

Councilman Smith asked Ms. Hilton what time of day her daughter practices. He has heard some people say they practice as early as 4:30 AM to 5:00 AM.

Ms. Hilton replied she is not sure of the practice time for the high schools, but her daughter, who is 12 years old, swims at Park Hill High school from 5:00 AM to 6:30 AM every morning for her year around team. During the summer, she swims from 6:00 AM to 8:00 AM and does an afternoon practice.

Mayor Rudi asked that if anyone had suggestions about revenue and income, to be sure to share those ideas.

**Jean Moore, 715 White Oak Lane**, began by saying she co-chaired the Gladstone on the Move Campaign. Ms. Moore stated this proposal is an excellent opportunity to dovetail with a number of initiatives that Gladstone on the Move proposed. First and foremost it is an exciting opportunity to jump-start the partnership that we all hoped would happen, and be promoted between the City of Gladstone and the North Kansas City School District. It also enhances our own Community Center and gives our citizens additional recreational opportunities that would have been years away, as has been alluded to earlier. This proposal provides a boost to the development of the City Center concept that we are so excited about, and it promotes a very positive impact on the economic development for the City, as well as promoting our local economy. This is a "win-win" for the School District and for the City of Gladstone. Ms. Moore said she would strongly encourage Council to move ahead with this exciting initiative.

**Don Horton, 3703 NE Shady Lane Drive**, stated a number of people who were on the Gladstone of the Move committee were at this meeting, so obviously, there was a lot of interest with the committee regarding this proposal. At nearly every meeting something was heard about a pool, because at every meeting something was heard about a Community Center. The Committee began to realize this was not something that was going to happen right away and a lot of people were very frustrated by that. Mr. Horton stated that as the Committee began work on the campaign for the tax issue, he spoke at four or five different venues to encourage people to vote for the initiatives; three of the groups were Senior Citizen groups. In every single one of the groups, the overwhelming question was why can't we have a pool. A lot of people will be delighted if they find out we can have a pool.

**Beth Venard, 7509 North Euclid**, began by saying she was a swimmer at Oak Park High School and practiced at the YMCA. There were four high schools there in a six-lane pool, and it was not a good thing. Ms. Venard said as head swim team coach of Gladstone this year, she does definitely agree with this proposal that would benefit the high schools and Gladstone, as well. Ms. Venard said there were State meets at St. Peter's and it is a phenomenal facility, and we can get State meets here. Ms. Venard said she is "all for it!"

Councilman Beer asked how could that many people swim in a lane and get any kind of practice out of that.

Ms. Venard replied it was difficult. The swimmers are always on each other's feet, and that is a problem. Ms. Venard stated the North Kansas City Community Center is now open to North Kansas City High School, and that has provided some relief to the YMCA, which is a very small facility.

**Freddie Nichols, 5233 Old Pike Road**, stated she comes to this meeting as a former North Kansas City School Board member. Ms. Nichols said the School District participated in partnerships in the past, so this is a possibility. Ms. Nichols reported when she was on the School Board, they partnered with North Kansas City for the track in North Kansas City, which was very successful. The School District has since partnered with the City of North Kansas City for the library. Partnerships are possible between cities and school districts. Ms. Nichols said she was a mother of several swimmers and divers who swam at the YMCA, where all three schools swam together very early in the morning. That lasted one year, because the State would not allow all three teams to practice together at the same time. Ms. Nichols said she believes rules have changed since then, but North Kansas City School District was without a swim team for many years, and it was summer swimming only. Ms. Nichols said as a member of the Parks and Recreation Advisory Board, she is very excited about this proposal.

Councilman Beer said the City of Gladstone has other partnerships with the School District, and they have always been very successful. The idea of tax supported partnerships forming whereby those entities can partner in such a way where they can get a better and more fully utilized use of facilities makes good sense from a tax payers perspective.

Ms. Nichols agreed and said the developmental program partnership has been wonderful and has taken the place of sports activities when the School District went from Freshmen being at junior high schools to senior high schools.

**John Houlihan, 2313 NE 75 Terrace**, stated he is the Chairman of the Parks and Recreation Advisory Board, but more importantly for this discussion, he served as the Chairman of the Civic/Community Center subcommittee for Gladstone on the Move. Mr. Houlihan said he echoes Mr. Horton's comments that the Committee really wanted to put a pool in the Community Center package, but the financing did not allow for it. This is a great opportunity and would significantly enhance the Community Center, and a great partnership opportunity. Mr. Houlihan said we hit a "home run" at the February election; if we can pull this off, it will be a "grand slam".

**Dick Powers, 1600 NE 65 Street**, began by saying he spent 20 years at Oak Park High School in various athletic capacities, with the last 12 years as Athletic Director/Activities Coordinator. Mr. Powers said he has just completed 12 years on the Gladstone Parks and Recreation Advisory Board, so he went through the procedure of putting together this

Community Center concept and getting it passed. Mr. Powers stated that if one has not been in the position of an Athletic Director/Activities Coordinator, it is difficult to imagine how tough it is on coaches and athletic directors to attempt to schedule an athletic program where there is no facility. Mr. Powers said he faced this when girls' athletics became an entity, and he had the dubious privilege of putting twice as many programs in the same number of gyms and facilities that were at Oak Park High School. Mr. Powers said he was one of the most unpopular people with the men coaches, because he was told by Title IX that it was his responsibility to see that the girls got "an even shake", and the boys couldn't believe they were entitled to that at that time. It has now been proven differently. Mr. Powers said he is totally elated by this proposal, and has a little interest in gambling and occasionally goes to the Boat (Casino), and the chances for this partnership to succeed are certainly better than the odds at any of the Boats in Kansas City.

**Marcie Holwick, 6303 North Indiana**, said that although she did not participate in the Gladstone on the Move Committee, she applauds the efforts of those people who did, because that was a wonderful effort. Ms. Holwick said she was a member of the North Kansas City School District Bond Levy Citizens Committee, and they were thrilled with the results of the bond/levy election. Ms. Holwick stated that when we talk about community, it is just not about the kids; it is what we get as parents, neighbors or others who associate with them in the community. One of the exciting things is that this could be an opportunity for mingling of different people. With a facility that doesn't have a pool and doesn't have a lot of athletic opportunities, that mingling is limited. However, it is possible; an example would be the Senior Citizen program operated by Gladstone. Perhaps more of this could be done to encourage more interaction between people in different walks of life and perhaps diverse in other ways as well.

**Ann Blanco, 215 NW 53<sup>rd</sup> Terrace**, stated she was present to speak for a group that has not been mentioned, which is the Senior Citizens. Ms. Blanco said for five years she has driven to Liberty to attend a water arthritis class. Ms. Blanco said she is in support of the high schools having the facility, but would like to know if there will be water aerobics and water arthritis classes at the new facility. Ms. Blanco inquired into the depth of the shallow pool, because if it is deep enough, that would be the ideal place for such classes. One of the speakers mentioned he had been at a Senior Citizen meeting. Ms. Blanco said she was at that meeting, and a lot of people at the meeting share her desire. A lot of people drive to Liberty, North Kansas City Hospital and the North Kansas City Community Center for water aerobic classes because it is very important to them.

Mayor Rudi stated questions would be addressed all at once later in the meeting.

**Pete Hall, 5621 N. Clinton Place**, stated he would like to speak about the economic aspect of this proposal, and how far it reaches beyond Gladstone. Gladstone has always been a good neighbor with Kansas City and other cities within the Northland. This proposal reaches out a lot further than our city. Gladstone does not have hotels and motels. This proposal will have an impact on that industry. The downtown plan is a wonderful plan, but retail and businesses need people, and this proposal allows that economic development

issue to come in. It allows for businesses to be located where there are people. This is not seasonal but a year around pool. This proposal would be a tremendous economic benefit for the City of Gladstone and the Northland in general. Mr. Hall said he highly supports this concept. There is a lot of work to do, and some of the details cannot be solved tonight. Mr. Hall encouraged Council to be supportive in their vote.

**Maria Levasy, 3502 NW 62 Terrace**, stated she lives in Kansas City, but lived in Gladstone from the age of 10 years old to 23 years old. Ms. Levasy said she is the mother of a 14-year-old swimmer who has to be at the pool at 5:00 AM, and in the summer time at 6:00 AM to practice for two hours. They go to Park Hill High School for the winter practice and to the YMCA for the summer practice. Ms. Levasy said she drove three times to Topeka this weekend for a 50-meter pool, and paid \$8 to the Kansas Turnpike. Ms. Levasy asked that consideration be made for a 50-meter pool with a bulkhead that can be moved back and forth, which would allow the use of the pool by three of the Northland clubs who are crowding into the YMCA, Park Hill, and Central High School. These clubs would bring revenue to the City year around.

**Mark Tomes, 5812 N. Jackson Drive**, introduced himself as the Chairman of the Board of the Gladstone Chamber of Commerce, and said his parents have resided at 1204 NE 69<sup>th</sup> Terrace since 1958. Mr. Tomes said he was not speaking for the Chamber at this meeting, because there has not yet been a meeting with the Chamber, but there is a meeting scheduled for Thursday. However, the Gladstone Area Chamber of Commerce is very pro-business in Gladstone, and is very excited about the opportunities that the Gladstone on the Move Committee has given to Gladstone to give our City more of an identity. Mr. Tomes said he goes back to the days when he would walk to Griff's or Malt Village, and it is time to get into another playing field. Supporting and helping businesses is something to which this proposal would be a natural. Mr. Tomes said there are probably four entities in this "win-win" situation - the City of Gladstone, the North Kansas City School District, the citizens of Gladstone, and most importantly the children, who will be able to use this facility. It has already been said it is a "win-win" situation for the elderly and their special projects and for the children. Mr. Tomes said he is impressed with the motivation of the parents who take their children to swim practices at 5:00 AM, because it is important, and it cannot be done without the parents. This proposal would provide the North Kansas City School District with a central location, which is important.

Mr. Tomes said he is a graduate of Oak Park High School, and when he graduated, Oak Park High School was just a couple of years old. Oak Park students considered North Kansas City High School as the old place, and Oak Park students were the "cool" folks, because they had everything. This could be the perception if this type of pool were built by the new high school proposed to the north. The proposed pool would not belong to any one high school. It would be the North Kansas City School District aquatic center. This proposal is good for Gladstone, as we would be able to have a new pool in our lifetime. Mr. Tomes said when he was growing up and climbing trees, his mother said to stay close to the trunk of the tree, because that is the safest place to be. Mr. Tomes said he would



always go out to the limb, because that is where the fruit is, and if you want the best fruit, sometimes you have to go out on the limb.

**Donald Harper, 1606 NE 68 Terrace**, said this proposal is very exciting, and being a member of the Parks and Recreation Advisory Board, he could not help but be very excited. Mr. Harper said he had one question, which is whether the number of parking spaces will be adequate with a seating capacity of 1,800. Although many people may come on busses, busses do take up a lot of space in the parking lot. If there should be a State swim meet, and someone wants to use the other side of the Community Center, there could be a lot of people using the facility and the same parking areas. Mr. Harper stated he does not believe there are enough parking spaces. In regard to marketing, Mr. Harper asked to what degree could the ordinary citizen utilize this proposed pool. We don't want to lose sight of the thousands of people who voted for the Community Center, anticipating being able to use it. Mr. Harper said he is very excited about the proposal, but these are just a few cautions he would like to be considered. Mr. Harper stated he believes City Manager Davis has a very strong hand to present to the North Kansas City School District. We do not need to go with "hat in hand", and we should certainly come out on top. Mr. Harper said as a Park Board member, he looks forward to the development of the pool.

**Joe Parnacott, 106 NW 65 Terrace**, stated he has been a Gladstone resident for the last 20 years, and has worked with City Manager Davis before on the development of the Hamilton Heights Park, and the residents are very happy with the park. The City did a great job with the park. Mr. Parnacott complimented City Council and City staff on the level of citizen involvement. This is a great opportunity for partnering with the School District, and a lot of good could come from this. Mr. Parnacott urged City Council members to take the necessary action for City Manager Davis to do his job.

**Colin Levasy, 3502 NW 62 Terrace**, said at the beginning of the swimming season, the pool where he swims was forced to turn people away because of the size of the pool. It is a six-lane pool that is not ventilated properly. It was inspected, and pool personnel were told not to change anything, but it is hard to breathe in that facility. Mr. Levasy said this pool will be great, because it will be ventilated properly, it will be able to hold a State swim meet, which will bring huge sums of money, and there will be competitions that will bring income. With the eight lanes, there will be quite a bit of space for swimmers. It will also accommodate activities for all ages. Fifty meter pools are good, but if it suits all ages, that is fine.

**Ken Graham, 9704 NW Overhill Drive, Parkville, Missouri**, stated he is sorry to say he does not live in Gladstone, and only wished to speak because he heard a couple of remarks about the YMCA pool. Mr. Graham said he would like to point out that they were the only facility that worked every high school into their program. They opened up the pool early in the morning, and they had the pool open in the afternoon. Mr. Graham pointed out there was a YMCA employee present at the meeting, who went out of her way to accommodate swimmers at the YMCA facility. Mr. Graham said he has been coaching for many years. From 1975 to 1979 he was a Pan American coach to the Pan American games. Mr.

Graham said he moved to Missouri about one year ago, and was fascinated with the fact there were no pool facilities here. There are no lanes and no place for anyone to swim. Mr. Graham said he became a coach at North Kansas City High School and Winnetonka High School, under Bob Barth, who asked him to help out, which he did. Mr. Graham said they try to crowd about 40 kids into a 4-lane swimming pool approximately 50 to 55 minutes, five days per week. That did not work. Mr. Graham said what he has heard tonight is fantastic, and this is the first positive thing he has heard about swimming pools north of the river. Mr. Graham stated he has managed swimming pools, and coached all the way from Florida to California, and this is fantastic. There are other ways to make money from a swimming pool; there are private lessons and the Masters swimming program will always bring a lot of money to a pool. Mr. Graham said if Gladstone gets this pool, he promises to sell his house in Parkville and move to Gladstone.

Councilman Beer stated he hoped comments made at this meeting were not construed to be negatively directed towards the YMCA. Councilman Beer said he hopes what he is seeing is a change in the trends of athletics in this area. While the YMCA has done a commendable job of trying to cope with those changing trends, the fact is it is way beyond the capacity of the YMCA to handle with their existing facilities. Councilman Beer said he was a teacher at North Kansas City High School when North Kansas City swimming came into effect. It was a big thing in the School District to see that happening. The YMCA stepped up to the plate and did everything they could to facilitate the swim teams in the North Kansas City School District. If this proposal goes forward, it will help to relieve some of the stress on the existing facilities.

**Lori Defarkus, 1205 NE 95 Terrace**, stated she is the Aquatics Director at the Clay Platte YMCA. Ms. Defarkus stated there is no offense taken. The YMCA pool is not big enough. A 50-meter pool is needed along with cool down pool. That will accommodate everyone. There are children as young as 8 years old at the pool at 5:00 AM, and they are there until 8:00 PM.

**Marilyn Shankland, 5412 North Wyandotte**, said her daughter is a swimmer and a diver. They went to North Kansas City to practice after school and then drove to Independence to do the diving. Ms. Shankland said she believed the proposal is missing the diving component, and one-meter boards are not enough. Three more meter boards are needed. St. Louis hosted Olympic trials in diving this year, so there are regional and national events in United States Diving and AAU (Amateur Athletic) Diving. Ms. Shankland asked this be considered in the proposal.

**Jeff Brough, 1901 NE 78 Street**, said he does not live in Gladstone, but grew up here. In the mid-70's he attended a City Council meeting where building a pool was discussed. There had never been a pool in Gladstone before, and a lot of money was needed to build the pool. They finally got it together, and he remembers someone saying this could not be done; it was a big thing to do. The City built what they have today. Mr. Brough said his daughter is a first day swimmer, and he told her he would take her to the pool at 7:00 AM, today, if she would get in the water. She did get in the water, and they are going again.

The pool has been here 27 years, and it looks as good today or better than the day it was built. Mr. Brough asked that the pool be built to include physically challenged people and Senior Citizens, and encouraged Council to try to build as large a pool as possible, with as many amenities as possible, because it will cost more 15 or 20 years from now.

City Manager Davis stated he noted three questions. One question was regarding water aerobics, especially for Senior Citizens. Mr. Davis said he guaranteed that would be part of the programming. Mr. Davis said a second question was regarding the warm up pool. The reason the warm up pool is included is because included in the discussions was conversation to remember the recreation component to the competitive pool. We need to find a way to do both.

City Manager Davis said Mr. Schwartz did a good job with the financing available to address both issues. City staff will continue to try to make the best facility possible in conjunction with the School District. The issue of parking was a question. Parking has been considered around the facility. City staff has identified 1,000 parking spaces, not including neighborhood parking. For the big swim meet that might draw 2,000 to 2,500 people at a time, the City would probably need to use Antioch Bible Baptist Church parking areas, and shuttle people to the pool facility. Aside from that, 700 parking spaces have been identified within a block or so of the facility, not including facilities that may be potentially built as a result of this pool. Mr. Davis said City staff feels good about the parking. Most events will be handled with the parking being designed in Central Park, City Hall parking, and a couple of lots in the area that are typically used for Gladfest.

**Item 5. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Les Smith** stated there were two comments regarding the 3-meter diving boards, and there has been conversation about incorporating those if possible. Councilman Smith said some people might say why should there be sports for kids. When he was in school, you had to be involved in sports to be "cool". Councilman Smith said he is the father to a 17-year-old Junior at North Kansas City High School, named Jennifer, and she is the best athlete in the family. All people who have children know that when the kids leave the house in the morning and go to school, it is the friends that really make a difference in their young lives. Councilman Smith said his daughter has made the best friends on her basketball team, her track team, and her volleyball team, that as a parent he could possibly hope for. There is discipline, responsibility, and camaraderie, and they have fun the way we all hope teenagers will. Councilman Smith said, there is an economic impact, and there is an advantage to the Community Center. The City is providing a gathering place for our community, which will complement and be part of the Civic Center, but we are also providing an opportunity for our high school kids and others to gather and compete and form friendships. Councilman Smith said he is glad we can provide this opportunity to the School District, on the other hand he hopes they are willing to partner with us and also provide our City the opportunity. That is where the "win-win" comes in.

**Councilman Joe Evans** stated, as with any development, there will be a couple of challenges that must be overcome; however, we have the voice of the Northland community here tonight heavily endorsing this natatorium. Councilman Evans said, as a Council member, he is very pleased with the proposal, and believes it will add a tremendous component to the Community Center, and he is all for it.

**Councilman Wayne Beer** had no comments at this time.

**Mayor Pro Tem Bill Cross** had no comments at this time.

**Mayor Carol Rudi** said it was great to see so many people so excited about this proposal. Mayor Rudi asked those in favor of the proposal to stand.

City Manager Davis said it appears to be an overwhelming endorsement from the audience.

**Item 6. on the Agenda.      COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis thanked City Council members for their time and attention this evening on this issue. If Council members vote affirmatively on the next item on the agenda, this same proposal will be taken to the North Kansas City School Board on June 14<sup>th</sup>. City Manager Davis welcomed and thanked Representatives Jerry Nolte and Ryan Sivey for attending this meeting. The City enjoyed a good working relationship with them in Jefferson City and it is nice to see them support a City issue.

City Manager Davis reminded everyone that Friday and Saturday is the Bluesfest event in Oak Grove Park, 76<sup>th</sup> and North Troost. Mr. Davis said he hopes to see everyone there, and hopefully it won't rain, and the City will put on another great festival with the Gladstone Area Chamber of Commerce. Mr. Davis reported that Deborah Daily, the City's new Finance Director, would begin work on June 22<sup>nd</sup>. Ms. Daily comes to Gladstone from Manhattan, Kansas, as did Public Works Director Chuck Williams.

**Item 7. on the Agenda.      MOTION TO PRESENT TO THE NORTH KANSAS CITY SCHOOL DISTRICT A PARTNERSHIP OPPORTUNITY FOR A COMPETITIVE POOL FACILITY.**

Mayor Pro Tem Bill Cross said it is his pleasure to move to present to the North Kansas City School District a partnership opportunity for a competitive pool facility. Councilman Les Smith seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

Mayor Rudi stated City Manager Davis has his direction. Note: This was followed by applause from the audience.

Mayor Rudi stated there would be visitors' comments allowed at the North Kansas City School Board meeting at 7:00 PM, on June 14<sup>th</sup>.

City Manager Davis stated the meeting will be at the Doolin Center at 2000 NE 46<sup>th</sup> Street.

**Item 8. on the Agenda.      OTHER BUSINESS.**


There was no other business.

**Item 9. on the Agenda.      QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

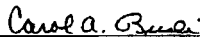
**Item 10. on the Agenda.      ADJOURNMENT.**

There being no further business to come before the June 6, 2005, Gladstone City Council Meeting, Mayor Carol Rudi adjourned the Regular Meeting.

  
Cathy Swenson, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

  
Mayor Carol Rudi



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JUNE 13, 2005**

**OPEN STUDY SESSION: 6:30 PM**

**REGULAR MEETING: 7:30 PM**

**The City Council will hold a Closed Executive Session immediately following 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 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(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 23, 2005 City Council Meeting Minutes.**
- 4a. **Special Presentation to Jamie Smith-Hennessy, recipient of the Small Business of the Year Award from the Missouri Department of Economic Development.**
5. **CONSENT AGENDA**

**RESOLUTION R-05-46**, authorizing the City Manager to accept a Bill of Sale from Larry K. and Connie S. Myers, and Southeast Mechanical Contractors, conveying to the City two water lines and two fire hydrants built in conjunction with construction of Northland Auto at 6110 North Oak Trafficway.

**RESOLUTION R-05-47**, authorizing the City Manager to accept a Bill of Sale from Brandon S. Beagle and Haines and Associates Construction, conveying to the City one water line and two manholes built in conjunction with construction of a duplex at 3610 and 3612 NE 72<sup>nd</sup> Street.

**RESOLUTION R-05-48**, authorizing the Director of Public Safety to make application for Law Enforcement Grants under the Missouri Highway Safety Program and to execute all necessary documents to complete the application process.

**RESOLUTION R-05-49**, authorizing execution of a Professional Engineering Services agreement with Water's Edge Aquatic Design in the total amount not to exceed \$78,300.00 for the design of improvements to the Municipal Pool. Project 056050.

**RESOLUTION R-05-50**, authorizing the agreement for confinement of prisoners with Midwest Security Housing, LLC.

**RESOLUTION R-05-51**, authorizing the Restrictive Covenant applicable to the Gladstone Water Treatment Plant site to prohibit signage.

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWAL:**

- Price Chopper, 6475 N Prospect, 7 Day Package Liquor and Wine Tasting License

**APPROVAL OF BUILDING PERMIT:** for an addition to Faubion United Methodist Church, 7113 North Troost, to allow for the incorporation of an elevator and accessibility upgrades. Applicant/Owner: Faubion United Methodist Church. (BP 05-10000322).

**APPROVAL OF FINANCIAL REPORTS FOR MAY 2005.**

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **RESOLUTION NO. R-05-52**, authorizing execution of a contract by and between the City of Gladstone, Missouri and the Kansas City Area Transportation Authority to provide public transportation for the period July 1, 2005 through June 30, 2006.
10. **RESOLUTION NO. R-05-53**, adopting the 2006 Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July 1, 2005 and ending June 30, 2006, authorizing the expenditure of funds and approving the Position Classification and Compensation Plan.
11. **FIRST READING BILL 05-21**, amending Ordinance NO. 3.763 concerning the licensing and regulation of Pawnbrokers doing business within the City of Gladstone.
12. **FIRST READING BILL 05-22**, 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".

13. Other Business.
14. Questions from the News Media.
15. Adjournment.





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

**MONDAY JUNE 13, 2005**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Les Smith  
Councilman Wayne Beer

Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Councilman Joe Evans  
City Manager Kirk Davis

Mayor Carol Rudi opened the Regular June 13, 2005, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR MAY 23, 2005 CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Bill Cross moved to approve the Regular May 23, 2005, City Council Meeting Minutes as presented. Councilman Wayne Beer seconded the motion.

The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0)

**Item 4a. on the Agenda.** Special Presentation to Jamie Smith-Hennessy, recipient of the Small Business of the Year Award from the Missouri Department of Economic Development.

Mayor Carol Rudi read and presented a Certificate of Recognition to Jamie Smith-Hennessy, who received the Small Business of the Year Award from the Missouri Department of Economic Development. Mayor Rudi reported that the Small Business of the Year recognizes a small business that has experienced significant growth, improved internal processes or developed a business or marketing plan to improve the business. Mayor Rudi stated Ms. Hennessy's business, Nature's Window, is in Gladstone, and the concept for Nature's Window took root in 1994 and has grown to include an in-flight catering service, which began in 1999. The company now employs 10 people. Mayor Rudi invited Ms. Hennessy to talk about her award and the growth of her business.

Jamie Smith-Hennessy began by saying at one time her life was not what she wanted it to be, so she packed up her daughter, and began work cleaning up construction sites. Ms. Hennessy then built a greenhouse and called it Nature's Window, selling organic herbs and vegetables she purchased from the Farmer's Market. She then began making pies, breads and cookies. A doctor asked her if she would provide catering services, which she did. This was followed by other catering requests, which prompted her to buy a bakery. Ms. Smith-Hennessy said she found a 650 square foot facility in Gladstone, with no frontage. The catering was going well, and the next thing she knew the White House was calling. Air Force I and Air Force II were visiting Kansas City and they requested baked items from Nature's Window. Ms. Smith-Hennessy said a Senator had been at a function where she had provided the food, and recommended her services to the White House.

Ms. Smith-Hennessy said her business has grown from an organic truck garden, where she hid her money in a mason jar and buried it in the ground, to having the opportunity to serve at events attended by people like professional golfer Jack Nicholas. Ms. Smith-Hennessy stated her motto is "fail until you succeed", and the most important part of her accomplishments is being her daughter's hero. Ms. Smith-Hennessy said she has shown her daughter that with a lot of hard work and determination, a person can do whatever they wish to do, and this award is for her daughter and all the wonderful people who work for her. Ms. Smith-Hennessy said she could not have done this in any other community but Gladstone. The Gladstone police have kept her safe, and when it was too hot and she needed help, they were always there, and whenever she just needed to talk to someone, she could call City Clerk Cathy Swenson. Ms. Smith-Hennessy said the City has been her support and she appreciates it very much.

Councilman Wayne Beer stated it was about a year ago that Ms. Smith-Hennessy was recognized by this Council when she received the Women Who Mean Business Award, and it appears that she is expanding beyond being a woman's business. Councilman Beer offered his congratulations.

**Item 5. on the Agenda.**

**CONSENT AGENDA**

**CONSENT AGENDA DETAIL**

Following the Clerk's reading, Councilman Wayne Beer moved to adopt the Consent Agenda as presented. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-05-46**, authorizing the City Manager to accept a Bill of Sale from Larry K. and Connie S. Myers, and Southeast Mechanical Contractors, conveying to the City two water lines and two fire hydrants built in conjunction with construction of Northland Auto at 6110 North Oak Trafficway. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-05-47**, authorizing the City Manager to accept a Bill of Sale from Brandon S. Beagle and Haines and Associates Construction, conveying to the City one water line and two manholes built in conjunction with construction of a duplex at 3610 and 3612 NE 72nd Street. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-05-48**, authorizing the Director of Public Safety to make application for Law Enforcement Grants under the Missouri Highway Safety Program and to execute all necessary documents to complete the application process. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-05-49**, authorizing execution of a Professional Engineering Services agreement with Water's Edge Aquatic Design in the total amount not to exceed \$78,300.00 for the design of improvements to the Municipal Pool. Project 056050. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-05-50**, authorizing the agreement for confinement of prisoners with Midwest Security Housing, LLC. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-05-51**, authorizing the Restrictive Covenant applicable to the Gladstone Water Treatment Plant site to prohibit

signage. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0)

Councilman Wayne Beer moved to approve the **ANNUAL LIQUOR LICENSE RENEWAL** for Price Chopper, 6475 North Prospect for a 7 Day Package Liquor and Wine Tasting License. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0)

Councilman Wayne Beer moved to approve a **BUILDING PERMIT** for an addition to Faubion United Methodist Church, 7113 North Troost, to allow for the incorporation of an elevator and accessibility upgrades. Applicant/Owner: Faubion United Methodist Church. (BP 05-10000322). Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0)

Councilman Wayne Beer moved to approve the **FINANCIAL REPORTS** for May 2005. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (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 Les Smith** had no comments at this time.

**Councilman Wayne Beer** reported the Bluesfest was a resounding success and had great crowds. Councilman Beer said he was there both nights and had a great time. The music was great and so were the people in attendance. Councilman Beer congratulated the Gladstone Area Chamber of Commerce on this successful event.

**Mayor Pro Tem Bill Cross** asked Parks and Recreation Director Sheila Lillis what she estimated the turnout was for Bluesfest.

Director Lillis replied the Chamber estimated there were approximately 15,000 people in attendance for the weekend.

**Mayor Pro Tem Cross** asked Public Safety Director Bill Adamo where the prisoners are currently being sent.

Director Adamo replied the City currently uses a facility in Henrietta, Missouri, Ray County Security Housing, which was a private facility. It was recently purchased by Ray County Sheriff's Department.

Mayor Pro Tem Cross inquired into the cost of the housing.

Director Adamo replied the cost is \$35 for a female and \$30 for a male. The advantage is that they will transport prisoners, and the City does not have to tie up personnel to provide that transportation.

Mayor Pro Tem Cross stated the tour of the newly renovated Public Safety facility at the recent dedication was very educational and interesting. Councilman Cross said he believed about 200 people were in attendance. Councilman Cross stated about two or three prisoners can be held at a time at our Public Safety facility.

Director Adamo agreed and said they can be held for a very short term.

Mayor Carol Rudi announced that Gladstone Neighbors Helping Neighbors is conducting a workday on June 18<sup>th</sup>. They are meeting at City Hall at 8:00 AM. Mayor Rudi asked Parks and Recreation Director Sheila Lillis to discuss the activities at Oak Grove Park over the weekend.

Director Lillis reported that on the third Friday in June, July and August, there will be a movie played at Oak Grove Park. The first movie "Casablanca", will be on June 17<sup>th</sup>, at 9:15 PM. Prior to the movie, at 7:30 PM, the Harpin' Harps will perform. Concessions will be available from the Northland Optimists. All the movies in the park are free, and they all start at 9:15 PM.

Mayor Rudi inquired into the concessions.

Director Lillis replied there will be nachos, hot dogs, candy, pretzels, and things of that nature.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

Assistant City Manager Scott Wingerson thanked Parks and Recreation Director Sheila Lillis, Public Safety Director Bill Adamo, Public Works Director Chuck Williams, and their staffs for staffing and supporting the Bluesfest over the weekend. Without their support, this very successful event would not be possible. There were 16 City of Gladstone employee volunteers who participated in the event. Mr. Wingerson thanked the employee volunteers and said they are also a big part of making the event happen. Mr. Wingerson thanked The Gladstone Area of Chamber members for co-hosting the event and for all their hard work.

Mr. Wingerson reminded everyone of the North Kansas City School Board Meeting that will be tomorrow night at 7:00 PM. The proposal for the aquatic center will be presented at the meeting. Mr. Wingerson stated he wished to draw attention to a media release from Sergeant King that recognizes three Public Safety Officers: Officer Keever, Officer Boydston, and Officer Salazar. These officers clearly went beyond the call of duty at a fire that happened on June 9<sup>th</sup>, at Northwood Village Apartments. Mr. Wingerson offered thanks to those officers on another good job done by Public Safety.

**Item 9, on the Agenda.**      **RESOLUTION NO. R-05-52**, authorizing execution of a contract by and between the City of Gladstone, Missouri and the Kansas City Area Transportation Authority to provide public transportation for the period July 1, 2005 through June 30, 2006.

Councilman Les Smith moved to approve **RESOLUTION NO. R-05-52**, authorizing execution of a contract by and between the City of Gladstone, Missouri and the Kansas City Area Transportation Authority to provide public transportation for the period July 1, 2005 through June 30, 2006, subject to paragraph 5, page 2, being changed to read: "If the actual total deficit and other factors are such that the KCATA deems the full Local Share is not required, the KCATA *shall* (strike "*may*") require payment of less than the Local Share, or reimburse the Community for a portion of the Local Share previously paid.

Councilman Smith said Mr. Swope verbally agreed to this change in his presentation at the City Council's Open Study Session

Councilman Wayne Beer seconded.

City Counselor David Ramsay stated he spoke with Mr. Swope, who said changing the word was certainly agreeable with him, but he would need to check with his organization's legal counsel. Mr. Ramsay said Mr. Swope did not feel it would be a problem, but he did want to make Council aware there may be some technical reason the organization's legal staff does not want to make this change. If that occurs, Staff will come back to Council with another recommendation.

Councilman Smith agreed and said if the Kansas City Area Transportation Authority's legal counsel is not comfortable with this change, this issue can be brought back before this Council.

The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0)

**Item 10, on the Agenda.**      **RESOLUTION NO. R-05-53**, adopting the 2006 Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July 1, 2005 and ending June 30, 2006, authorizing the expenditure of funds and approving the Position Classification and Compensation Plan.

Mayor Pro Tem Bill Cross moved to approve **RESOLUTION NO. R-05-53**, adopting the 2006 Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July 1, 2005 and ending June 30, 2006, authorizing the expenditure of funds and approving the Position Classification and Compensation Plan. Councilman Les Smith seconded.

Councilman Smith thanked City staff for all their hard work on this year's budget. The budget does not get any easier as time goes by. Staff did a very good job in setting some priorities in the coming year. Councilman Smith said he wished to commend Council members for their work on the budget.

Mayor Rudi stated Staff did a good job working Gladstone on the Move recommendations into the budget.

Councilman Beer said he would like to echo both Councilman Smith and Mayor Rudi's comments. Each succeeding budget becomes more difficult because receipts do not increase, but expenses do seem to increase. As a result, every year gets harder. Councilman Beer expressed to City staff congratulations on a job well done.

The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0)

**Item 11. on the Agenda.** **FIRST READING BILL 05-21**, amending Ordinance No. 3.763 concerning the licensing and regulation of Pawnbrokers doing business within the City of Gladstone.

City Counselor David Ramsay stated this is a Bill to update the City's current pawnbroker Ordinance to incorporate new State law requirements. Principally, the Ordinance requires that each licensing entity agree to join and provide information through an internet database of all property that is taken into their facilities. It is coincidental that some Council members raised policy questions in this area last week when this Ordinance was being developed. This Ordinance does not address those issue, but merely addresses database requirements. Staff will be working on the broader issues that Council is interested in, and will bring those forward for Council's review in the next few weeks.

Councilman Les Smith moved to place Bill 05-21 on First Reading. Councilman Bill Cross seconded.

Councilman Beer stated that anytime a new regulation or Ordinance is enacted, he suspects there are those people who are affected by the regulation or Ordinance who feel discriminated against by the action. Councilman Beer said he feels it is important to make clear that the purpose of this Ordinance is to provide some clarification of operations within the City and to provide a law enforcement tool for recovery or identification of pawned items, which may have been stolen. It is important to provide a procedure by

which property could be identified properly under certain conditions, and this Ordinance does that.

City Counselor Ramsay said it also gives some protection to the operator of the shop by providing them the ability to have some assurance that the property they are handling is not contraband.

Councilman Beer said it is often thought that there is a negative stereotype to the pawnshops. While many people may foster that stereotype, the fact remains they offer a service that is often needed. We need to make sure all parties involved, the shop operator, law enforcement, and the citizens are properly protected.

Mayor Rudi stated she understands that most of the City's pawnshops are already participating in this process, and have cooperated with the process without the Ordinance, so it should not impose too much of a difficulty for most of the pawnshop owners.

The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 05-21, Waive the Rule and place the Bill on Second and Final Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 05-21 and enact the Bill as Ordinance 3.959. Councilman Bill Cross seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

**Item 12. on the Agenda.** **FIRST READING BILL 05-22**, 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 Les Smith moved to place Bill 05-22 on First Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 05-22, Waive the Rule and place the Bill on Second and Final Reading. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0). The Clerk read the Bill.



Councilman Les Smith moved to accept the Second and Final Reading of Bill 05-22 and enact the Bill as Ordinance 3.960. Councilman Bill Cross seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

**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.**


There being no further business to come before the June 13, 2005, Gladstone City Council Meeting, Mayor Carol Rudi adjourned the Regular Meeting.

Councilman 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, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Councilman Bill Cross seconded the motion.

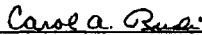
Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Carol Rudi



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JUNE 27, 2005**

**OPEN STUDY SESSION: 6:15 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will hold a Closed Executive Session immediately following 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 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(3) for Personnel Discussion.

**A M E N D E D   A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of the June 6, 2005 Special City Council Meeting Minutes.  
Approval of the June 13, 2005 Regular City Council Meeting Minutes.**
- 4a. **Presentation to the City** of a Check from Helene Miller, Missouri Department of Conservation, through the Tree Resource Improvement and Maintenance Cost-Share Program (T.R.I.M. II).
5. **CONSENT AGENDA**

**RESOLUTION R-05-54**, a Resolution appointing Deborah Daily to the position of City Treasurer for the City of Gladstone.

**RESOLUTION R-05-55**, accepting a Standard Easement from Chris and Sandy Guerrieri concerning property located at 2800 Northeast 60<sup>th</sup> Street.

**RESOLUTION R-05-56**, authorizing the City Manager to enter into an agreement for the use of the North Kansas City Public Safety Firing Range for periodic firearms training for members of the City's Public Safety Department.

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWAL:**

- Margarita's, 7013 North Oak Trafficway, Class A&B Liquor by the Drink License
- Smokehouse BBQ, 6304 North Oak, Class A&B Liquor by the Drink License
- Quik Trip, 2590 NE 72 Street, 7 Day Package Liquor License
- Quik Trip, 6309 NE Antioch Road, 7 Day Package Liquor License
- Gasmart, USA, 7303 North Oak Trafficway, 7 Day Package Liquor License
- Bubbles, 7407 North Oak Trafficway, 7 Day Package Liquor License
- Aldi's, 7604 North Oak Trafficway, 7 Day Package Liquor License
- Trex Mart #7, 5810 NE Antioch Road, 7 Day Package Liquor License
- Kwik Shoppe, 7603 North Oak Trafficway, 7 Day Package Liquor License
- KC Northland Elks, 7010 North Cherry, Class A&B Liquor by the Drink License
- Wasahi, LLC, 328 NE 72<sup>nd</sup> Street, 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. **APPROVAL OF LIQUOR LICENSE RENEWAL** for Gladstone Bowl, Inc., 300 NW 72nd Street, Class A&B Liquor by the Drink License.
10. **RESOLUTION R-05-57**, authorizing execution of a contract with Mediclaims, Incorporated, Tonkawa, Oklahoma, for ambulance billing services.
11. **RESOLUTION R-05-58**, authorizing the City Manager to negotiate and execute a contract with Coundrey and Associates to conduct a Classification and Compensation Study for the City.
12. Other Business.
13. Questions from the News Media.
14. Adjournment.



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

**MONDAY, JUNE 27, 2005**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Les Smith  
Councilman Wayne Beer  
Councilman Joe Evans  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Carol Rudi opened the Regular June 27, 2005, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE JUNE 6, 2005 SPECIAL CITY COUNCIL MEETING MINUTES AND THE JUNE 13, 2005 REGULAR CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Bill Cross moved to approve the June 6, 2005, Special City Council Meeting Minutes as presented. Councilman Wayne Beer seconded the motion.

The vote: All "aye" - Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to approve the June 13, 2005, Regular City Council Meeting Minutes as presented. Councilman Wayne Beer seconded the motion.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

**Item 4a. on the Agenda.**      **PRESENTATION TO THE CITY** of a check from Helene Miller, Missouri Department of Conservation, through the Tree Resource Improvement and Maintenance Cost-Share Program (T.R.I.M. II).

Mayor Rudi invited Helene Miller of the Missouri Department of Conservation, and Parks and Recreation Director Sheila Lillis to join her at the podium.

Ms. Miller stated she was presenting a check for \$10,000, which is a reimbursement to the City for part of the work that has been done through the City's tree management program, which included pruning and removing some higher risk trees from the City parks.

Mayor Rudi thanked Ms. Miller.

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

#### **CONSENT AGENDA DETAIL**

Following the Clerk's reading, Mayor Pro Tem Bill Cross moved to adopt the Consent Agenda as presented. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-05-54**, a Resolution appointing Deborah Daily to the position of City Treasurer for the City of Gladstone. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-05-55**, accepting a Standard Easement from Chris and Sandy Guerrieri concerning property located at 2800 Northeast 60th Street. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-05-56**, authorizing the City Manager to enter into an agreement for the use of the North Kansas City Public Safety Firing Range for periodic firearms training for members of the City's Public Safety Department. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe

Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to approve the **ANNUAL LIQUOR LICENSE RENEWALS** for:

Margarita's, 7013 North Oak Trafficway, Class A&B Liquor by the Drink License  
Smokehouse BBQ, 6304 North Oak, Class A&B Liquor by the Drink License  
Quik Trip, 2590 NE 72 Street, 7 Day Package Liquor License  
Quik Trip, 6309 NE Antioch Road, 7 Day Package Liquor License  
Gasmart, USA, 7303 North Oak Trafficway, 7 Day Package Liquor License  
Bubbles, 7407 North Oak Trafficway, 7 Day Package Liquor License  
Aldi's, 7604 North Oak Trafficway, 7 Day Package Liquor License  
Trex Mart #7, 5810 NE Antioch Road, 7 Day Package Liquor License  
Kwik Shoppe, 7603 North Oak Trafficway, 7 Day Package Liquor License  
KC Northland Elks, 7010 North Cherry, Class A&B Liquor by the Drink License  
Wasahi, LLC, 328 NE 72<sup>nd</sup> Street, Class A&B Liquor by the Drink License

Councilman Joe Evans seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (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 Joe Evans had no comments at this time.

Councilman Les Smith welcomed the City's new Finance Director, Deborah Daily, and said he was fortunate to sit on one of the interview panels, where Ms. Daily was quite impressive. Councilman Smith said he feels confident Ms. Daily will continue the long history of competent Finance Directors in our community. Councilman Smith said Ms. Daily was an excellent choice by the City Manager.

Councilman Wayne Beer thanked all the City employees who volunteered at the Bluesfest. There have always been some employee volunteers, but it seems there was a larger number of City employees who volunteered this year.

Mayor Pro Tem Bill Cross stated the Bluesfest event was a wonderful weekend, and people are still talking about the event. The turnout was very good.

Mayor Carol Rudi said that accepting a \$10,000 check would probably be the highlight of her year. Mayor Rudi welcomed Finance Director Daily, and asked Parks and Recreation Director Sheila Lillis to discuss upcoming park events.

Director Lillis reported the Independence Day celebration will be July 4<sup>th</sup>, with fireworks beginning about 9:50 PM and ending about 10:20 PM. The North Star Community Band will begin performing at 8:30 PM. There will be a Color Guard presentation by our own Color Guard, which will be about 9:50 PM. Mayor Rudi will be making opening comments. Director Lillis continued by saying the 18<sup>th</sup> season of Theatre in the Park will be Friday, Saturday and Sunday, July 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup>, with the production of "Annie". The second Movie in the Park will be "Willy Wonka and the Chocolate Factory" on July 15<sup>th</sup>, which begins at 9:15 PM. Director Lillis stated from 2:00 PM to 3:30 PM, on July 4<sup>th</sup>, there will be a watermelon-spitting contest, a big splash event, and noodle races at the Municipal Pool.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reported there would not be a City Council meeting on July 11<sup>th</sup>. City Manager Davis welcomed Deborah Daily, who comes to our City from the City of Manhattan, Kansas.

**Item 9. on the Agenda.**

**APPROVAL OF LIQUOR LICENSE RENEWAL for Gladstone Bowl, Incorporated, 300 NW 72nd Street, Class A&B Liquor by the Drink License.**

Councilman Smith stated he would be abstaining from the vote in regard to this issue as he has a business interest in the Gladstone Bowl.

Councilman Wayne Beer moved to approve the Liquor License Renewal for Gladstone Bowl, Incorporated, located at 300 NW 72<sup>nd</sup> Street. Mayor Pro Tem Bill Cross seconded.

The vote: "Aye" – Councilman Joe Evans, Councilman Wayne Beer, Pro Tem Bill Cross, and Mayor Carol Rudi. "Abstain" – Councilman Les Smith. (4-0-1)

**Item 10. on the Agenda.**

**RESOLUTION R-05-57, authorizing execution of a**

contract with Mediclaims, Incorporated, Tonkawa, Oklahoma, for ambulance billing services.

Councilman Les Smith moved to approve **RESOLUTION R-05-57**, authorizing execution of a contract with Mediclaims, Incorporated, Tonkawa, Oklahoma, for ambulance billing services. Councilman Joe Evans seconded.

Assistant City Manager Scott Wingerson stated this is a contract to privatize the billing function of the ambulance service. Staff would continue to monitor the billing. City

Council would make policy with City staff, with the billing company implementing that policy.

Councilman Wayne Beer stated the presentation made during the Open Study Session probably answered any questions Council might have. Councilman Beer said that while the contract includes a fee of 9 percent of receipts, he believes Mediclaims would be knowledgeable of any new issues that may come before them. Councilman Beer stated that he believes that although the City would not make money, it certainly would not cost the City anything in the long run.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

**Item 11. on the Agenda.**      **RESOLUTION R-05-58**, authorizing the City Manager to negotiate and execute a contract with Coundrey and Associates to conduct a Classification and Compensation Study for the City.

Mayor Pro Tem Bill Cross moved to approve **RESOLUTION R-05-58**, authorizing the City Manager to negotiate and execute a contract with Coundrey and Associates to conduct a Classification and Compensation Study for the City. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

**Item 12. on the Agenda.**      **OTHER BUSINESS.**

Mayor Pro Tem Cross stated that Public Safety's traffic monitoring trailer was recently on his street, and was very effective before it quit working. Councilman Cross said he notified Officer King, who removed it. Councilman Cross said it is his understanding it is now being repaired; however, even when it was not working, it was effective in slowing down the traffic.

**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 June 27, 2005, Gladstone City Council Meeting, Mayor Carol Rudi adjourned the Regular Meeting.



Councilman Les Smith 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, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Councilman Joe Evans seconded the motion.

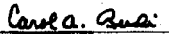
Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: X

Approved as corrected/amended:     

  
Mayor Carol Rudi



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, July 25, 2005**

**OPEN STUDY SESSION: 5:00 PM  
CITY HALL NORTH CONFERENCE ROOM**

**CONTINUATION OF OPEN STUDY SESSION: 5:30 pm  
FIRST BANK OF MISSOURI  
7001 NORTH OAK TRAFFICWAY  
GLADSTONE, MISSOURI 64118**

**REGULAR MEETING: 7:30 PM  
CITY HALL COUNCIL CHAMBERS  
7010 NORTH HOLMES  
GLADSTONE, MISSOURI 64118**

The City Council will hold a Closed Executive Session immediately following 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 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(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 the June 27, 2005 Special City Council Meeting Minutes.
- 4a. **PROCLAMATION:** designating the week of July 25, 2005 to July 31, 2005, as "NATIONAL PARKS AND RECREATION WEEK".
5. **CONSENT AGENDA**

**RESOLUTION R-05-59**, a Resolution disclosing and ratifying the City Council's prior actions in purchasing a tract of land at 201 Northeast 70<sup>th</sup> Terrace to provide additional access to City property.

**RESOLUTION R-05-60**, authorizing the City Manager to accept a Bill of Sale from Suter-Sambol, LLC and Stinson Plumbing, conveying to the City a Water Line and Fire Hydrant in Conjunction with construction of Snappy Convenience Store at 4901 Old Pike Road.

**RESOLUTION R-05-61**, authorizing acceptance of work under contract with Mega Industries Corporation for the Broadway and NW 58<sup>th</sup> Street Reconstruction; and authorizing final payment in the amount of \$13,982.85 for Project 035034.

**RESOLUTION R-05-62**, authorizing execution of a contract with William White & Sons Construction Company Incorporated in the total amount not to exceed \$48,739.10 for the Gladstone Fire Station 2 Improvements; Project 055018.

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWAL:**

- The Hide Out Bar & Grill, LLC, 6948 North Oak Trafficway, Class A Liquor by the Drink License.
- Senor Tequilla, 6502 North Oak Trafficway, Class A&B Liquor by the Drink License.
- Karadjordje, LLC, 6579 North Oak Trafficway, Seven Day Beer and Light Wine by the Drink and in the Original Package License.
- Tommy's, 6221 North Chestnut, Class A&B Liquor by the Drink License.
- Kyle's Tap Room, 6825 North Oak Trafficway, Class A Liquor by the Drink License.
- Nardella, Inc. dba Mark & Michelle's Bar & Grill, 7102 North Oak Trafficway, Class A Liquor by the Drink License.
- TEZ, Inc. dba The End Zone, 7632 North Oak Trafficway, Class A Liquor by the Drink License.
- Tortilla Flats, 5716 NE Antioch Road, Class A Liquor by the Drink License.
- Kesar Petroleum, Inc, dba Gladstone Mart & Liquor, 7020 North Oak Trafficway, 7 Day Package Liquor License.
- Osco Drug Store, #5103, 6129 North Antioch Road, 7 Day Package Liquor License.
- CVS Pharmacy, 7107 North Oak Trafficway, 7 Day Package Liquor License.

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
- 7a. Appointment of City Task Force for Atkins/Johnson Home.
8. Communications from the City Manager.
9. **APPROVAL OF A BUILDING PERMIT:** for a two-story office building to be located at 200 NW Englewood Road. Owner: Dick Clemens. Applicant: United States Construction, Inc. (BP 05-10000462)
10. Other Business.
11. Questions from the News Media.
12. Adjournment.



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

**MONDAY JULY 25, 2005**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Les Smith  
Councilman Joe Evans  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Councilman Wayne Beer

Mayor Carol Rudi opened the Regular July 25, 2005, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR JUNE 27, 2005,  
CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Bill Cross moved to approve the Regular June 27, 2005, City Council Meeting Minutes as presented. Councilman Joe Evans seconded the motion.

The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0)

**Item 4a. on the Agenda.** Mayor Carol Rudi read a **PROCLAMATION** designating the week of July 25, 2005 to July 31, 2005, as "**NATIONAL PARKS AND RECREATION WEEK**". Parks Supervisor Matt Hoops accepted the proclamation and thanked Mayor Rudi and City Council members for the recognition. Mr. Hoops announced that Theatre in the Park; a Sweet Adelines performance; and the Movie in the Park, "School of Rock", are events that will be held at the Gladstone Amphitheatre in the month of August.

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

**CONSENT AGENDA DETAIL**

Following the Clerk's reading, Councilman Les Smith moved to adopt the Consent Agenda as presented. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0)

Councilman Les Smith moved to adopt **RESOLUTION R-05-59**, a Resolution disclosing and ratifying the City Council's prior actions in purchasing a tract of land at 201 Northeast 70th Terrace to provide additional access to City property. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0)

Councilman Les Smith moved to adopt **RESOLUTION R-05-60**, authorizing the City Manager to accept a Bill of Sale from Suter-Sambol, LLC and Stinson Plumbing, conveying to the City a Water Line and Fire Hydrant in Conjunction with construction of Snappy Convenience Store at 4901 Old Pike Road. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0)

Councilman Les Smith moved to adopt **RESOLUTION R-05-61**, authorizing acceptance of work under contract with Mega Industries Corporation for the Broadway and NW 58th Street Reconstruction; and authorizing final payment in the amount of \$13,982.85 for Project 035034. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0)

Councilman Les Smith moved to adopt **RESOLUTION R-05-62**, authorizing execution of a contract with William White & Sons Construction Company Incorporated in the total amount not to exceed \$48,739.10 for the Gladstone Fire Station 2 Improvements; Project 055018. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0)

Councilman Les Smith moved to approve the **ANNUAL LIQUOR LICENSE RENEWALS** for:

- The Hide Out Bar & Grill, LLC, 6948 North Oak Trafficway, Class A Liquor by the Drink License.
- Senor Tequilla, 6502 North Oak Trafficway, Class A&B Liquor by the Drink License.
- Karadjordje, LLC, 6579 North Oak Trafficway, Seven Day Beer and Light Wine by the Drink and in the Original Package License.
- Tommy's, 6221 North Chestnut, Class A&B Liquor by the Drink License.
- Kyle's Tap Room, 6825 North Oak Trafficway, Class A Liquor by the Drink License.
- Nardella, Inc. dba Mark & Michelle's Bar & Grill, 7102 North Oak Trafficway, Class A Liquor by the Drink License.
- TEZ, Inc. dba The End Zone, 7632 North Oak Trafficway, Class A Liquor by the Drink License.
- Tortilla Flats, 5716 NE Antioch Road, Class A Liquor by the Drink License.
- Kesar Petroleum, Inc. dba Gladstone Mart & Liquor, 7020 North Oak Trafficway, 7 Day Package Liquor License.
- Osco Drug Store, #5103, 6129 North Antioch Road, 7 Day Package Liquor License.
- CVS Pharmacy, 7107 North Oak Trafficway, 7 Day Package Liquor License.

Mayor Pro Tem Bill Cross seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (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 asked for an update on the ongoing construction projects in town, particularly the 76<sup>th</sup> Street Project. Councilman Evans inquired into the status of the entry signage into Gladstone, as it appears some of the signs are about to fall. Councilman Evans also inquired into park signage repairs.

Public Works Director Chuck Williams reported that Phase I of the 76<sup>th</sup> Street Project is progressing, with curb and gutter soon to be installed. There has recently been a conflict with the gas line, and hopefully Missouri Gas Energy will soon lower the line, so paving can be done this week. Phase I of this project goes to the west edge of Oak Grove Park. It

is hoped in the next two to three weeks, to see this phase of the project getting pretty well completed. Phase 2 of the project, which includes Harrison Place, will then begin. There is a good possibility that the contractor will be allowed to begin Phase 2 in regard to the storm water work, in order to jump start that phase. This was not allowed before, because the contractor was going to pull off part of the crew from Phase 1 to do that, and the City does not want that to happen. Mr. Williams stated the completion date is still on target for mid November for this project.

In regard to the City's entryway signage, Assistant City Manager Scott Wingerson began by saying the City Council will remember presentation boards that Staff presented which were made of synthetic stucco which read "Welcome to Gladstone". The contractor who did the signage design for City Hall and Station 2 offered to work on this project, and has come up with some amazing, interesting and affordable options that would be consistent with some of the signage that has been used on buildings throughout the City. It is planned to take those drawings and cost estimates to the original group, who reviewed the previous signage, to seek their input and come back with a recommendation to City Council.

City Manager Kirk Davis stated the park signage issue is twofold. One issue is the park signs that are on the entryways where the gardens are located. Discussions are beginning as to how to improve those signs. The other part of the park signage question is the interior signage in the parks, which was a big push in 1993 or 1994. Parks and Recreation Director Sheila Lillis and Parks Supervisor Matt Hoops have identified the interior parks signage that needs to be replaced. City Manager Davis said he believes some of this type of signage has been replaced at Oak Grove Park and Happy Rock Park, and is not certain exactly where we are with replacing some of the other worn interior parks signage. These types of signs indicate park rules and regulations, park hours, and so forth. City Manager Davis said he believed Staff has replaced or repaired most of the interior signage in the visible, active parks. The Parks and Recreation Department is looking at signage for the main parks. It won't be a lot different from what we have now. The City receives a lot of compliments on the parks, the flower gardens, and things of that nature, but a couple of signs are beginning to lean a little bit, and Staff is looking at replacing those.

**Councilman Les Smith** stated usually Parks and Recreation Director Sheila Lillis gets to accept all the plaques and so forth, but Parks Supervisor Matt Hoops has been with the City for some time, and does a wonderful job. It is good to see Mr. Hoops come forward to receive the hardware. Councilman Smith thanked Mr. Hoops for all he does for the City. Councilman Smith thanked everyone who sent cards, letters, flowers and gifts to his daughter, Jennifer, who had surgery a few weeks ago. She is doing much better, and having those things at home makes her feel a lot better. Councilman Smith thanked those who sent cards to him for moral support.

Councilman Smith mentioned he e-mailed City Manager Davis three or four weeks ago regarding traffic issues, and asked when he would receive a response to those 9 or 10 questions on the e-mail.

City Manager Davis replied he would look at the e-mail again, because he was under the impression that a response had been made to everything that was outstanding, but if that has not happened, certainly he would respond right away.

Councilman Smith stated he would provide a paper copy to City Manager Davis at this meeting.

**Mayor Pro Tem Bill Cross** asked that someone temporarily straighten out the City entry sign that is west of Walmart on M-1 Highway.

City Manager Davis confirmed that would be addressed as soon as possible.

Mayor Pro Tem Cross thanked City staff who attended the Missouri Municipal League West Gate Division Leadership event. There were 270 people in attendance, and 16 members of Gladstone were present. It was fantastic to have so many colleagues present. Mayor Pro Tem Cross thanked City Manager Davis for getting the group together.

**Mayor Carol Rudi** explained that West Gate is this area's portion of the Missouri Municipal League, and at the event Councilman Cross mentioned, a Citizen of the Year was recognized. Gladstone recognized "Gladstone on the Move" for all the work they did this past 18 months or so, rather than an individual citizen. Gladstone on the Move worked on strategic planning and proposed tax increases that were passed in February.

Mayor Rudi stated that Council has not met since the July 4<sup>th</sup> celebration, and she wanted to report she has heard nothing but excellent comments about the July 4<sup>th</sup> celebration. Mayor Rudi received an e-mail from Phil Meyers, who said he had not yet taken time to let the Council, Police, and Fire Departments know that they had a great evening. Mr. Meyers said, "as usual, everything was first rate, let others take New York, I'll take Gladstone, anytime." Mayor Rudi said she appreciates these kinds of notices, and thinks City staff should be very proud.

Mayor Rudi stated that since Council last met, the production of "Annie" was presented at the Gladstone Amphitheatre, and was received with great reviews. As a follow-up to the report by Mr. Hoops, the Gladstone Amphitheatre will host on August 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup>, the "Bye Bye Birdie" production; on August 13<sup>th</sup>, the Sweet Adelines will perform; and on August 19<sup>th</sup>, there will be the Five Minute Film Festival and Movie in the Park - "School of Rock". Mayor Rudi encouraged all to attend, and suggested if anyone had a question about the events, to please call the Parks and Recreation Department.

Councilman Joe Evans stated he received a thank you note from Mary Abbott, which he distributed to Council members, and will also provide one to Public Works Director Chuck Williams. Councilman Evans said Ms. Abbott wanted to also thank Director Williams for his immediate response to her recent drainage concern. Councilman Evans thanked Mr. Williams for his quick response.



Councilman Les Smith thanked Director Williams for moving a nameplate at the Water Treatment Plant. The nameplate included the name of Councilman Smith's father, who was instrumental in the construction of the Water Treatment Plant. Councilman Smith said the nameplate had been hidden in a corner, and is now in a prominent place. Councilman Smith said it took about six years to accomplish relocating the plaque, and he thanked Director Williams for his assistance.

Mayor Rudi stated that Mayor Pro Tem Cross informed her that approximately 15,000 people were in attendance at the production of "Annie". There should be that many or more at the next production.

**Item 7a. on the Agenda.**      **Appointment of a City Task Force for the Atkins Johnson Home.**

Economic Development Administrator Melinda Mehaffy reported that included in Council's packet was a list of individuals who have an interest in sitting on the Atkins Johnson Farm Task Force. As members of the task force, their jobs would be to assist the City as the process is begun to look at the use of the home and the surrounding property, as well as funding and management of the project. This task force will be working with Susan Richards Johnson of Susan Richards Johnson and Associates, as the City moves forward on this project. The list of individuals covers a large age group from age 13 years old and up, and has some individuals who are either descendants of the homestead families, or in some cases have personally acquired some data about the home and are willing to share that information with the City. Ms. Mehaffy asked for Council's consideration in approving the task force as presented.

Councilman Les Smith moved to appoint the City task force for the Atkins Johnson home, names of which are included in the memorandum dated July 15, 2005, from Economic Development Administrator Melinda Mehaffy. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0)

**Note:** The Atkins Johnson Task Force, as included in the memorandum dated July 15, 2005, from Economic Development Administrator Melinda Mehaffy, is as follows:

Tom Atkins, Brian Blake, Vern Drottz, Rosie Forsman, Martha Horton, Charlie Johnson, Jill Potenz, Dave Reynolds, Brittany Sanders, David Smith, Linda Smith, and Mike Steffens.

Mayor Rudi stated there is one other item under Communications from the City Council, which is consideration of an appointment to the Recycling and Solid Waste Committee, with a term expiring December 2006.

Mayor Pro Tem Bill Cross moved to appoint William Stone to the Recycling and Solid Waste Committee, with a term expiring December 2006. Councilman Joe Evans seconded.

The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0)

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis thanked all who participated in the Kansas City Area Transportation Authority workshop this evening; hopefully it was beneficial for everyone. City Manager Davis stated Mr. Myers expressed in his e-mail appreciation to the Public Safety Department, and Mr. Davis said he would like to add the Parks and Recreation Department really puts on the July 4<sup>th</sup> program, and does a great job. City Manager Davis congratulated the Parks and Recreation Department and thanked them for a job well done.

**Item 9. on the Agenda.**

**APPROVAL OF A BUILDING PERMIT:** for a two-story office building to be located at 200 NW Englewood Road. Owner: Dick Clemens. Applicant: United States Construction, Inc. (BP 05-10000462)

Councilman Les Smith moved to approve the Building Permit for a two-story office building to be located at 200 NW Englewood Road. Owner: Dick Clemens. Applicant: United States Construction, Inc. (BP 05-10000462). Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0)

**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.

**Item 12. on the Agenda.**

**ADJOURNMENT.**

There being no further business to come before the July 25, 2005, Gladstone City Council Meeting, Mayor Carol Rudi adjourned the Regular Meeting.

Councilman Les Smith 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, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Mayor Pro Tem Bill Cross seconded the motion.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

Respectfully submitted:

Cathy Swenson  
Cathy Swenson, City Clerk

Approved as submitted: ✓

Approved as corrected/amended:     

Carol A. Rudi  
Mayor Carol Rudi



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, August 8, 2005**

**OPEN STUDY SESSION: 6:30 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will hold a Closed Executive Session immediately following 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 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(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 the July 25, 2005 Regular City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** recognizing **KEN WINKLER** as the recipient of the **Tri County Mental Health Services Volunteer Achievement Award** for 2005.
- 4b. **PROCLAMATION:** designating the week of August 15-18, 2005, as **"HEALTHY KIDS WEEK"** in Gladstone, sponsored by Children's Mercy Hospital.
5. **CONSENT AGENDA**

**RESOLUTION R-05-63**, authorizing acceptance of work under contract with Musselman & Hall Contractors, LLC, for the 2005 Intermediate Maintenance Program, and authorizing final payment in the amount of \$171,361.00 for Project 055003.

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:**

- Hy-Vee, Inc., dba Hy-Vee, 7117 North Prospect, 7 Day Package Liquor and Wine Tasting License.
- Hy-Vee, Inc. dba Hy-Vee Gas, 7121 North Prospect, 7 Day Package Liquor License.

- Snappy Store #4901, 4901 Old Pike Road, 7 Day Package Liquor License.
- Sonnie of KC, Inc. dba The Groove, 316 NE 72<sup>nd</sup> Street, Class A Liquor by the Drink License.
- Stoney's Bar & Grill, dba Rocket's Place, 6829 North Oak Trafficway, Class A&B Liquor by the Drink License.
- Applebee's Neighborhood Bar & Grill, 6069 N. Antioch Road, Class A&B Liquor by the Drink License.

## APPROVAL OF FINANCIAL REPORT FOR JUNE 2005.

### REGULAR AGENDA

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **RESOLUTION R-05-64**, authorizing the City Manager to enter into a cooperative agreement with the City of Kansas City, Missouri for the equal sharing of costs associated with the construction of a sidewalk connecting the Claybrook subdivision with the existing trail in Happy Rock Park, and further authorizing Change Order No. 8 to the contract with Damon Pursell Construction for Happy Rock West, Project 25025, for the construction of said sidewalk.
10. **RESOLUTION R-05-65**, accepting Public Road Right-of-Way from the Missouri Department of Transportation along Northeast 64th Street from North Prospect to North Wayne in conjunction with the Tower Plaza Development Project.
11. **RESOLUTION R-05-66**, a Resolution withdrawing the preliminary designation of Developer from WCP Gladstone Plaza, LLC for the redevelopment of the Gladstone Plaza redevelopment area and declaring the Memorandum of Understanding no longer in effect.
12. **FIRST READING BILL 05-23**, an Ordinance annexing that tract of land comprising the Gladstone Water Treatment Plant that is being de-annexed by the City of Kansas City, Missouri, and authorizing and directing the City Clerk to do those things necessary to document such action.
13. **FIRST READING BILL 05-24**, an Ordinance granting a franchise to the Kansas City Power & Light Company, its successors and assigns, to construct, operate and maintain all appropriate facilities for carrying on a light, heat and power business in the City of Gladstone, Missouri; and setting forth the terms and conditions of such authorization.
14. Other Business.
15. Questions from the News Media.
16. Adjournment.



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

**MONDAY AUGUST 8, 2005**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Les Smith  
Councilman Wayne Beer  
Councilman Joe Evans  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Carol Rudi opened the Regular August 8, 2005, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR JULY 25, 2005,  
CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Bill Cross moved to approve the Regular July 25, 2005, City Council Meeting Minutes as presented. Councilman Joe Evans seconded the motion.

Councilman Wayne Beer stated he would be abstaining from the vote as he was not present at the July 25, 2005 City Council meeting.

The vote: "Aye" – Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. "Abstain" – Councilman Wayne Beer. (4-0-1)

**Item 4a. on the Agenda.**

Mayor Carol Rudi read a **PROCLAMATION** recognizing "**KEN WINKLER**" as the recipient of the **TRI COUNTY MENTAL HEALTH SERVICES VOLUNTEER ACHIEVEMENT AWARD** for 2005. Mr. Ken Winkler accepted the proclamation and thanked Mayor Rudi and City Council members for the recognition.

**Item 4b. on the Agenda.**

Mayor Carol Rudi read a **PROCLAMATION** designating the week of August 15-18, 2005, as "**HEALTHY KIDS WEEK**" in Gladstone, sponsored by Children's Mercy Hospital. Teresa Shepherd, RN, Director of Education for Children's Mercy Hospital, accepted the proclamation and thanked Mayor Rudi and City Council members on behalf of Children's Mercy Hospital. Ms. Shepherd stated Kohl's has given the hospital a nice grant. There is a nice Kohl's in the Northland, as well as a Children's Mercy Hospital facility. Ms. Shepherd encouraged all to support the programs to keep kids healthy.

**Item 5. on the Agenda.**

**CONSENT AGENDA**

**CONSENT AGENDA DETAIL**

Following the Clerk's reading, Councilman Wayne Beer asked that approval of the annual Liquor License for Stoney's Bar & Grill be removed from the Consent Agenda for consideration under the Regular Agenda as Item 5a.

Mayor Pro Tem Bill Cross moved to adopt the Consent Agenda as amended. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-05-63**, authorizing acceptance of work under contract with Musselman & Hall Contractors, LLC for the 2005 Intermediate Maintenance Program, and authorizing final payment in the amount of \$171,361.00 for Project 055003. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to approve the **ANNUAL LIQUOR LICENSE RENEWALS** for:

- Hy-Vee, Inc., dba Hy-Vee, 7117 North Prospect, 7 Day Package Liquor and Wine Tasting License.
- Hy-Vee, Inc. dba Hy-Vee Gas, 7121 North Prospect, 7 Day Package Liquor License.

- Snappy Store #4901, 4901 Old Pike Road, 7 Day Package Liquor License.
- Sonnie of KC, Inc. dba The Groove, 316 NE 72<sup>nd</sup> Street, Class A Liquor by the Drink License.
- Applebee's Neighborhood Bar & Grill, 6069 N. Antioch Road, Class A&B Liquor by the Drink License.

Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to approve the **FINANCIAL REPORT FOR JUNE 2005**. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

#### **REGULAR AGENDA**

#### **Item 5a. on the Agenda. APPROVAL OF THE ANNUAL LIQUOR LICENSE RENEWAL FOR STONEY'S BAR & GRILL, DBA ROCKET'S PLACE, 6829 NORTH OAK TRAFFICWAY, CLASS A&B LIQUOR BY THE DRINK LICENSE.**

Councilman Wayne Beer stated Council did some approval action fairly recently with this company under the name of Stoney's Bar & Grill, and he recently noticed there is a sign on the business, which says Rocket's Place. Council now has before them a request for a Liquor License renewal with a "doing business as" (dba) Rocket's Place, and his question is what is happening with the business.

James Kessinger, 6812 North Oak Trafficway, said he is the Attorney for Stoney's Bar & Grill. Mr. Kessinger stated Stoney's Bar & Grill is still the entity that owns the liquor license, and has filed a fictitious registration with the Secretary of State to operate under the name of Rocket's Place. Mr. Kessinger pointed out this is very similar to Sonnie of KC, Inc. who does business as The Groove, and are also requesting a Liquor License renewal, as listed on tonight's agenda. This is an identical situation.

Councilman Beer stated he understood. Council has made approvals to The Groove a number of times. Councilman Beer said he stated the actions Council has taken in regard to The Groove have been ongoing, this renewal application is new in that just recently City Council approved a new Liquor License under the name of Stoney's Bar & Grill, but the name Rocket's Place was not a part of that application. Councilman Beer said there is a little bit of confusion on his part as to who is who.

Mr. Kessinger replied that when City Council issued a Liquor License to Stoney's Bar & Grill in April, the business was changing the format from a teen club to a bar. Stoney's Bar & Grill is the name of the limited liability company that used the name, The Que, LLC



and then changed the name to Stoney's Bar & Grill. It is still the same entity as always, and there are the same owners and the same everything. It is just when the owners promoted it as a bar, they entered into a promotion contract with a man named Rocket to promote it as an entertainment establishment. Mr. Kessinger said, as far as the Liquor License renewal, it is the same company, and everything that was on the original application that was filed is all the same; it is just that their promotions have changed. The owner wants to promote it as Rocket's Place.

Councilman Beer asked if this application is for a new license or a renewed license, which is what he is questioning.

Mr. Kessinger stated he believes it is just a renewal, because it is the same company, and all of the underlying matters are still the same on the application. When the applications were completed, the business listed the name of the owner, who the liabilities were to, who the manager would be, and so forth, which is all still the same. Mr. Kessinger said it is still Stoney's Bar & Grill, LLC, it is still the operating company, the Liquor Managing Officer is still Ryan Frazier; it is only that the fictitious name for promotions has turned into Rocket's Place.

Councilman Les Smith asked if Stoney's Bar & Grill has been open since they received their Liquor License.

Mr. Kessinger stated Stoney's Bar & Grill opened a week ago, Saturday before last.

Councilman Smith said the City originally issued this license as a probationary license. A probationary period was enacted, with the knowledge that there would be this renewal opportunity. As the business has not opened, the City has lost the ability for that probationary period to determine how the business has done. Councilman Smith asked City Manager Davis how this license is issued and for what term.

City Manager Kirk Davis replied the probationary period was six months. In April, City Council issued a license to Stoney's Bar & Grill, which had several contingencies upon the issuance, including improvements to the facility that Stoney's Bar & Grill agreed to do. Before they were allowed to open, they had to complete those improvements, which they did. City Manager Davis reported that was about a two month process that took the business from one Liquor License renewal year to another Liquor License year, which is in July and August. It is Staff's opinion that the six month probationary period still runs, and runs through October, and the change in the name of the business does not change the requirements the Council imposed on the owner, nor does it change the probationary status. City Manager Davis said, by the same token, Staff agrees that this is a renewal and not a new application, for all the same reasons. There is still some of the probationary period to run. The City does not know if the business will operate as they said they would, because they just opened. There is some time in the probationary period, although this Liquor License renewal as Rocket's Place would run from July through June of next year.

Councilman Smith said if the business just opened, there is a 60 to 90 day opportunity to look at the business versus a six month period. Councilman Smith stated he understood the name change, but Council issued the license based upon the business being more of a billiards establishment, and asked what it is now. It is Mr. Smith's understanding it is opening more of a dance club.

Mr. Kessinger replied the physical facility is literally split down the middle. Since the Liquor License was issued, there have been only one or two major constructions on the inside. The major piece of construction on the inside is that a bar has been built on one side. On the other side, it is all basically the same, except they built a members only area, where the radio personality can bring his friends where they can have some privacy. Other than that, the facility is the same. The dance floor is the same as it was when it was a teen club. Mr. Kessinger said he was present when City staff inspected the facility. The dance floor hasn't changed at all, but they did change the other side. The owners have added some other types of entertainment items, such as video golf and similar electronic entertainment, and did lose some pool tables. The business is still being run as the intended format, which is an entertainment facility. There are not as many pool table as before, but they do intend to have leagues. There were 11 pool tables and now there are 6 pool tables.

Councilman Smith stated he understood the license was applied for as an entertainment venue, and understood what that meant, but there was distinct representation, including a couple of testimonies from the audience about the need for a billiards facility. Councilman Smith asked if it would be a fair statement to say the emphasis has changed somewhat.

Mr. Kessinger replied, he did not think so. In fact the gentleman that testified before was at the facility tonight, playing pool. The intent is that there will be pool leagues at the business. The format had to change to accommodate the bar, because at least 10 square feet is needed per pool table.

Councilman Smith moved to approve the annual Liquor License renewal for Stoney's Bar & Grill, dba Rocket's Place, 6829 North Oak Trafficway, Class A&B Liquor by the Drink License. Councilman Wayne Beer seconded.

Councilman Smith asked City Manager Davis if, since this is a renewal, is there an opportunity to extend the probationary period to get the originally intended six months back.

City Manager asked for the opportunity to check the authorizing State Statutes that established the ability to give Liquor Licenses, unless City Counselor might know the answer.

Councilman Smith asked Mr. Kessinger if his client would accept this, given that the City entered into this agreement with a six month probationary period. Councilman Smith said his understanding was the business would open right away. In fact, the first time Mr.

Kessinger came before Council, he wanted the application approved that night, and it was put off a couple of weeks. Councilman Smith asked if that request made sense. There is some consistency to that message.

Mr. Kessinger agreed the intent was the business would open right away, and he did not think anyone anticipated the construction delays. Mr. Kessinger said he did not necessarily have the authority to answer Councilman Smith's question, but would say the original six month probationary period could continue. Mr. Kessinger said Mr. Arbuckle was present, who is the owner of the business.

Mayor Rudi stated it is not being asked to continue the existing probationary period, but rather Council is asking for six months.

Councilman Smith agreed. His request is for a probationary period of six months from the time of the business opening, which was the intention the business was originally agreeable to, if it is possible for the City to request this.

Mr. Kessinger stated their preference would be that this not be the case. The City has other avenues to revoke the license, if it is dissatisfied with the way the business is run. The business would prefer to have the first six months as the probationary period. Mr. Kessinger said perhaps it would be a good idea to see what the State Statutes say.

Councilman Smith said this can be done in one of two ways. This application can come back before the Council in two weeks for formal approval of the renewal, or the business can choose to not contest the fact that the motion might be amended to state that, pursuant to State and local statutes, the license would be issued with a new six month probationary period.

Mr. Kessinger stated that Mr. Arbuckle agreed that the six month probationary period could start again.

Councilman Smith withdrew his motion, and Councilman Beer withdrew his second.

Councilman Les Smith moved to approve the annual Liquor License renewal for Stoncy's Bar & Grill, dba Rocket's Place, 6829 North Oak Trafficway, Class A&B Liquor by the Drink License subject to a six month probationary period, if such can be done pursuant to State and local statutes, and if it cannot be done pursuant to State and local statutes, the Liquor License will be renewed. Councilman Wayne Beer seconded.

Mr. Kessinger asked when he would find out the answer as to the probationary period.

Mayor Rudi replied he should know tomorrow.

Counselor Ramsay stated preliminarily, he believed Council could apply that restriction. The City Ordinance that involves application and reinvestigation after issuance of a license,

says that after a new application has been made and the license issued under this article, the City Council may at any reasonable time request a new investigation of a license and/or the premises and the results of such subsequent investigation shall be reported to the City Council. Mr. Ramsay said he believes this gives Council the authority to look into the license again even though a license had been issued.

Mr. Kessinger stated this goes back to what he stated earlier, in that if the City does not like the way the business is run, be it a Public Safety issue or other issues that may come up, even if the business is not on probation, the City has the authority to bring the business back for a hearing. Mr. Kessinger said his concern is that there was neighborhood opposition and there is a lot of competition around, and he does not want other people using the probationary status to try to leverage in to something that otherwise they would not be entitled to bring forward to City Council.

Councilman Smith stated he is trying to address some of Councilman Beer's concerns and also the concept has changed a little bit. Councilman Smith said Mr. Kessinger's client was so confident that they were going to have such a good establishment, that in his mind, Mr. Kessinger is still saying that by saying he does not care if it is six months or six years, the business will still do a good job. Councilman Smith said he is looking at good faith going both ways.

Mr. Kessinger stated the business has been open for two weekends and have not had any police calls yet.

Councilman Beer stated in regard to Mr. Kessinger's comment about opposition leveraging the additional six months, he does not believe there is anyone at the Council table that is going to be unduly swayed or leveraged in that regard. Council's contention is that while the original intent was to provide a six month evaluation period, we do not have those six months at this point, and Council members feel they still should be able to have that.

Councilman Smith stated Council members wish the business all the luck in the world. The property has been in a state of disrepair for a long time. The previous operation really didn't fit the community too well. Council members want the business to succeed and wish them all the luck in the world.

Councilman Beer said his original question was that he wanted assurance that the name change did not affect the legal and logical continuation of a license renewal.

City Manager Davis said he would like to add the point that when a probationary period is extended, there must some grounds to extend the probationary period. City Manager Davis said he believed Council members have accomplished what they hoped to accomplish, and an answer will be provided and included in Council's informational newsletter.

Counselor Ramsay stated he found the information he was looking for that states one of the primary purposes in the Ordinances for the probationary period is to be assured that a new

business operation meets the 50 percent non-alcoholic beverage sales requirement, and so the probation section calls for the submission during the fifth month of the probationary period of a Certified Public Accountant's certification that at least 50 percent of the gross income earned during the probationary period was derived from other than liquor sales. Mr. Ramsay said he thinks there is justification for extending the probationary period, because what the Council should be looking for under the Ordinance is five months of evidence of operation to establish the 50 percent rule.

Councilman Smith stated that the license was approved with a six month probationary period, with the thought the business would open right away. To no fault of their own, they did not open right away, and that opportunity was lost, which gives Council the grounds to make this request.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (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** stated he had no comments at this time.

**Councilman Les Smith** stated he saw in a memorandum, information relative to storage containers, dumpsters, and pods. Councilman Smith asked if the answer to this issue could be an Ordinance where these have to be permitted, whether or not there is a fee to grant that permit, and that the permit be for a specific number of days, such as 15 days or something of that nature. That would allow the City to know where they are and to be able to check to see if they are still there. Councilman Smith said he does know that other communities in the metropolitan area have addressed this issue this way, and perhaps Council can have an answer at the next Council meeting.

City Manager Davis said that was an item that was going to be brought forward at the next Council Goal Setting Session. City Manager Davis said if Council would like Staff to research and bring an Ordinance forward, he would be happy to do that before the Council Goal Setting Session.

Mayor Rudi stated something needs to be done with this issue, and asked if the issue should be addressed in two weeks or later.

Councilman Smith stated it is moving season through summer and fall, and he would like to have the issue addressed soon, but does not feel strongly about it.

City Manager asked if this could be brought to Council in September.

Councilman Smith replied, yes.

Councilman Beer stated he did not feel the moving season is such an issue because those who are moving don't have these types of items in their driveway for too long. Councilman Beer said his concern is those folks who use them as somewhat of a long term storage and have them in their front yard or driveway. Councilman Beer said from the standpoint of urgency, there is probably not a great deal of urgency, but he would not like to wait too long to address this.

Mayor Rudi stated the issue of storage containers, dumpsters, and pods will be discussed in September.

Councilman Smith mentioned the Idea Book Launch Party in Raytown and asked if this type of event could be held here.

Assistant City Manager Scott Wingerson replied that event is being hosted by the City of Raytown. Both he and Mayor Rudi are attending.

Councilman Smith said that since our City has a lot of similar housing stock, if the event is found to be beneficial, perhaps our City could host such a similar event.

Mayor Rudi agreed and said that was her question also, as to whether we need to have a similar event here, which is why it will be investigated.

Councilman Beer said at least one of our City staff members has been an integral part of the process, and it is good to trumpet that as well.

Councilman Smith stated that as this is the time of year for festivals, such as Bluesfest and Gladfest, St. Charles Auction, Oakhill Day School Auction, and because so many young people attend these events, perhaps it might be a good idea to require that identification be checked and people receive wrist bands, if they are of age to purchase and consume alcohol. Councilman Smith said this is the practice at his business. This might be something worthwhile to add to our Liquor Ordinances as a requirement. That takes away the guesswork at the time of sale, and takes all the guesswork from people sitting at tables who buy liquor and other people drink it at the table. By looking at people's wrists, if they have no band and are drinking, it is apparent they are not of legal age to drink. Councilman Smith said since we have a number of events on City property, perhaps this might be worthwhile adding to our Ordinances, if some research can be done.

Councilman Beer said, as a person who has been at the point of sale, it does take a load off of the people at the bar, when they do not have to check ID's.

Councilman Smith said he is not suggesting this, as his business is a controlled environment, but his business gives a different band to those not of age to drink alcohol, because it gives a means to easily identify who is 21 years of age and who is not.

Councilman Smith offered cudos to David Reyburn, Code Enforcement Officer, for the help he gave a resident at 66<sup>th</sup> and North Flora. Councilman Smith offered cudos to Kelli Houx, who is the new Managing Editor of the "Sun News".

Councilman Smith suggested an idea of a registry for at risk citizens, whether they be handicapped, live alone, Senior Citizens, someone on a breathing apparatus or dialysis, and so forth. Councilman Smith stated if someone is an at risk citizen, in days of extreme cold or heat, after severe weather, and so forth, the City would have a roster, and people could call in once a day and check in. If the City did not hear from that person, then there would be a follow-up call the next day, and if the person could not be reached, a Neighbors Helping Neighbors volunteer or a member of Public Safety could be dispatched.

Councilman Beer asked if this would be an extension of the City's new CAD (Computer Aided Dispatch) system, which he believes has a similar component.

City Manager Davis asked Public Safety Director Bill Adamo if the Public Safety Department allows people to register this type of information if they choose.

Public Safety Director Adamo replied that was correct.

Councilman Smith stated he is suggesting a system whereby if the citizen does not contact the City, it is a red flag. The citizen could call in and leave a message on a recording once a day or every two days, and if they are not heard from, someone would check on them. Councilman Smith stated this is food for thought for Neighbors Helping Neighbors or for something internally. This is something that can be discussed at the Council Goal Setting Retreat.

**Councilman Wayne Beer** congratulated Kelli Houx on her new position.

**Mayor Pro Tem Bill Cross** commended City Manager Davis and his staff who did a terrific job on the City's Quarterly Report. Mayor Pro Tem Cross said the report was well done and was very impressive, and he learned a great deal from the report.

City Manager Davis said the department Directors put a lot of work into the report.

Mayor Pro Tem Cross said he had an opportunity to attend the Theatre in the Park two nights. The crowds were good with over 3,500 in attendance the first two nights. The response was fantastic. Parks and Recreation Director Sheila Lillis and her staff, along with GEMA (Gladstone Emergency Management Agency) volunteers, did a great job and the event was well run. Sergeant Richard King and his wife were at the event, selling food for the Optimist Club and providing a concession stand for the people.

Mayor Pro Tem Cross addressed Finance Director Deborah Daily by stating that in reviewing the June Financial Report, the operating revenues look very good. It is obvious that Mr. Davis and his staff have been extremely busy, and Council thanks them.

**Mayor Carol Rudi** congratulated Kelli Houx on her new position and congratulated the City's new Finance Director Deborah Daily for making it through the first round of a Consent Agenda item without anything being removed for questions.

Mayor Rudi stated she attended the Theatre in the Park performance of "Bye Bye Birdie" Saturday night. The Arts Council had activities that night as well. There were stilt walkers, large people puppets, jugglers, and pencils and suckers, were being given away. There were all sorts of activities to support the Arts Council and to raise the awareness of that group. It was a great production and the voices were good.

Mayor Rudi asked Parks and Recreation Director Lillis to report on the upcoming events scheduled for the Gladstone Amphitheatre.

Director Lillis reported there are a few more upcoming events before the summer ends. Director Lillis stated there was a good crowd for the "Bye Bye Birdie" performances. There were about 10,000 people in attendance for the three nights. Next Saturday, at 7:00 PM, there will be a Sweet Adelines performance, and on Friday evening there will be the Cancer Relay event. At 8:45 PM, on August 19<sup>th</sup>, there will be the Five Minute Film Festival, and at 9:00 PM the Movie in the Park will be "School of Rock", which is rated PG 13. The Kansas City Ballet will perform on September 9<sup>th</sup> at 6:00 PM. On October 28<sup>th</sup>, at 6:00 PM, will be the Friday Fright Night/Halloween Storytelling event, which will conclude the season. Director Lillis stated she wished to echo Mayor Pro Tem Cross's remarks in that the Optimist Club has been a great addition, and City staff has not had to worry about concessions. It has been a very good summer at the Gladstone Amphitheatre.

**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.**

**RESOLUTION R-05-64**, authorizing the City Manager to enter into a cooperative agreement with the City of Kansas City, Missouri for the equal sharing of costs associated with the construction of a sidewalk connecting the Claybrook subdivision with the existing trail in Happy Rock Park, and further authorizing Change Order No. 8 to the contract with Damon Pursell Construction for Happy Rock West, Project 25025, for the construction of said sidewalk.

City Manager Davis reported this is basically a partnership with Kansas City, Missouri, and is an issue that has come forward from both the Claybrook neighborhood, as well as the Shoalbrook neighborhood across the street. Both have asked for access to Happy Rock Park on both the east and west side of the road. This is a project that is not only a sidewalk connecting the neighborhoods to the park, but it is also somewhat of a beautification



project, in that the City will be piping some stormwater, and covering it up, instead of having open channels like the City has north of 76<sup>th</sup> Street. This is also a partnership our City has with Kansas City, and came through their Councilman Hermann, former Councilman Chuck Weber, and Assistant City Manager Rich Noll, who expressed an interest in helping with the project, because it benefits a Kansas City neighborhood as well as a Gladstone neighborhood.

Councilman Wayne Beer moved to accept Resolution R-05-64, authorizing the City Manager to enter into a cooperative agreement with the City of Kansas City, Missouri for the equal sharing of costs associated with the construction of a sidewalk connecting the Claybrook subdivision with the existing trail in Happy Rock Park, and further authorizing Change Order No. 8 to the contract with Damon Pursell Construction for Happy Rock West, Project 25025, for the construction of said sidewalk. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

**Item 10. on the Agenda.**      **RESOLUTION R-05-65**, accepting Public Road Right-of-Way from the Missouri Department of Transportation along Northeast 64<sup>th</sup> Street from North Prospect to North Wayne in conjunction with the Tower Plaza Development Project.

Councilman Les Smith moved to accept Resolution R-05-65, accepting Public Road Right-of-Way from the Missouri Department of Transportation along Northeast 64<sup>th</sup> Street from North Prospect to North Wayne in conjunction with the Tower Plaza Development Project. Councilman Wayne Beer seconded.

Councilman Wayne Beer asked for confirmation that this is a common practice from the standpoint of the Missouri Department of Transportation (MoDot).

City Manager Davis replied the Missouri Department of Transportation has an extraordinarily long right of way along M-1 Highway at 64<sup>th</sup> Street, as well as at 72<sup>nd</sup> Street, much more than they normally take. Our City has been trying to maintain that, because they have not, and if we are maintaining the area, we should be able to control access in and out of the property on the corner to some extent. This is basically a trade.

Councilman Beer asked if this is something MoDot volunteered to us or did we make the suggestion.

Assistant City Manager Scott Wingerson replied the Tower Plaza Development requires MoDot approval for access. As part of the MoDot approval to the improvements on M-1 Highway, they have requested the City Council accept this responsibility of the right of way.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

**Item 11. on the Agenda.** **RESOLUTION R-05-66**, a Resolution withdrawing the preliminary designation of Developer from WCP Gladstone Plaza, LLC for the redevelopment of the Gladstone Plaza redevelopment area and declaring the Memorandum of Understanding no longer in effect.

Councilman Les Smith moved to approve Resolution R-05-66, a Resolution withdrawing the preliminary designation of Developer from WCP Gladstone Plaza, LLC for the redevelopment of the Gladstone Plaza redevelopment area and declaring the Memorandum of Understanding no longer in effect. Councilman Joe Evans seconded.

Economic Development Administrator Melinda Mehaffy reported the Resolution before Council will terminate the City's Memorandum of Understanding with Mr. Peterson and WCP Gladstone Plaza LLC. Mr. Peterson had indicated he needed until the end of July to work on an anchor tenant for the potential project, and was unable to do so, and on or before August 4<sup>th</sup> did notify Mr. Nathan Vanice with Zimmer properties that he was agreeable to the withdrawal of the developer designation on this project.

Mayor Pro Tem Bill Cross asked what happens next with this project.

Ms. Mehaffy replied it is Staff's recommendation at this time that a Tax Increment Financing (TIF) application be filed that would be a City driven TIF application that would allow the City to continue to move forward on the redevelopment of the Gladstone Plaza area.

Mayor Pro Tem Cross asked if that is the direction the City is going now that the July date is past and procedures have started on the next step.

Ms. Mehaffy replied if Council wishes Staff to do so, Staff would like to do that.

Councilman Les Smith stated the City gave the developer an opportunity to put together a development plan and secure tenants for Gladstone Plaza. They were given two years to do so. Being as the developer is unable to produce, this action frees the City to solicit other developers. Councilman Smith said he would encourage Staff to file a City driven TIF application. Councilman Smith said the City may have been a little too excited when a developer for Gladstone Plaza was first secured, thinking it might happen too quickly. Councilman Smith said he is glad the developer realizes that the City gave him ample opportunity to make something happen, and he just could not do it. Councilman Smith said there are still some exciting possibilities for Gladstone Plaza in the near future.

Ms. Mehaffy agreed there certainly are exciting possibilities for Gladstone Plaza in the near future.

Mayor Rudi stated to Ms. Mehaffy that she has received direction from Council members as to how to proceed.

Ms. Mehaffy thanked Mayor Rudi and Council members.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

**Item 12. on the Agenda.** **FIRST READING BILL 05-23**, an Ordinance annexing that tract of land comprising the Gladstone Water Treatment Plant that is being de-annexed by the City of Kansas City, Missouri, and authorizing and directing the City Clerk to do those things necessary to document such action.

Councilman Les Smith moved to place Bill 05-23 on First Reading. Councilman Wayne Beer seconded.

Councilman Joe Evans asked if the City of Kansas City reconsidered the signage Ordinance.

City Manager Davis replied they did not, and on August 4<sup>th</sup> they did enact their version of the de-annexation of the property, with that contingency.

Councilman Evans stated it did not set well with him that another community is telling our City what we can do here potentially.

Councilman Beer said he also take umbrage that we are being held in a hostage situation with this regard. Councilman Beer said while he understands the practicality of "knuckling under", it doesn't make him like it any more, but he will vote in favor of acceptance of this Bill.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 05-23, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded.

The vote: All "aye" -- Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 05-23 and enact the Bill as Ordinance 3.961. Councilman Wayne Beer seconded.

Councilman Les Smith said despite Councilman Evans and Councilman Beer's reservations about being held hostage, he believes the citizens of Gladstone will be excited to know that the City will own the land on which their Water Plant is located. Probably most of the citizens had no idea that our Water Plant was in Kansas City, Missouri. Councilman Smith said he would like to editorialize and say "hurray – finally!"

Councilman Beer said he is also in agreement with Councilman Smith in that regard, but we did go to the City of Kansas City in good faith with a good faith trade. Councilman Beer said with our good faith to be rewarded by conditions, he feels is a slap in the face.

Councilman Evans said he seconded that.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

**Item 13. on the Agenda.**      **FIRST READING BILL 05-24**, an Ordinance granting a franchise to the Kansas City Power & Light Company, its successors and assigns, to construct, operate and maintain all appropriate facilities for carrying on a light, heat and power business in the City of Gladstone, Missouri; and setting forth the terms and conditions of such authorization.

Councilman Les Smith moved to place Bill 05-24 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 05-24, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 05-24 and enact the Bill as Ordinance 3.962. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

**Item 14. on the Agenda.**      **OTHER BUSINESS.**

Mayor Pro Tem Bill Cross stated he appreciated Public Works Director Chuck Williams and Assistant City Manager Scott Wingerson for following up on concerns of his neighbors and friends. Mayor Pro Tem Cross said he turns the responsibility of addressing such concerns over to Mr. Williams and Mr. Wingerson, and they do follow up very well, and he appreciates them getting right back to people with answers to their concerns. Mayor Pro Tem Cross said both Mr. Williams and Mr. Wingerson have done a fantastic job in the last few weeks.

**Item 15. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

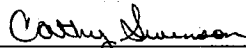
Item 16. on the Agenda.      **ADJOURNMENT.**

There being no further business to come before the August 8, 2005, Gladstone City Council Meeting, Mayor Carol Rudi adjourned the Regular Meeting.

Councilman 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, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Mayor Pro Tem Bill Cross seconded the motion.

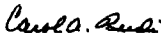
Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted:   X  

Approved as corrected/amended:           

  
Mayor Carol Rudi



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, August 22, 2005**

**OPEN STUDY SESSION: 6:30 PM**

**REGULAR MEETING: 7:30 PM**

**AMENDED A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of the August 8, 2005 Regular City Council Meeting Minutes.**
- 4a. **SPECIAL RECOGNITION:** to Jimmy Beard, Hershey's Track and Field National Champion in the Softball Throw.
- 4b. **PROCLAMATION:** designating the week of September 4<sup>th</sup>-10<sup>th</sup>, 2005, as "PAYROLL PROFESSIONALS WEEK" in Gladstone, Missouri.
5. **RESOLUTION R-05-70**, authorizing the City Manager to enter into an agreement with Gale Communities, Incorporated, for the performance of planning studies relative to the Gladstone Village Center and providing limited development rights within the redevelopment area.
6. **RESOLUTION R-05-71**, supporting a partnership between the North Kansas City School District and the City of Gladstone for purposes of designing, constructing, and operating a competitive Aquatic Center, and directing the City Manager to enter into a detailed agreement negotiation to finalize the partnership.
7. **CONSENT AGENDA**

**RESOLUTION R-05-67**, authorizing the City Manager to purchase one 2006 F-450 Ford Medtec AD-172 Type 1 Ambulance from Foster Coach Sales, Incorporated, of Sterling Illinois for \$138,140.00.

**RESOLUTION R-05-68**, authorizing the City Manager to purchase four 2006 Ford Crown Victoria Patrol Vehicles from Thoroughbred Ford of Kansas City, Missouri, for a total purchase amount of \$83,434.00

**RESOLUTION R-05-69**, authorizing acceptance of a proposal from Cargill, Incorporated for the purchase of Snow Removal Salt.

**APPROVAL OF NEW CLASS "B" (SUNDAY SALES) LIQUOR BY THE DRINK LICENSE**, The Hide Out Bar & Grill, 6948 North Oak Trafficway. Managing Officer: Frank J. Gabel.

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:**

- The Peanut in Gladstone, Inc., 6024 North Antioch Road, Class A&B Liquor by the Drink License.
- Dominic's Pizza & Pasta, Inc., 6300 North Oak Trafficway, Class A&B Liquor by the Drink License.

**APPROVAL OF FINANCIAL REPORT FOR JULY 2005.**

**REGULAR AGENDA**

8. Communications from the Audience.
9. Communications from the City Council.
10. Communications from the City Manager.
11. **PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to Terry R. Day for operation of a Montessori School on Residential property at 405 NE 73<sup>rd</sup> Terrace. Owner/Applicant: Terry R. Day. (File No. 1257)
- 11a. **FIRST READING BILL NO. 05-25**, approving a Special Use Permit subject to certain conditions to Terry R. Day for operation of a Montessori School on Residential property at 405 NE 73<sup>rd</sup> Terrace. Owner/Applicant: Terry R. Day. (File No. 1257)
12. **FIRST READING BILL NO. 05-26**, setting the annual rate of levy for the 2005 Real Estate and Personal Property Taxes within the corporate limits of Gladstone, Missouri at \$.9291/\$100.00 valuation.
13. Other Business.
14. Questions from the News Media.
15. Adjournment.



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

**MONDAY AUGUST 22, 2005**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Les Smith  
Councilman Wayne Beer  
Councilman Joe Evans  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Carol Rudi opened the Regular August 22, 2005, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR AUGUST 8, 2005, CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Bill Cross moved to approve the Regular August 8, 2005, City Council Meeting Minutes as presented. Councilman Wayne Beer seconded the motion.

The vote: "Aye" – Councilman Joe Evans, Councilman Les Smith, Councilman Wayne Beer, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)



**Item 4a. on the Agenda.** Mayor Carol Rudi presented a framed **CERTIFICATE OF RECOGNITION** to **JIMMY BEAIRD**, Hershey's Track and Field National Champion in the Softball Throw. Mayor Rudi read the Certificate and presented it to Jimmy Beaird, with congratulations from all City Council members.

**Item 4b. on the Agenda.** Mayor Carol Rudi read a **PROCLAMATION** designating the week of September 4-10, 2005 as **"PAYROLL PROFESSIONALS WEEK"** in Gladstone, Missouri. Diane Reinhard, of the American Payroll Association was on hand to accept the Proclamation and thanked the Mayor and City Council members for the recognition.

Mayor Carol Rudi asked for a motion to amend the Agenda in order to move two items forward on the Agenda to accommodate people who were in attendance specifically for these two items.

Councilman Joe Evans moved to amend the Agenda to move Resolution R-05-70 and Resolution R-05-71 to Items 5 and 6 on tonight's agenda. Councilman Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

**Item 5. on the Agenda.** **RESOLUTION R-05-70**, authorizing the City Manager to enter into an agreement with Gale Communities, Incorporated, for the performance of planning studies relative to the Gladstone Village Center and providing limited development rights within the redevelopment area.

Councilman Les Smith moved to approve Resolution R-05-70. Councilman Bill Cross seconded.

City Manager Kirk Davis stated he had no comments at this time, except that City staff is excited to embark on this project, and believes the City has a wonderful partner in Gale Communities.

Councilman Smith stated a few years ago a gentleman that ultimately became a good friend of his, stated that the community leaders in Gladstone lacked vision. This item and the next item on the agenda proves that the City is not lacking in vision, and there are a lot of visionaries amongst us. Councilman Smith said one of the benefits of what the City hopes to accomplish with Gale Communities is that this will be a community-driven project and not a developer driven project. Many have been talking for many years about a downtown concept in Gladstone. Gladstone on the Move, through their hard work and commitment, identified this as a priority in our community. The City has been able to team up with a developer who is not just wanting to flash through town and have a very profitable development. The City is fortunate to team up with a developer who wants to leave a mark on our community. Councilman Smith said Mr. Gale is doing that in Lee's Summit, and he wants to do that here, so part of his profit is not monetary; it's the reward of leaving a mark on a community.

Councilman Smith stated as a partner, the City has some responsibilities. The City must be diligent in our planning process, responsible in our allocation of public resources, sensitive to the needs of surrounding property owners, and the City must be resolute in its commitment to see this project through to fruition through strong leadership. Councilman Smith said, together with Gale Communities, if we are able to stand strong in those areas, he feels we will ultimately get where we want to be with this project, which is a better Gladstone for all of us. Councilman Smith extended a welcome to Mr. Gale and to the 40 members of his team, and stated he hopes this works out to a mutual benefit. Councilman Smith thanked Mr. Gale for being interested in the City of Gladstone.

Councilman Wayne Beer stated he made remarks regarding this issue earlier in the evening at Council's Open Study Session. Councilman Beer stated at that time those remarks were better said during the Regular Council meeting. Councilman Beer asked City Clerk Cathy Swenson to include some of his remarks from the Open Study Session in the Regular Meeting Minutes. Councilman Beer stated he would like to say at this time that this Council was fortunate to be able to be in the front with making this project happen, but it is important to remember that it did not begin with this City Council. There were previous City Councils that worked on this for some time. It has been a vision of previous Councils to make this project happen.

Councilman Beer stated the fact it did not happen before is not to be construed as failures of those Councils, but rather just signs of the times. Anything that has value takes time to happen. This Council is fortunate that this project is able to occur at this time, and this Council is able to be involved. Councilman Beer said he is very proud of previous Councils and the study groups that put the groundwork together to make this project possible.

***Following are remarks made by Councilman Wayne Beer at the August 22, 2005 Open Study Session which Councilman Beer asked to be included in the August 22, 2005, Regular City Council Meeting Minutes:***

*Councilman Beer stated he wished to point out that from everything he has seen, it appears Mr. Gale, of Gale Communities, Incorporated, is a developer who has an extraordinary vision, both artistically and economically. When looking at Mr. Gale's projects in Lee's Summit, the vision is self evident, and it is a vision that seems to work well, both artistically and economically. The fact that Mr. Gale encourages community involvement is significant. Councilman Beer said he heard tonight a possible connection to the Gladstone Plaza Shopping Center, which he believes also speaks to the vision element. While the Gladstone Plaza Shopping Center, is not, from the City's standpoint, a part of the Downtown Village development, the fact remains that it could be. Councilman Beer said if the developer's proposal includes the Gladstone Plaza Shopping Center in such a way it works for him and the City that would also speak to the vision.*

*Councilman Beer said it comes down to a mix of developer commitment and commitment by the City, and that commitment in all likelihood will have to include some forms of financial developmental incentives. This City has to look very closely at the use of development incentives, such as Tax Increment Financing, and other developer agreements. The City would have to be very careful in how far those development incentives could go, for the fact that going too far, exposes the City, probably unnecessarily. Councilman Beer said there has to be a good mix between the offers of incentives and the amount of risk the developer will take on, which he thinks is something that can be worked out very well. Councilman Beer said this City has been very proactive in its history in trying to develop and attract development and redevelopment, and what he sees here is a situation that could really work very well for this City and for its selected developer. Councilman Beer said we do not want to expose the City too greatly, but we want to provide enough incentive that we do attract a developer, and we do not want this to be unprofitable for the developer, because if it is unprofitable for the developer, it fails for the City, too.*

Councilman Joe Evans stated he is thrilled and proud to be a part of this process. Gladstone on the Move was a group of concerned citizens who brought this project to the City. City Council members are just one cog in a huge wheel of Gladstone to make this project work. Councilman Evans said he is very proud to be part of this process.

Mayor Pro Tem Bill Cross had no comments at this time.

Mayor Carol Rudi stated, besides being very excited about this possibility, she has been fortunate to be a member of some of the First Tier Suburbs Committees for Mid America Regional Council. Mayor Rudi said she believes this effort will make Gladstone the first of the First Tier Suburbs, when it is completed. Mayor Rudi welcomed Mr. Gale and said she is glad he is here.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

Chris Cline, of Gale Communities, Incorporated stated his company is looking at utilizing the City's website to provide information and also to receive feedback from citizens. Mr. Cline asked the media to get the word out for citizens to check the City's website towards the middle to end of next month. Mr. Cline said he would be putting some information or links on the website in order to get as much information as possible out to the citizens, and to receive as much feedback as possible.

Councilman Wayne Beer suggested including the information on the City's cable TV channel.

David Gale, of Gale Communities, Incorporated, stated he comes from the development community, who are not known to have small egos. Mr. Gale said he is flattered to accept

the charge that has been given him this evening, and he knows his team is up to the task. Mr. Gale said the City can expect some wonderful things to happen.

Councilman Les Smith stated Council believes that to be true, and one of the exciting things about this partnership is the collaborative process that the Gale Communities employs. A design process will come together for the Village Center through public participation. A lot of that process will be reflected in the final plans and the way the Village Center is developed. Councilman Smith said this is a key component for those who have adjoined properties that have been rezoned and developed in the past. Such people might know that they are usually the "tail trying to wag the dog". Gale Communities goes about their developments in an opposite manner; they want community partners in the design process, which is quite exciting. Councilman Smith said, hopefully, this will be a trend that will catch on throughout the metropolitan area.

**Item 6. on the Agenda.**      **RESOLUTION R-05-71**, supporting a partnership between the North Kansas City School District and the City of Gladstone for purposes of designing, constructing, and operating a competitive Aquatic Center, and directing the City Manager to enter into a detailed agreement negotiation to finalize the partnership.

Mayor Pro Tem Bill Cross moved to approve Resolution **R-05-71**, supporting a partnership between the North Kansas City School District and the City of Gladstone for purposes of designing, constructing, and operating a competitive Aquatic Center, and directing the City Manager to enter into a detailed agreement negotiation to finalize the partnership. Councilman Wayne Beer seconded.

Councilman Smith stated that it was discussed at Council's Open Study Session this evening, that the agreement would include the addition of an arbitration clause.

Mayor Carol Rudi stated this is another very exciting proposal for the City.

Councilman Wayne Beer stated the collaboration with the School District needs to be stronger, as has been recognized by the City for some time. One of the provisions of Gladstone on the Move was that the City work towards a closer relationship with the School District. Councilman Beer said this is a huge step in that direction. The School District and the encompassing cities need to work together to provide a cohesive and comprehensive community.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

**Item 7. on the Agenda.**

**CONSENT AGENDA**

Mayor Pro Tem Bill Cross moved to adopt the Consent Agenda as presented. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-05-67**, authorizing the City Manager to purchase one 2006 F-450 Ford Medtec AD-172 Type 1 Ambulance from Foster Coach Sales, Incorporated, of Sterling Illinois for \$138,140.00. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-05-68**, authorizing the City Manager to purchase four 2006 Ford Crown Victoria Patrol Vehicles from Thoroughbred Ford of Kansas City, Missouri, for a total purchase amount of \$83,434.00. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-05-69**, authorizing acceptance of a proposal from Cargill, Incorporated, for the purchase of Snow Removal Salt. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to approve a **NEW CLASS "B" (SUNDAY SALES) LIQUOR BY THE DRINK LICENSE**, for The Hide Out Bar & Grill, 6948 North Oak Trafficway. Managing Officer: Frank J. Gabel. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to approve the **ANNUAL LIQUOR LICENSE RENEWALS** for:

- The Peanut in Gladstone, Inc., 6024 North Antioch Road, Class A&B Liquor by the Drink License.
- Dominic's Pizza & Pasta, Inc., 6300 North Oak Trafficway, Class A&B Liquor by the Drink License.

Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to approve the **FINANCIAL REPORT FOR JULY 2005**. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans,

Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

## **REGULAR AGENDA**

### **Item 8. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE.**

There were no communications from the audience.

### **Item 9. on the Agenda.**

### **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Joe Evans** stated these are exciting times in Gladstone, with the new aquatic center, and the community coming on board to develop the downtown concept. Councilman Evans asked Public Works Director Chuck Williams the status of East Creek, through the 56<sup>th</sup> and 58<sup>th</sup> and Broadway area, with regard to Ms. Abbott and Ms. Koch.

Public Works Director Chuck Williams stated there has been more communication from Ms. Abbott concerning the drainage in this area. Some actions that will take place this Fall will include cleaning out the box culvert under North Broadway. There is some silt built up on both sides of one of the barrels. Director Williams reported he will be visiting with the neighbors to the east of Ms. Abbott to get some input as to some of the problems they have been experiencing, if any. City staff will also be doing some survey work in the area to identify some elevations in relation to the basements, to determine what potential impact there may be, if a heavy rainfall should occur.

**Councilman Les Smith** had no comments at this time.

**Councilman Wayne Beer** had no comments at this time.

**Mayor Pro Tem Bill Cross** stated he wished to recognize the effort that has been put forth by the administrative staff, under the direction of City Manager Kirk Davis, on the two Resolutions for the upcoming projects. Mayor Pro Tem Cross said there has been a lot of work behind the scenes, which he very much appreciates. Mayor Pro Tem Cross said he proposed a natatorium 42 years ago in the North Kansas City School District. Mayor Pro Tem Cross said it has taken 42 years, but he may yet get the last laugh.

**Mayor Carol Rudi** asked Parks and Recreation Director Sheila Lillis to report on upcoming Gladstone Amphitheatre events.

Parks and Recreation Director Sheila Lillis reported the Movie in the Park, "School of Rock", rated PG-13 is scheduled for August 26 at 9:00 p.m. The last event will be the Kansas City Ballet on September 9. The Amphitheatre Golf Tournament will be held August 31.

Mayor Rudi introduced her first grandchild, Jonah, her daughter, Stephanie, and her mother Bonnie Belknap, who were in the audience.

**Item 10. on the Agenda.**      **COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis thanked Council members for their comments, especially the comments concerning the two Resolutions. City Manager Davis thanked Mayor Pro Tem Cross for his comments about Staff's hard work. City Manager Davis said there has been a great effort, and a lot of the City staff is involved in these two projects, and it is truly a team effort. Staff is very excited about the City's opportunities. Staff is dedicated to making certain these projects happen in the right way, and City Manager Davis said he is very proud of Staff's efforts thus far.

City Manager Davis stated it was good to see Lee Bussinger in the audience. Mr. Bussinger has not been feeling well, but he is looking great, and it is awfully nice to see him at a Council meeting again.

City Manager Davis stated, as there were a number of Gladstone on the Move members present at the meeting, he wanted to provide an update on the ambulance/firefighter/paramedic issue. The City has ordered an ambulance, and is expecting delivery in January. The City is in the process of hiring firefighter/paramedics with the idea that the City will be fully staffed when the ambulance arrives. City Manager Davis said he knows Public Safety Director Bill Adamo is working very hard to meet all the obligations, and the Public Safety Department is doing a nice job in recognizing the importance of that Gladstone on the Move objective.

**Item 11. on the Agenda.**      **PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to Terry R. Day for operation of a Montessori School on Residential property at 405 NE 73rd Terrace. Owner/Applicant: Terry R. Day. (File No. 1257)

Mayor Carol Rudi 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 is requesting a Special Use Permit to allow the operation of a Montessori School; in City terminology that would be a child care facility. The Special Use Permit is recommended for a term of one year, should Council move forward with approval. Mr. Wingerson reported the Planning Commission held their Public Hearing last week, and is forwarding a recommendation for approval to Council with a vote of 6 to 5. Some of the issues at the Planning Commission level had to do with the overall land use of the facility. This particular property is located directly east of a commercially zoned property, but otherwise is surrounded on three sides by residential

uses. Mr. Wingerson stated the applicant is Terry Day, and his partner is Laura Gerdis. The Planning Commission added Condition Number 11 on the draft Ordinance, requiring two-way traffic and a turn-around. Staff is recommending approval, with several conditions. One condition being that a fence, with a minimum height of four feet, must be installed around the play areas. The applicant has committed to do that. The Planning Commission and Staff had discussion about signs. There will be no free-standing signage as part of this request. Mr. Wingerson continued by saying the proposal is for a child care facility for a maximum of 20 children. The hours are 7:00 a.m. to 6:30 p.m.

Councilman Beer said he was in attendance at the Planning Commission meeting where this application was discussed, and with a 6 to 5 vote, this was not an overwhelming vote of approval. Some of the reluctance on some of the Commissioners part had to do with a number of questions they may have felt were unclear. Councilman Beer said one of those issues was parking and turn around space. Another question had to do with only one restroom for the maximum of 20 children, plus the Staff that would be in the facility. Another issue had to do with the fact that in the past in this type of instance, a Special Use Permit has required owner-residence in the facility. Councilman Beer said he was not certain all of these issues were addressed, and asked for clarification.

Assistant City Manager Wingerson stated that most Special Use Permits provide for an occupant of the facility 24 hours per day; in other words, a resident in the home that is used for business during the day. Mr. Wingerson said there are examples throughout the community, historically, where the opportunity has been provided for that not to occur. Two examples are on Antioch Road, next door to each other, at 64<sup>th</sup> Street. Mr. Wingerson said those two come immediately to mind and he could probably give other examples.

Mr. Wingerson said City staff spent time looking at the restroom issue since the Planning Commission meeting. One restroom is sufficient to meet City Codes; however, there was testimony at the Planning Commission meeting that the applicant would install additional washroom facilities should the demand of the children and parents require that. Mr. Wingerson said what may have not been clear at the Planning Commission level was that there is one full restroom, but there is also a kitchen sink that would be used for the children to wash their hands.

Mr. Wingerson stated the last issue is regarding parking for customers and Staff and the ability for traffic to turn around. One of the conditions addresses these issues. Mr. Wingerson said the applicant is prepared to discuss in more detail how they will address these issues. Mr. Wingerson stated he indicated at the Planning Commission meeting that there is physical room at the site to make this happen. The details were not clear at the Planning Commission meeting.

Councilman Beer stated Ms. Gerdis had indicated at the Planning Commission meeting that she turned her vehicle around and headed back out onto Antioch Road as they wished to be able to do. Councilman Beer said his question is if there are six cars parked on the site, is there still room to make that turn around, without any particular hazards.



Mr. Wingerson replied the physical room is available on the site, and the applicant will share their plan as to how they would use the available room to ensure that there will be parking for Staff and the occasional short-term visitor, and the ability to drive out facing forward onto 73<sup>rd</sup> Street. Mr. Wingerson said he believes they have a good plan, which they will share tonight.

Councilman Beer said he still has concerns regarding the restroom issue, and asked how it is determined that the restroom facilities in place now are not adequate. How does the City assure that the restroom is constructed if the need arises, and how is it known the need arises.

Mr. Wingerson replied that is a difficult question, because one restroom and the part time use of the kitchen area for sanitation reasons meets the appropriate building codes, so fundamentally, this application complies with City Codes. Mr. Wingerson said should there be a need, he is certain the parents of the children will make that abundantly clear or take their business to another location. Mr. Wingerson said he believes this is a private business matter.

Councilman Les Smith said he brought forth a few months ago some neighborhood issues regarding traffic on this street, and asked if those complaints have ceased.

Mr. Wingerson replied it is his understanding the complaints have ceased, and the illustration he offered is that there is a great deal of support from the surrounding neighborhood for this project. Mr. Wingerson said he is hopeful the Public Safety and Public Works departments have addressed those concerns and now are more supportive of a more intense use during the day.

Councilman Beer asked that it be included in this meeting's Minutes that he shared some e-mail information earlier in the week that addressed some of the same concerns he expressed tonight.

#### **Applicant's Presentation**

Terry Day, 8003 Northwest 79th Terrace, Kansas City, Missouri, began by saying he has owned the home in question for approximately three to four years. This past summer he spent about \$40,000 dollars to renovate the inside and outside. He put new siding on the house, a new kitchen, a new bathroom, and everything inside the house for it to be much more appealing for the neighborhood. Mr. Day said prior to making the decision to put in a Montessori Teaching School, not a babysitting place, he talked with the neighbors. Mr. Day said he talked with Lavelle King, who lives behind this address, and he talked with Danny Day across the street, who is no relation. He talked with them for some time about what he was thinking of doing. Mr. Day said he told them the alternative would be for the house to be a rental home. The neighborhood does not want another rental home and are totally in support of the school. Mr. Day said he told the neighbors the approximate

activity would be from 7:30 a.m. to 5:30 p.m., during the week, and nothing on the weekend. The neighbors were excited there would be no activity there at night and on the weekends. Mr. Day said he told the neighbors about the installation of the fence, and what he would do for additional parking. His concern before he had a conversation with the City was to be certain there was ample concrete driveway at the house, where his customers can turn around and drive back out onto the street. Mr. Day said he guarantees there will be no one backing out onto the street, because he would be certain everyone turns around in the new driveway.

Mr. Day stated this past summer a new driveway was installed, so he is looking at extending that area. Mr. Day provided renderings to Council members and pointed out the existing concrete driveway, which is 10 feet wide and 90 feet long, and is located right beside the house. Mr. Day pointed out the potential additional driveway area and pointed out the area where he proposes to place concrete, so there will be ample space on the side for the parking of two cars. Mr. Day pointed out Laura Gerdis is a licensed Montessori instructor and has many years of experience in a Montessori School on Line Creek. Ms. Gerdis would park in the area he just mentioned and one other person would park there. Mr. Day said as the school builds up to the 15 full-time students, and the five part-time students in the morning and the five part-time students in the afternoon, there will be a part-time Staff person.

Mr. Day said Ms. Gerdis has been in contact with the State as to what the regulations are for a Montessori Teaching School. The State just requires the one restroom for the 20 children, but in the back of the house there is an addition where plans are to put additional restroom facilities, as the school grows and as they are needed.

Councilman Beer thanked Mr. Day for the drawing, which was very helpful, and stated one does not usually see a residence with that much side yard. Councilman Beer said he apparently did not look as closely as he should have, before he asked his questions. The fact that Mr. Day has 35 feet of side yard, with 19 feet of entrance and exit drive is pretty remarkable. Councilman Beer said he appreciated the information.

Mr. Day said this is a double lot, which will provide twice the distance to the back, which will give ample space for the young children, 3, 4 and 5 year olds, that will be at the facility. Mr. Day said he plans to install a four-foot high fence on the east side and across to the back of the house, so the entire back yard is fenced. Lavelle King has asked him to maintain the chain link fence that is between the two properties, and that area will be the only area that does not have a wooden fence. Mr. Day said he would improve that fence, as it has been there awhile.

Mayor Rudi asked Mr. Day if he has five employees plus parents who are dropping off children, will there be adequate parking.

Mr. Day pointed out on the rendering additional space where parking may be added.

Mayor Rudi asked Mr. Day how long it would be before he had more than just two employees.

Mr. Day replied he has been a businessman for 30 years, with his own businesses, and he is going to take this project very slowly to ensure he does it 100 percent right, and that parents continue bringing the children to the school. Mr. Day said he would be surprised if he has more than two employees this calendar year.

Laura Gerdis, 6402 North Wayne, stated five Staff members would not be at the school at the same time. They would be staggered throughout the day. The maximum employees at the school at the same time would be three, and three cars and more can be parked in the parking area at the same time.

Mayor Rudi stated the parking was an issue with which she had concerns, and she e-mailed her concerns to Mr. Wingerson, two councilmen, and the City Clerk, so that is available for public record.

**There were no comments from those in Favor or in Opposition to the application.**

Councilman Les Smith asked for clarification regarding the four-foot fence around the children's play area and the chain link fence, and asked if those are two separate fences or the same fence.

Mr. Wingerson said during the Planning Commission meeting, a wood fence was discussed that would be on the east side. There is an existing chain link fence on the back, or the south side of the property. Mr. Wingerson said, from a Staff perspective, a chain or wood would qualify, as long as the play area is completely enclosed.

Councilman Smith said what is being discussed is a potential of five employees and twenty children for this Special Use Permit, and asked at what point in time does the recommendation need to be to have such a business in a commercially zoned property.

Mr. Wingerson replied the recommendation needs to come at some point in the renewal process. Should this application be approved for one year, and it is doing well, then a second term of a longer length might be suggested, but then a serious discussion needs to occur about a zoning change. This piece of property borders existing commercial property, and one of the goals of the City's Comprehensive Plan is to continue to increase the width of commercial corridors, especially along North Oak Trafficway. Mr. Wingerson stated, from a Staff's perspective, part of the recommendation is based on the unfortunate fact that not all businesses make it, and rezoning the property at this time for this use, may be a good idea, but doesn't address what a future use could be. Mr. Wingerson suggested it might be appropriate to look at the history of the property and how it is used, before considering the zoning change.

Councilman Smith said the flip side is not just should this property be zoned commercial, but that perhaps a business should not be located here because it is zoned residential. Councilman Smith said when the Phillips 66 was approved, there were a lot of conditions in that rezoning and site plan to segregate the commercial from the residential, with this property being residential. Councilman Smith said there are businesses, which are in commercially built and zoned locations, and paid accordingly. Councilman Smith said Mr. Day has made an investment in this property, and he does not want to minimize that, but it is a house. People who have businesses in which they have made a commercial investment, are relegated to competing with a business of this size that is going into a residential property. Councilman Smith said he has wrestled with this and at what point does the City protect those who have made the commercial investment in commercial areas. Councilman Smith said this is a rhetorical question.

Councilman Beer said this question was in his mind and he wrestled with some of the same indecision. Councilman Beer said he questioned whether a Special Use Permit is appropriate for this area; on the other hand to look for a rezoning at this point, becomes a spot zoning issue, and he is not a proponent for spot rezoning either. Councilman Beer said this was a difficult decision, but his sentiments are now in line with the Special Use Permit request, with the idea that a rezoning issue will be looked at in the fairly near future.

Councilman Smith asked if it is not believed that this is not an appropriate place for a long term or permanent zoning change, why is it appropriate to approve a Special Use Permit to use the property as if it were rezoned. This is the question he is struggling with at this time.

Councilman Beer said this application is not much different from any other Special Use Permit request. Most all Special Use Permit requests are for commercial use of residential properties.

Councilman Smith stated what strikes him is the intensity of the request. It is not a few children in a day care, or a beauty shop in a garage; it is a fairly intense request.

Councilman Beer agreed, but stated this request is next door to two commercial properties, but understands it is also next to residential property. Councilman Beer said he believes a zoning change request would need to be considered in the reasonably near future, but believes he will agree with a Special Use Permit at this time.

**Mayor Rudi closed the Public Hearing.**

**Item 11a. on the Agenda.** **FIRST READING BILL NO. 05-25**, approving a Special Use Permit subject to certain conditions to Terry R. Day for operation of a Montessori School on Residential property at 405 NE 73rd Terracc. Owner/Applicant: Terry R. Day. (File No. 1257)

Councilman Wayne Beer moved to place Bill 05-25 on First Reading. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 05-25, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Bill Cross seconded.

Mayor Rudi stated she has also wrestled with the question as to whether this should be a business in a business area, or if this is really a special use, however, her feeling is that this is a Special Use Permit for one year, and she does not want to see spot rezoning done at this time. Mayor Rudi said she will be voting in favor of the application.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 05-25 and enact the Bill as Ordinance 3.963. Mayor Pro Tem Bill Cross seconded.

Roll Call Vote: "Aye" – Councilman Joe Evans, Councilman Wayne Beer, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. "Nay" – Councilman Les Smith. (4-1).

**Item 12. on the Agenda.**      **FIRST READING BILL 05-26**, setting the annual rate of levy for the 2005 Real Estate and Personal Property Taxes within the corporate limits of Gladstone, Missouri at \$.9291/\$100.00 valuation.

Councilman Wayne Beer moved to place Bill 05-26 on First Reading. Councilman Les Smith seconded.

Mayor Rudi asked if there was any information that needed to come forward from City staff.

There being no further information, Mayor Rudi invited discussion on this matter.

Councilman Wayne Beer stated during the tax campaign, one of the things that was indicated that would not be done was raise the Personal Property Tax to the same level of \$.9291. This is something that should be addressed by a Resolution in the future as to the actual collection rate opposed to the level of authorization.

City Counselor David Ramsay stated what is being done tonight is certifying the maximum rate to the City. It will be appropriate, if the Council so chooses, to entertain between now and as late as the middle of October, when the billing has to be prepared, some instruction by Resolution or order to instruct the Finance Director to collect the amount at a reduced rate.

Councilman Beer said that is what he meant by his comments, not to suggest that he wants to change the authorization limit as a part of this Bill and likely enactment.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 05-26, Waive the Rule and place the Bill on Second and Final Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 05-26 and enact the Bill as Ordinance 3.964. Councilman Les Smith seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (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.**


There being no further business to come before the August 22, 2005, Gladstone City Council Meeting, Mayor Carol Rudi adjourned the Regular Meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Carol Rudi



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, SEPTEMBER 12, 2005**

**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 the August 22, 2005 Regular City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-05-72**, authorizing Change Order No. 3 in the amount of \$44,331.74 to the contract with Larkin Excavating and Construction Company for the Northeast 76<sup>th</sup> Street Reconstruction, North Oak Trafficway to North Troost Project 985014.

**RESOLUTION R-05-73**, authorizing Change Order No. 2 in the amount of \$65,855.00 to the contract with Superior Electrical Construction for the Well Pump Electrical Replacement Project No. 044093.

**RESOLUTION R-05-74**, accepting Temporary Construction Easements from property owners in conjunction with the Northeast 76<sup>th</sup> Street, North Woodland to City Limits, Reconstruction Project. No. 35035.

**RESOLUTION R-05-75**, authorizing execution of a contract with Reddi Services, Incorporated in the total amount not to exceed \$28,750.00 for the 2005 Sanitary Sewer Cleaning-Mill Creek; Project CP0685.

**RESOLUTION R-05-76**, authorizing the City Manager to enter into an agreement with the Missouri Department of Transportation for planning services related to the Gladstone portion of Vivion Road in an amount not to exceed \$20,000.00.

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **APPROVAL OF NEW CLASS "A" & "B" LIQUOR BY THE DRINK LICENSE** for Stone Canyon Pizza, 6433 North Prospect. Managing Officer: Antoinette Bartlett.
10. **FIRST READING BILL NO. 05-27**, amending Section 33.900.020 B. of Ordinance Number 3.621, defining the number and source of members of the Tax Increment Financing Commission of the City of Gladstone, Missouri.
11. **FIRST READING BILL NO. 05-28**, prohibiting the operation of miniature motorcycles, go-carts, and motorized scooters on the streets, sidewalks, trails, park lands, public parking lots, public rights of way, and all other public property within the City of Gladstone.
12. Other Business.
13. Questions from the News Media.
14. Adjournment.





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

**MONDAY SEPTEMBER 12, 2005**

**PRESENT:** Councilman Les Smith  
Councilman Wayne Beer  
Councilman Joe Evans

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Councilman Les Smith opened the Regular September 12, 2005, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

Councilman Les Smith led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda. APPROVAL OF THE REGULAR AUGUST 22, 2005,  
CITY COUNCIL MEETING MINUTES.**

Councilman Wayne Beer moved to approve the Regular August 22, 2005, City Council Meeting Minutes as presented. Councilman Joe Evans seconded the motion.

The vote: "Aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith. (3-0)

**Item 5. on the Agenda.**

**CONSENT AGENDA**

Councilman Wayne Beer moved to adopt the Consent Agenda as presented. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith. (3-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-05-72**, authorizing Change Order No. 3 in the amount of \$44,331.74 to the contract with Larkin Excavating and Construction Company for the Northeast 76th Street Reconstruction, North Oak Trafficway to North Troost Project 985014. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith. (3-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-05-73**, authorizing Change Order No. 2 in the amount of \$65,855.00 to the contract with Superior Electrical Construction for the Well Pump Electrical Replacement Project No. 044093. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith. (3-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-05-74**, accepting Temporary Construction Easements from property owners in conjunction with the Northeast 76th Street, North Woodland to City Limits, Reconstruction Project No. 35035. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith. (3-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-05-75**, authorizing execution of a contract with Reddi Services, Incorporated in the total amount not to exceed \$28,750.00 for the 2005 Sanitary Sewer Cleaning-Mill Creek; Project CP0685. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith. (3-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-05-76**, authorizing the City Manager to enter into an agreement with the Missouri Department of Transportation for planning services related to the Gladstone portion of Vivion Road in an amount not to exceed \$20,000.00. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith. (3-0)

**REGULAR AGENDA**

**Item 6. on the Agenda.**

**COMMUNICATIONS FROM THE AUDIENCE.**

**John Garner, 111 Heatherton Court**, stated he had a discussion with Assistant City Manager Scott Wingerson about a change in an Ordinance regarding the removal of mud, gravel and debris from streets, which has been left by construction people. Mr. Garner

asked if discussion has been held by Council members or City staff regarding a change in an Ordinance.

Mr. Garner stated he wanted Council members to know he does not have a backflow system on his sprinkler system, which was supposed to be done when the sprinkler system was installed and he purchased the home. Mr. Garner continued by saying he does not want the Department of Natural Resources (DNR) to shut off his water, which he understands they can do after two reports from City Inspectors. Mr. Garner said he does not understand the delay. Mr. Garner stated Councilman Evans and the Mayor were at his house and saw his problem. It took 7 to 8 days to get that problem solved from the time Councilman Evans and Mayor Rudi were at his house, which is why he would like to see an Ordinance change.

Councilman Smith inquired into the nature of the problem.

Mr. Garner replied his street was covered with run-off from lots that were approximately 50 to 75 feet wide, and 2 to 4 inches deep in mud and silt. Mr. Garner said he has had numerous discussions with Mr. Wingerson about this problem.

Councilman Joe Evans stated he did visit Mr. Garner's home, and relayed the information back to Public Works Director Chuck Williams, who sent someone out to look at the site. Councilman Evans said he believes there is a developer/builder issue in this area, and has also visited with Assistant City Manager Wingerson about this issue. This is not a new problem, and agrees with Mr. Garner that it is a mess in his area, and as a community, we need to police our developers more closely.

Assistant City Manager Scott Wingerson stated the developer of Heatherton Place, Maggie Miller, was in the audience. Mr. Wingerson said Mr. Garner asked about an amendment to an Ordinance for erosion control in the street. The amendment came from Platte County. In addition to the information that Mr. Garner has supplied, Staff has researched metropolitan cities, and Council should see an amendment on this issue, as well as the issue of dumpsters and portable on-demand storage systems, which Council has requested, in approximately the next 30 days.

Mr. Wingerson said the second issue that Mr. Garner raised had to do with backflow. There was a mistake made in the field that was caught by the residents and the City inspectors. The Department of Natural Resources will not require the water to be turned off, unless the City of Gladstone requests that action, and it is ordered by DNR to be done. Mr. Wingerson said the developer has committed to having the backflow system repaired and done the right way, and he believes that will happen.

Mr. Wingerson stated another issue in Heatherton Place has to do with a pile of trees and debris down a hillside, which the developer has committed to remove. Another issue has to do with the failure of a retaining wall. In that particular issue, there are at least three separate lawyers involved, and they have just authorized the redesign of the retaining wall

to commence. New engineered drawing are expected to be received soon, and once those are approved, it is anticipated the reconstruction of the retaining wall will occur in the near term.

Mr. Wingerson said these are all the issues at Heatherton Court, and Councilman Evans is correct in that these are not new concerns. City staff has been in this area every day for five weeks for one reason or another, and sometimes two or three times a day, if it is raining. Mr. Wingerson stated he believes City staff is working diligently with the developer and working closely with the residents to meet the needs of both.

Councilman Smith inquired into a time frame commitment from the developer.

Mr. Wingerson said, a developer is typically asked to clean the streets pretty close to when they are dirty. An extenuating circumstance is when Councilman Evans was at Mr. Garner's house and it was six or seven days later that the dirt was removed. When the street was cleaned, it was power washed, which is a step beyond what most builders or developers would do to clean a street. The street was very clean when it was finally cleaned. Mr. Wingerson said he believed that last week the back flow device would be addressed and the debris pile removed. It is his understanding that has not yet been done, but would guess it is coming very quickly.

Councilman Beer asked if the siltation and run-off issue gets into the Clean Water Act issues of mud and siltation run-off down into the streams, and are the erosion control measures in place and being maintained.

Mr. Wingerson replied, yes, this issue does have to do with the Clean Water Act, which is why Staff is vigilant on these types of issues. Erosion control in the form of a silt fence has been installed throughout the duration of the project. It could have used maintenance earlier, but now it is up and seems to be functioning very well. Mr. Wingerson said another sediment control device are hay bales at the curb inlets. Where they are in place, they are working very well. Where they aren't in place, having been moved by contractors or whomever, of course they don't work there. That is why Staff is going every day to be sure these items are in place.

Councilman Beer said if the hay bales are doing their job, they are keeping the siltation from going into the catch basins and the curb inlets, and that will cause a build-up around those areas, which needs to be cleaned.

Mr. Wingerson agreed, and said that is the unpleasant byproduct of that tool, which is a ponding effect behind the hay bales, which leads to sediment in the street, which is the builder/developer responsibility.

Councilman Smith inquired into how the City has communicated with the residents.

Mr. Wingerson replied typically Staff has taken the approach of waiting for the residents to communicate, and believes that Mr. Garner will agree that every time he has visited the office or phoned, Staff has had information that clearly came from visiting the site. Staff has taken the approach of being clearly proactive by visiting the site often and then when residents phone, giving them the most current information.

**Lila Smith, Heatherton Court**, stated that in regard to the silt situation, there has never been anything but hay bales to stop the siltation. There has been nothing else. The bales have just been in place the last three weeks. Ms. Smith said there is no siltation fence.

**Margaret Miller, Developer of Heatherton Court**, stated she just came from a meeting with the homeowners that lasted about one and one half hours, so she does know of the problems. Ms. Miller said, as she told the residents, it helps if she gets a message, note or phone call so these problems are not heard in public places such as the City Council meeting. Ms. Miller stated it behooves everyone living in Heatherton Court and her to try to do everything possible to make this development successful. Airing the dirty laundry in public does not do a lot to help this situation. Ms. Miller continued by saying there is nothing being said now that hasn't already been said, addressed and resolved.

Councilman Beer asked Ms. Miller if it is her position that she has just heard of these issues.

Ms. Miller replied yes, she has just heard some of the issues.

Councilman Evans asked Ms. Miller what her plan is to remedy the problems, and what is the anticipated time frame.

Ms. Miller replied she would begin immediately, and she just had a meeting with the homeowners to tell them that.

Councilman Evans asked if that included the retaining wall.

Ms. Miller replied, yes, the design was just received for the retaining wall. The one that is up now has started to come apart and the workmanship was very inadequate, so she had to go to court, which took more time than she wished. The gentleman that put up the wall needed to pay for the new one. It took time to go through court and it now has been resolved and will be started within the next week to ten days.

Councilman Evans asked Mr. Wingerson if there is a way this issue can be monitored very closely and for Mr. Wingerson to get back with Mr. Garner, Ms. Smith and him. Councilman Evans said he is concerned with the retaining wall issue, the mud in the street, and the silt fence, as he believes that also adds to some of the issues down the creek.

Mr. Wingerson replied he would be happy to update whoever is interested on whatever schedule is appropriate. Mr. Wingerson said it was heard tonight that not everyone knew

what was occurring, and he wants to be very clear that Mr. Garner and Ms. Miller are very abreast and advised of the City's position regarding the four issues he discussed, the retaining wall, the street, the debris pile and the backflow. Where the City is involved, Staff has been good in communicating, and would be glad to step that up a notch in a special situation and communicate in any way necessary. Mr. Wingerson said he would be glad to do that.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

Councilman Joe Evans had no comments at this time.

Councilman Wayne Beer had no comments at this time.

Councilman Les Smith stated in visiting with members of the City's Fire Department, he was handed a CD that was recorded by Olivia McReynolds who is currently living at 1021 NE Lindberg. She is a young lady who lived in the New Orleans area, and was displaced, and is now living in our area. They like it so well, they are going to stay here. Councilman Smith said all the proceeds from the CD are going to be donated back to the New Orleans community. Councilman Smith said he would listen to the CD and then pass it along. Councilman Smith said he believes it is important to have on the record that City Manager Davis updated Council members as to Public Safety's efforts in this regard during Council's Open Study Session. It is good to know the City is reaching out to these folks. It is also good to know that this young lady is willing to stand up and do something.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reminded the audience that Gladfest weekend is September 30, October 1 and October 2, and stated he looks forward to seeing everyone there.

**Item 9. on the Agenda.**

**APPROVAL OF NEW CLASS "A" & "B" LIQUOR BY THE DRINK LICENSE** for Stone Canyon Pizza, 6433 North Prospect. Managing Officer: Antoinette Bartlett.

Councilman Wayne Beer moved to approve a New Class "A" & "B" Liquor by the Drink License for Stone Canyon Pizza, 6433 North Prospect. Managing Officer: Antoinette Bartlett. Councilman Joe Evans seconded.

Councilman Smith inquired into the opening date of the restaurant.

Ms. Antoinette Bartlett replied the opening date will hopefully be mid-October.

The vote: All "aye" -- Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith. (3-0)

**Item 10. on the Agenda.**      **FIRST READING BILL NO. 05-27**, amending Section 33.900.020 B. of Ordinance Number 3.621, defining the number and source of members of the Tax Increment Financing Commission of the City of Gladstone, Missouri.

Councilman Joe Evans moved to place Bill 05-27 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith. (3-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the First Reading of Bill 05-27, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded. The vote: The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith. (3-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the Second and Final Reading of Bill 05-27 and enact the Bill as Ordinance 3.965. Councilman Wayne Beer seconded.

Councilman Wayne Beer stated he is pleased to see Stone Canyon Pizza opening.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith. (3-0).

**Item 11. on the Agenda.**      **FIRST READING BILL NO. 05-28**, prohibiting the operation of miniature motorcycles, go-carts, and motorized scooters on the streets, sidewalks, trails, park lands, public parking lots, public rights of way, and all other public property within the City of Gladstone.

Councilman Joe Evans moved to place Bill 05-28 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith. (3-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the First Reading of Bill 05-28, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded. The vote: The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith. (3-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the Second and Final Reading of Bill 05-28 and enact the Bill as Ordinance 3.966. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith. (3-0).

**Item 12. on the Agenda.**      **OTHER BUSINESS.**

Councilman Smith said he would like to state for those who were present from Heatherton Court that the City staff will be on top of their concerns, and he is confident the developer

will respond as well. Councilman Smith said he did not want the Heatherton Court residents to leave thinking Council had not given their concerns their just attention, because they have. Council feels these concerns are in the hands of Assistant City Manager Wingerson and Public Works Director Williams, and they will stay on top of these issues. Councilman Smith said he understands the frustration of living in an area that is under development. The weeds grow, the water flows, and also from a developer's standpoint, it can be difficult to keep up with those things; however, the developer does have a responsibility to address these issues. Councilman Smith said he feels certain City staff will stay in touch with the residents regarding these concerns.

**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 12, 2005, Gladstone City Council Meeting, Councilman Les Smith adjourned the Regular Meeting.

Respectfully submitted:

\_\_\_\_\_  
Cathy Swenson, City Clerk

Approved as submitted: \_\_\_\_

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

\_\_\_\_\_  
  
Councilman Les Smith





**PUBLIC NOTICE**

**GLADSTONE CITY COUNCIL**

**CLOSED EXECUTIVE SESSION**

**FRIDAY, SEPTEMBER 16, 2005**

**TIME: STARTING AT 12:45 PM**

**LOCATION: GLADSTONE CITY HALL**

**The Gladstone City Council will meet in Closed Executive Session on FRIDAY, SEPTEMBER 16, 2005 starting at 12:45 PM at Gladstone City Hall, 7010 N Holmes.**

**The Executive Session is closed pursuant to the Missouri Open Meeting Act Exemptions under Section 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and Section 610.021 (2) for Real Estate Acquisition**

**Representatives of the News Media may obtain copies of this notice by contacting:**

**City Clerk Cathy Swenson  
7010 N Holmes  
436-2200, Extension 3102**



**MINUTES  
SPECIAL CITY COUNCIL MEETING  
FOR PURPOSES OF ADJOURNING TO A CLOSED EXECUTIVE SESSION  
GLADSTONE, MISSOURI**

**FRIDAY, SEPTEMBER 16, 2005**

**PRESENT:**

Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Wayne Beer

City Clerk Cathy Swenson

Mayor Carol Rudi opened the Special City Council Meeting for the purpose of adjourning to a Closed Executive Session on September 16, 2005, at 12:45 PM in Gladstone City Hall.

Councilman 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, and and Section 610.021 (2) for Real Estate Acquisition. Mayor Pro Tem Bill Cross seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (3-0). Councilman Les Smith did not vote, but was present for the Closed Executive Session. Councilman Joe Evans was absent.

Respectfully submitted:

Cathy Swenson  
Cathy Swenson, City Clerk

Approved as submitted: ✓

Approved as corrected/amended:       

Carol A. Rudi  
Mayor Carol Rudi



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, SEPTEMBER 26, 2005**

**OPEN STUDY SESSION: 7:10 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 the September 12, 2005 Regular City Council Meeting Minutes.**
- 4a. **Approval of the September 16, 2005 Special City Council Meeting Minutes.**
- 4b. **Special Presentation** to the City of the MARCIT (Mid America Regional Council Insurance Trust) Loss Control Achievement Award by Terry Norwood, MARCIT President/CEO

**5. CONSENT AGENDA**

**RESOLUTION R-05-77**, granting a Permanent Easement to Kansas City Power & Light Company in conjunction with the Happy Rock Park Expansion Project (025025).

**APPROVAL OF LIMITED ONE-DAY LIQUOR BY THE DRINK LICENSE** to St. Charles Borromeo Church, 804 Shady Lane Drive, for the Annual Auction on March 26, 2006. Hours: 6:00 PM - 12:00 Midnight. Managing Officer: Mr. Paul G. Danaher.

**APPROVAL OF FINANCIAL REPORTS FOR AUGUST 2005.**

**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 Kathleen Tobin for operation of a Child Care Facility on property at 7260 North Antioch Road. Applicant: Kathleen Tobin. Owner: Kathleen Tobin (KPJ, II LLC). File No. 1255
- 9a. **FIRST READING BILL NO. 05-29**, granting a Special Use Permit subject to certain conditions to Kathleen Tobin for operation of a Child Care Facility on property at 7260 North Antioch Road. Applicant: Kathleen Tobin. Owner: Kathleen Tobin (KPJ, II LLC). File No. 1255
10. **FIRST READING BILL NO. 05-30**, approving the Final Plat of "Northaven Village Condominium Eighth Plat", a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said plat for recording. Applicant/Owner: Neil Rose. File No. 1261
11. **Council Consideration** for approval of a five-year extension on an existing City variance for the operation and maintenance of a modular classroom building at Oakhill Day School, 7019 North Cherry.
12. **Council Consideration** of a sign variance for the "New Not So New" property located at 5708 North Oak Trafficway. Applicant: Gary or Toni Bentley. Owner: Randy Robb.
13. **RESOLUTION R-05-78**, amending the Tax Increment Financing Policy of the City of Gladstone.
14. Other Business.
15. Questions from the News Media.
16. Adjournment.



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

**MONDAY SEPTEMBER 26, 2005**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Les Smith  
Councilman Wayne Beer  
  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

**ABSENT:** Councilman Joe Evans

Mayor Carol Rudi opened the Regular September 26, 2005, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR SEPTEMBER 12, 2005, CITY COUNCIL MEETING MINUTES.**

As Mayor Carol Rudi and Mayor Pro Tem Bill Cross were not at the September 12, 2005 City Council meeting, they abstained from the vote for approval of the minutes.

Mayor Carol Rudi explained that on September 12, 2005, both she and Mayor Pro Tem Bill Cross were attending a Missouri Municipal League Conference at Osage Beach, so were not in attendance at the City Council meeting. Mayor Rudi stated that when a Councilman is not in attendance at a Council meeting, they abstain from voting on the

minutes, and with only two other Councilmen present this evening, there were not enough votes to consider the September 12, 2005 City Council minutes. Mayor Rudi asked that the minutes of the Regular September 12, 2005, City Council meeting be on the next City Council agenda for consideration.

**Item 4a. on the Agenda.**      **APPROVAL OF THE SEPTEMBER 16, 2005, SPECIAL CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Bill Cross moved to approve the September 16, 2005, Special City Council Meeting Minutes as presented. Councilman Wayne Beer seconded the motion.

The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0)

**Item 4b. on the Agenda.**      **Special Presentation to the City of the MARCIT (Mid America Regional Council Insurance Trust) Loss Control Achievement Award.**

Terry Norwood, President of MARCIT, began by saying he wanted to draw to Council's attention a remarkable effort on behalf of City Staff and the City in regard to the City's Loss Control Program. Gladstone participates with 70 other Kansas City area municipalities in both the property liability worker's compensation and employee benefits. MARCIT has a program where cities' safety programs and experience are reviewed. Mr. Norwood said that for those cities that have exceptional records, there is a return of the immediate premium, which Todd Foster, Loss Control Manager, will explain.

Todd Foster reported that MARCIT has had a loss control program for many years. In the last few years, the awards program was introduced. Gladstone qualified for an award three years ago, when the City's compliance level was 95 percent. Year before last the compliance level was 102 percent. This most recently completed fiscal year, Gladstone is in a very elite group with a compliance level of 105 percent. Mr. Foster continued by saying there are some bonus activities that allow a compliance level to get up to 105 percent. There are very few members who qualify for this level.

Mr. Foster stated that MARCIT is a not-for-profit risk retention organization. There is not a profit built into what is collected from the cities, but there is money set aside to pay to those cities that are doing a good job of controlling their losses, which is largely what being a member of the pool is all about. A 105 percent compliance rating earns the City of Gladstone the right to get a six percent return of premium for 2004-2005. Mr. Foster said he is very happy to report the City of Gladstone received a check for \$25,000, that was very well earned, and he hopes a good portion is reinvested into the City's safety program. Mr. Foster stated this is not an easy achievement by any means. Not very many members get to this level, and it starts from the top. Mr. Foster said City Manager Kirk Davis is very supportive of the City's safety program – it is not "if you can" – it is "thou shalt", which has been the theme the last couple of years, and the City has had 100 percent compliance since that point. Mr. Foster continued by saying a lot of people make this happen, and

every employee plays a role. There are some key people who are "driving the bus", and coordinating activities to be certain the correct things are done. Human Resources Administrator Charlene Leslie and Human Resources Coordinator Pat Crooks are two key people in this effort. Mr. Foster said the City has a very active Safety Committee, in which Building Official Alan Napoli is very involved. Mr. Foster said he also has to give credit to the Department Heads.

Mr. Foster reported this is not an easy accomplishment. There are 60 activities that are evaluated, which is centered around training, policies and practices. Mr. Foster congratulated the City on this accomplishment.

Mr. Norwood stated that out of 70 communities, 35 participated in the exercise, and only one received this level, which is Gladstone. Mr. Norwood said Gladstone is a good member and a needed partner in what MARCIT does. Mr. Norwood congratulated City Council members for their leadership and the staff for their efforts.

Councilman Wayne Beer stated this did not happen simply because the City Manager said "thou shall", but rather it happened because this City staff and its administration has been able to foster a work safety attitude that makes this happen. It doesn't happen by edict; it happens because everyone buys into it, which is something for which City staff is to be highly commended.

Mayor Pro Tem Bill Cross inquired into the location of the 70 municipalities included in MARCIT.

Mr. Foster replied the majority of the municipalities are in the Kansas City area. There are members as far south as Nevada, as far east as Boone County, as far north as Bethany, and as far west as Trenton.

Councilman Les Smith stated everyone knows the enthusiasm which Human Resources Administrator Charlene Leslie brings to her job, and it is contagious. This accomplishment did not happen by accident; it took a lot of hard work, and Council is proud of City staff.

Mayor Rudi stated she has attended some of the MARCIT seminars and knows what they do, and that work is very appreciated. Mayor Rudi asked if the October 7 and 8 conference would be a credit for the City next year.

Mr. Foster replied, yes.

Mayor Rudi thanked Mr. Norwood and Mr. Foster for their time, efforts, and for the check.

**Item 5. on the Agenda.**

**CONSENT AGENDA**

Mayor Pro Tem Bill Cross moved to adopt the Consent Agenda as presented. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0)

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-05-77**, granting a Permanent Easement to Kansas City Power & Light Company in conjunction with the Happy Rock Park Expansion Project (025025). Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0)

Mayor Pro Tem Bill Cross moved to approve **LIMITED ONE-DAY LIQUOR BY THE DRINK LICENSE** to St. Charles Borromeo Church, 804 Shady Lane Drive, for the Annual Auction on March 25, 2006. Hours: 6:00 PM - 12:00 Midnight. Managing Officer: Mr. Paul G. Danaher. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0)

Mayor Pro Tem Bill Cross moved to **APPROVE THE FINANCIAL REPORTS FOR AUGUST 2005**. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0)

**REGULAR AGENDA**

**Item 6. on the Agenda.**

**COMMUNICATIONS FROM THE AUDIENCE.**

**Mary Abbott, 5905 North Broadway**, stated she did not really want to be here tonight, because she is as tired of complaining as Council is of hearing her complain. Ms. Abbott said she was present to discuss the detention basin near the Englewood Villas. Ms. Abbott said there were many problems in getting this area cleaned up, because the owner would not do anything to improve the neighborhood. The Neighbors Helping Neighbors group took out the trees that had blown down during the tornado. The next-door neighbors grew tired of having the mud slide down on them, so they planted grass seed, and have been cutting the grass up to this time. The area was beginning to look pretty good.

Ms. Abbott said last Tuesday afternoon a truck came in and knocked down the trees at the 57<sup>th</sup> Street cut on North Broadway to make room for dump trucks to enter the area. Ms. Abbott stated the trees were rolled over the dam and many loads of dirt and king size rocks were dropped against the dam in the detention basin by the contractor for the project at Englewood Road and Old Pike Road. Ms. Abbott said Mr. Scharhag told the contractor he could dump these items at the site. The contractor told Mr. Bell, a neighbor, he would level the area off and plant grass seed. Ms. Abbott said this would not work, as one cannot plant grass seed on the rock, and if it is planted, it cannot be cut, which will leave a place



for mosquitoes due to the water retained in the detention basin. The basin is always wet because there are springs in the area.

Ms. Abbott said Mr. Scharhag does not seem too interested in the fact that the neighbors have seeded his property and cut the grass; Mr. Scharhag apparently does not want to cooperate. Ms. Abbott stated she called Assistant City Manager Scott Wingerson, who said a permit was not issued for grading in this area.

Assistant City Manager Scott Wingerson stated that what Ms. Abbott explained was pretty accurate. On Tuesday, Ms. Abbott called his office, and the area was inspected that day. The inspector found the debris Ms. Abbott referenced. The material is located west of the detention pond, between North Broadway and the pond. Building Official Alan Napoli determined where the debris was coming from, which is the office building to the south. Mr. Mancuso, the general contractor, placed the material at the site at the request of Mr. Scharhag. At that time Mr. Mancuso said he would remove the material as quickly as possible.

Mr. Wingerson said he believed Mr. Mancuso talked to Mr. Scharhag, and the options for Mr. Scharhag are to obtain a grading permit or remove the debris. Today Mr. Scharhag was in City Hall and received an application for a grading permit. Mr. Wingerson suggested giving Mr. Scharhag a chance to complete the grading permit, see if it is appropriate grading, and if so, allow Mr. Scharhag to proceed, and if not, the debris would be removed. Mr. Wingerson said that through all of this, Mr. Mancuso has been extremely professional and has committed repeatedly to remove the debris as soon as the City says to remove it. Mr. Wingerson said things are not happening fast enough for the neighborhood, but it is progressing in a professional manner.

Councilman Wayne Beer inquired into the options of the final grade. Councilman Beer said if there is construction debris, he presumes there is rock and perhaps broken up concrete.

Mr. Wingerson said the debris is predominately large rock, clay, and a little bit of construction debris. The use of that depends on the nature of the fill that is being placed. In some cases it would be acceptable, and in some cases it would not.

Councilman Beer said it is clear that the site is not suitable for construction of a structure, so there are not compaction issues, but the issue remains of the degree of finish. Councilman Beer asked if there would be some control as to the degree of finish.

Mr. Wingerson replied the entire ground needs to be covered.

Councilman Beer asked if the debris included waste lumber, and if that is the case, does the City generally permit those kinds of construction materials to be buried in a residential area.

Mr. Wingerson said there is a very small amount of debris, and he observed a very small amount of plastic pipe. He did not see any lumber; the material is primarily rocks and clay.

Mayor Rudi asked if the pond is a detention pond or is it there because of springs. Will grading and leveling create another problem.

Mr. Wingerson said the pond holds water because of the springs, but it is designed to serve as a detention basin. The grading is outside of the pond and basin, and is a little bit to the north and west of the pond.

Councilman Beer asked if it is subject to erosion control measures.

Mr. Wingerson replied yes.

Councilman Beer stated that Ms. Abbott mentioned that the bottom of the detention basin is always wet, is it intended to be so?

Ms. Abbott replied it has to have a wet bottom, because the pond has always been spring fed. The two small ponds have been made into one large pond.

Mayor Rudi thanked Ms. Abbott, and said Staff would be looking into this matter.

**John Garner, 111 Heatherton Court**, stated at the last meeting there was discussion about some problems in his area. It took eight days for his street to be cleaned after the developer was notified, which he felt was too long. In the minutes of the last meeting, Mrs. Miller said she had no prior knowledge of anything being wrong in the area. Mr. Garner said he had a letter dated July 20<sup>th</sup>, stating eight different items, which was signed by Alan Napoli. Mr. Garner said he had another letter dated August 9<sup>th</sup>, stating four other items signed by Alan Napoli. Mr. Garner said a copy was given to Scott Wingerson, Craig Slaughter, Becky Jarrett and Carol McGuir. Mr. Garner said he had a return letter where the developer stated on August 23<sup>rd</sup> to contact her lawyer about the hill.

Mr. Garner said neighbors met with the developer before the last City Council meeting, so she did have previous knowledge. Mr. Garner submitted pictures to Mayor Rudi that were taken yesterday of his area. Mr. Garner pointed out that the pictures show there is still mud on the street, and the weeds need to be cut. The developer said everything would be taken care of in a week to two weeks. Mr. Garner said his sprinkler system is still hooked to his next-door neighbor, and he does not have a back flow system on it, and it was promised to be done by last Friday. Mr. Garner said he has kept notes from the first day he moved into the house, and he finds in his notes that the developer was notified the first time about a sprinkler system problem on the Wednesday, before Memorial Day. On July 8<sup>th</sup>, the developer promised the broken sprinkler system would be fixed, and it was not fixed by the first of August. Mr. Garner said that on the first of August, Betty, his neighbor, brought over a water bill that was very high because his sprinkler system is hooked into her water system.

Mr. Garner stated that the developer still has three houses for sale in his area. Two of the houses and possibly all three are not completely finished. Mr. Garner said that since not all of his concerns have been addressed, he is requesting that all three permits on those houses be pulled and the houses posted whereby no one can enter the houses to finish the work. Mr. Garner said the developer needs to be shown there is enforcement.

Councilman Les Smith said Mr. Garner makes a good point, but unfortunately, the best thing that could happen for everyone is that the developer completes the construction of the houses and sells them. Councilman Smith said one of the pictures Mr. Garner provided shows a lady standing on a back patio, and asked for clarification from Mr. Garner.

Mr. Garner stated the home in the picture is not occupied, and the intent of the picture is to show the height of the weeds by the retaining wall.

Mr. Wingerson reported that last Friday the developer submitted preliminary plans on the new construction of the retaining wall. The plans are now under review. It is anticipated to receive final plans based on that review in a short time. Mr. Wingerson stated there are four issues in this area with which the City is involved. The debris down the south hill has not been removed. Mr. Wingerson said it was his impression that Mr. Garner's sprinkler system was disconnected from the neighbor's system, thereby, making the back flow prevention not an issue for the City, but Mr. Garner said the opposite of that this evening, so that will be checked in the morning. The mud in the street continues to be an issue that City staff is monitoring and contacting the developer about as it occurs. Staff continues to monitor this area.

Mr. Wingerson said he would not want to comment on suspending the Certificate of Occupancy without the City attorney present. There are some ownership rights that go with the issuance of that Temporary Certificate of Occupancy, so that may not be a possible remedy. Mr. Wingerson said issuing stop work orders has been discussed, but there has been no construction to stop. The concerns are unsatisfactory, but Staff is monitoring the situation and pushing for improvements as much as possible. Mr. Wingerson said he agrees with Mr. Garner that the response is not appropriate.

Councilman Smith stated it is frustrating for Council, too, as there are processes by law to which everyone has the right, and the developer is one of them. However, there is not one person in the room who would want to live around the problems in this area. Councilman Smith said he fully supported Staff proceeding in any way possible to remedy this situation.

Mayor Rudi stated she agreed with Councilman Smith. Both she and Councilman Beer visited this area about one week ago. The weeds at that time had been cut in places, but it is messy and not nice in the area. The retaining wall needs to be fixed quickly.

Mr. Garner stated that any of the members of the homeowners' association present at this meeting would be willing to testify if the City does bring action against the developer.

Councilman Beer stated Council members thought two weeks ago that things were being done and had been done, but in fact have not been done. Councilman Beer agreed action needs to be taken to remedy the issues in this area. Councilman Beer said he is not ready to go so far as to say Council members have been deceived, but things are looking that way, and when one is deceiving of a legislative body, there should be some punitive measures.

Mr. Wingerson stated he wholeheartedly accepts Council direction, and will take those actions with the advice of the City Counselor. However, there are risks in taking that action. Mr. Wingerson said we are talking about issuing a series of citations for every public concern that exists in the development. Once those citations are issued, it will be a matter of the municipal court, and the due process of the municipal court. Mr. Wingerson said there is a risk in the due process phase, and wants to be certain the Council is advised of that. Staff will move forward in the morning, and will consult with the City attorney if his help is needed.

**Jean Ruby, 108 Heatherton Court**, said she lives near where the wall has collapsed. This happened the first weekend in June. Ms. Ruby said she has pictures documenting when the wall first collapsed up to now. Ms. Ruby stated she had some concerns about the safety of her home. Ms. Ruby said she travels with her job and was gone for ten days, and expected the wall to be repaired when she returned – it was not. Ms. Ruby said she talked to the developer, who continues to say it will be done. Ms. Ruby said she was anxious to live in Gladstone, and has been a little bit disappointed that there has not been more follow-up, and if she has to take legal action, that will be her next step. Ms. Ruby said she likes Gladstone, but has been afraid to invite friends to her house, because it looks so bad in her area. Ms. Ruby said she would do whatever she needs to do as a resident of Heatherton Court.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Wayne Beer** reminded everyone that this weekend is Gladfest, and invited everyone to attend. Councilman Beer said the gentlemen that were here earlier with a MARCIT check are part of a larger organization, Mid America Regional Council (MARC), who is making available to Planning Commissioners and Planners a series of audio conferences to reinforce the tenets of planning, land use and environmental laws. Councilman Beer encouraged Council members to attend the audio conferences, which take place in the MARC offices through June. Councilman Beer asked Mr. Wingerson to strongly encourage Planning Commissioners and Board of Zoning Adjustment Commissioners to attend these conferences.

**Councilman Les Smith** had no comments at this time.

**Mayor Pro Tem Bill Cross** thanked the City for allowing him and Mayor Rudi to attend the Missouri Municipal League Conference where over 700 City administrators and Council members were in attendance. It was very much of a learning experience. Mayor

Pro Tem Cross thanked the members of the City administration who went with Council members to Lawson to attend the Clay County Coordinating Committee dinner meeting. Gladstone was well represented with 13 City people in attendance. Mayor Pro Tem Cross thanked City Clerk Cathy Swenson for her assistance in organizing the meeting, and said another meeting will be planned in the next three months.

**Mayor Carol Rudi** invited everyone to attend the dedication and ribbon cutting at Happy Rock Park Expansion, beginning at 5:30 PM on October 10, 2005. Mayor Rudi invited all to attend the Mayor's Holiday Tree Lighting event at 6:00 PM on November 22, 2005, at the First Bank of Missouri on Antioch Road. Mayor Rudi also invited everyone to help set up the Mayor's Holiday tree on November 12, 2005. A specific time has not been set, but it will be in the morning. Mayor Rudi congratulated Mayor Pro Tem Cross on his new granddaughter, Callie Taylor, who was born this week.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

Assistant City Manager Scott Wingerson reported that due to Gladfest, access to City Hall on Friday would be difficult, so City Hall will close at noon. Mr. Wingerson reminded Council members that the North Kansas City School Board meeting will be tomorrow, September 27<sup>th</sup>, at 6:30 PM for consideration of the Natatorium.

**Item 9. on the Agenda.**

**PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to Kathleen Tobin for operation of a Child Care Facility on property at 7260 North Antioch Road. Applicant: Kathleen Tobin. Owner: Kathleen Tobin (KPJ, II LLC). File No. 1255

Mayor Carol Rudi 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 this is a renewal Special Use Permit that was originally issued in the year 2000 for a term of five years. Ms. Tobin has been the owner/operator at this facility at 72<sup>nd</sup> Terrace and Antioch Road for that period of time. The original Special Use Permit had a significant number of conditions that had to do with physical improvements to the property, primarily involving expansion of the parking lot, an addition, fenced areas, screening, and landscaping. All of that has been completed and there has been no concerns raised over the years from the adjoining property owners. Mr. Wingerson reported the Planning Commission is recommending approval to City Council.

**Applicant Presentation**

Kathleen Tobin began by saying her application is for a childcare/preschool center, which serves children six weeks to five years old. Ms. Tobin said her center has approximately 65 children, and they maintain a 98 to 99 percent maximum capacity, and they operate year

around, 7:00 AM to 6:00 PM. Ms. Tobin said her request is that the Special Use Permit be renewed for ten years.

**There were no comments from those in Favor or in Opposition to the application.**

Mayor Rudi closed the Public Hearing.

**Item 9a. on the Agenda.**      **FIRST READING BILL NO. 05-29**, granting a Special Use Permit subject to certain conditions to Kathleen Tobin for operation of a Child Care Facility on property at 7260 North Antioch Road. Applicant: Kathleen Tobin. Owner: Kathleen Tobin (KPI, II LLC). File No. 1255

Councilman Wayne Beer moved to place Bill 05-29 on First Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 05-29, Waive the Rule and place the Bill on Second and Final Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 05-29 and enact the Bill as Ordinance 3.967. Councilman Les Smith seconded.

Roll Call Vote: "Aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

**Item 10. on the Agenda.**      **FIRST READING BILL NO. 05-30**, approving the Final Plat of "Northaven Village Condominium Eighth Plat", a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said plat for recording. Applicant/Owner: Neil Rose. File No. 1261

Councilman Les Smith moved to place Bill 05-30 on First Reading. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 05-30, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Bill Cross seconded. The vote: The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 05-30 and enact the Bill as Ordinance 3.968. Mayor Pro Tem Bill Cross seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

**Item 11. on the Agenda.** Council Consideration for approval of a five-year extension on an existing City variance for the operation and maintenance of a modular classroom building at Oakhill Day School, 7019 North Cherry.

Councilman Wayne Beer stated as his wife is the Head of School for Oakhill Day School, he would be abstaining from the vote.

Mayor Pro Tem Bill Cross moved to approve a five-year extension on an existing City variance for the operation and maintenance of a modular classroom building at Oakhill Day School, 7019 North Cherry. Councilman Les Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0).

**Item 12. on the Agenda.** Council Consideration of a sign variance for the "New Not So New" property located at 5708 North Oak Trafficway. Applicant: Gary or Toni Bentley. Owner: Randy Robb.

Councilman Les Smith moved to approve the sign variance for the "New Not So New" property located at 5708 North Oak Trafficway. Applicant: Gary or Toni Bentley. Owner: Randy Robb. Mayor Pro Tem Bill Cross seconded.

Councilman Beer stated that for some time our City has been moving towards the phasing out of the pole signs, and phasing in of monument signs. On new structures, that is a requirement. Councilman Beer said while it is an existing structure, the business within the structure is not an existing business. The City has used as its guiding principles in this regard the North Oak Corridor Study, in which one of the tenets is to eliminate the use of pole signs and to phase in the use of monument type signs. Councilman Beer stated the City's Comprehensive Plan addresses this in that same direction, and the Planning and Zoning Ordinance also has moved to this direction. Councilman Beer said as this is a bit in contravention to all the direction the City has been moving, he would be opposed to approving this variance.

Assistant City Manager Scott Wingerson began by saying BACO (Building and Construction Ordinance) became effective in April 2005. In BACO, pylon signs are prohibited without a specific variance from City Council. Mr. Wingerson continued by saying existing pylon signs are considered to be legal non-conforming, meaning they can stay as long as routine maintenance is performed to keep them in working order. Pylon signs, by the Ordinance, should be made to conform with today's standard based upon three or four conditions. If the sign is more than 50 percent damaged is one of the conditions. If the name or nature of the business changes, and if the sign is changed in shape or size are also conditions. There are also secondary provisions, but these are the main conditions.

Mr. Wingerson said the issue in this particular case is that the name of the business changed from a thrift store or a vacant building to the applicant's request tonight.

Mayor Rudi invited the applicant, Gary Bentley to address the Council.

**Gary Bentley, 5708 North Oregon, Kansas City, Missouri**, stated the nature of the previous business was a thrift store. Mr. Bentley said his business is the same type of operation, but he needs to change the name of the business. The sign is basically in code except for the fact that it is two square feet over the correct size, but he suggested to the City that he would like to simply change the lens on the existing perfectly operating sign. Mr. Bentley said he presented to the City two appraisals he had. One is to just change the face, which is basically \$4,000 to \$5,000. To change the sign to bring it into conformance is upwards to almost \$17,000. Mr. Bentley said he would abide by what the City Council decides, but as a small business owner, just starting out, the high cost is almost detrimental.

Mayor Pro Tem Bill Cross asked Mr. Bentley if it is his intention to utilize the existing sign and simply change the name of the business.

Mr. Bentley replied that was correct. It is called changing the lens, or basically putting their business name on the sign.

Councilman Smith asked if there have been other similar businesses that have received variances from City Council.

Mr. Wingerson stated City Council has supported sign variances in size or type for a variety of businesses over the years, but there is no history on this particular instance as this is a brand new provision to BACO 2003, adopted in April 2005.

Councilman Beer said he recalls a similar instance with Salon Ngyn, at 74<sup>th</sup> and North Oak Trafficway, where it was a condition for the CDC (Community Development Corporation) to approve the low interest loan to Salon Ngyn. The condition was it had to be in compliance with City code. Where the City Council did not have to deal with that instance, the same issue has now come forward. Councilman Beer said, with that in mind, he would encourage the exploration by Mr. Bentley of a CDC loan. The purpose of the CDC is to provide low amount loans with a five-year term, and with a one percent less than prime interest rate. This makes these kinds of improvements to a property affordable to businesses.

Councilman Smith asked if there is a provision for a time frame in which the sign must be changed.

Mr. Wingerson replied the time frame is upon the change of name or nature of the business – "upon" meaning when it happens.



Councilman Smith asked Mr. Bentley if he is open for business, and if so, for how long.

Mr. Bentley replied he is open for business, and has been operating with banner signs while this process has been happening. He has been opened for approximately four months.

Councilman Smith stated, being a small business owner, he can understand the predicament Mr. Bentley is in. Ninety percent of businesses in this country fail in the first six months of operation due to the lack of capital. Councilman Smith said he visited in passing with the property owner about this issue, and he shares Councilman Smith's concerns for his tenant.

Councilman Smith said he would like to vote for approval for this variance, but since about 1995 or 1996, he has been sitting time and again in on various ad hoc committees, and so forth, where the recommendations have come time and again that the City has to do something about pole signs. Councilman Smith said someone has got to have the fortitude to start that, and based on what Mr. Wingerson said, this is the first one. The Community Development Corporation made it a condition for the salon that Councilman Beer mentioned, which is a powerful statement unto itself. Councilman Smith said the City has adopted this policy and if that group made it a condition, he is not comfortable with not doing it as well. Councilman Smith said he would like to consider, if Council concurs, to allow the applicant some time. Perhaps the applicant could be allowed some time to allow for financing, whether it is through CDC or a private lender, or whatever means to make the sign change. Councilman Smith said he came this evening prepared to support this application, but he cannot support it, but can support helping the applicant in another way.

Mayor Rudi stated she cannot approve this application. The City has been working for years towards the elimination of the pole signs and the move to monument signs. This Council was present when BACO was approved with this condition in it, although it allowed for the variance to be approved by City Council. Mayor Rudi said with the process of the North Oak Corridor Study, and with the Downtown process, she does not believe she can support this variance, but would be agreeable to a time frame that could be agreed upon.

Councilman Smith asked Mr. Wingerson what the process would be if this application were denied.

Mr. Wingerson replied the sign is not currently being used, and the face of the sign is covered by a tarp, so it is in compliance. At some point in time it would be considered abandoned, and required to be removed or made compliant. That period of time is typically six months for abandonment, so that may be a mark that Council might look towards.

Mayor Rudi asked for a vote on the motion to approve the sign variance. The vote: All "nay" - Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (0-4).

Councilman Les Smith moved that in light of the sign variance request for the "New Not So New" property located at 5708 North Oak Trafficway was denied, that the applicant be allowed six months from this date to come into compliance with the Sign Ordinance as written in BACO. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

Councilman Wayne Beer encouraged Mr. Bentley to contact Economic Development Administrator Melinda Mehaffy, who is the liaison to the Community Development Corporation, (CDC), whose purpose is to provide low interest loans to businesses. This could permit Mr. Bentley, with the approval of his landlord, to install a new sign that is compliant. One may borrow up to \$15,000 through the CDC with a one percent interest below prime rate, and would permit up to five years in repayment. It was specifically designed to help small businesses to come into conformance and to improve their businesses.

**Item 13. on the Agenda.**      **RESOLUTION R-05-78**, amending the Tax Increment Financing Policy of the City of Gladstone.

Councilman Les Smith moved to approve **RESOLUTION R-05-78**, amending the Tax Increment Financing Policy of the City of Gladstone. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

**Item 14. on the Agenda.**      **OTHER BUSINESS.**

Mayor Rudi asked if sign variances such as the one considered this evening are brought to Council in the future, that City staff provides some information to City Council indicating that in the past, additional time was allowed for compliance. This would be helpful to Council members.

**Item 15. on the Agenda.**      **QUESTIONS FROM THE NEWS 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 26, 2005, Gladstone City Council Meeting, Mayor Carol Rudi adjourned the Regular Meeting.

Respectfully submitted:

Cathy Swenson

Cathy Swenson, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

Carol A. Rudi

Mayor Carol Rudi



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, OCTOBER 10, 2005**

**OPEN STUDY SESSION: 7:00 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will hold a Closed Executive Session immediately following 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 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(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 the September 12, 2005 Regular City Council Meeting Minutes.**
- 4a. **Approval of the September 26, 2005 Regular City Council Meeting Minutes.**
5. **CONSENT AGENDA**

**RESOLUTION R-05-79**, accepting Temporary Construction Easements from property owners in conjunction with the Northeast 76<sup>th</sup> Street, North Woodland to City Limits, Reconstruction Project (035035).

**RESOLUTION R-05-80**, authorizing the Mayor, City Council members, City Manager, Director of Parks and Recreation, and 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 Land & Water Conservation Fund for City of Gladstone Park Improvements.

**APPROVAL OF LIMITED ONE-DAY LIQUOR BY THE DRINK LICENSE** to St. Charles Borromeo Church, 804 Shady Lane Drive, for the Annual Chili Cook-Off on October 22, 2005. 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. **RESOLUTION 05-81**, approving the Cooperation and Use Agreement between the North Kansas City School District and the City of Gladstone creating a partnership for purposes of designing, constructing, and operating the Natatorium component of the Gladstone Community Center.
10. Other Business.
11. Questions from the News Media.
12. Adjournment.



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

**MONDAY OCTOBER 10, 2005**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Les Smith  
Councilman Wayne Beer  
  
City Manager Kirk Davis  
City Counselor David Ramsay  
Assistant City Manager Scott Wingeron  
City Clerk Cathy Swenson

**ABSENT:** Councilman Joe Evans

Mayor Carol Rudi opened the Regular October 10, 2005, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE SEPTEMBER 12, 2005,  
REGULAR CITY COUNCIL MEETING MINUTES.**

Mayor Carol Rudi explained that on September 12, 2005, both she and Mayor Pro Tem Bill Cross were attending a Missouri Municipal League Conference at Osage Beach, so were not in attendance at the City Council meeting. Mayor Rudi stated that when a Councilman is not in attendance at a Council meeting, they usually abstain from voting on the minutes, and with only two other Councilmen present this evening, there were not

enough votes to consider the September 12, 2005, City Council minutes. Mayor Rudi asked that the minutes of the Regular September 12, 2005, City Council meeting be on the next City Council agenda for consideration.

**Item 4a. on the Agenda.      APPROVAL OF THE SEPTEMBER 26, 2005, REGULAR CITY COUNCIL MEETING MINUTES.**

Councilman Wayne Beer moved to approve the September 26, 2005, Regular City Council Meeting Minutes as presented. Mayor Pro Tem Bill Cross seconded the motion.

The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0)

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

Councilman Wayne Beer moved to adopt the Consent Agenda as presented. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-05-79**, accepting Temporary Construction Easements from property owners in conjunction with the Northeast 76th Street, North Woodland to City Limits, Reconstruction Project (035035). Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-05-80**, authorizing the Mayor, City Council members, City Manager, Director of Parks and Recreation, and 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 Land & Water Conservation Fund for City of Gladstone Park Improvements. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0)

Councilman Wayne Beer moved to approve **LIMITED ONE-DAY LIQUOR BY THE DRINK LICENSE** to St. Charles Borromeo Church, 804 Shady Lane Drive, for the Annual Chili Cook-Off on October 22, 2005. Hours: 6:00 PM – 11:00 PM. Managing Officer: Mr. Paul G. Danaher. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE.**

Mayor Rudi stated that as there is a Closed Executive Session following the regular City Council meeting, that communications from the audience would be limited to five minutes per speaker.

**John Garner, 111 Heatherton Court**, stated he wished to thank City Council members and Assistant City Manager Scott Wingerson for putting up stop work orders in his area last week, but the weeds have not been cut, the run-off tarps are not put up, and the contractor's workers cut the City's main water line, thinking they were hooking up Mr. Garner's sprinkler system. Mr. Garner asked what else could be done in his area to remedy the concerns.

Assistant City Manager Scott Wingerson stated based on Council's direction to City staff at the last City Council meeting, a letter was written to John Krebbs, who is the attorney for the developer. The letter highlighted all the issues and indicated they needed to be corrected within 14 days, and that future correspondence should go through his office rather than the developer. Mr. Wingerson said four stop work orders were issued, which stopped all activity within the development. There was work on the sprinkler system today, and Public Works crews were at the site, doing a great job of repairing a mistake made by a contractor, and the developer will be billed for those costs.

Mr. Wingerson reported that retaining wall plans were received today, and a permit was issued for that construction, however, in discussion with the developer's banker, the loan in the amount of approximately \$50,000 won't be considered by the Bank Board until Tuesday. It will most likely be Wednesday before City staff has knowledge of progress on that project. Mr. Wingerson stated there has been no progress on the removal of debris on the south slope. The developer asked to be allowed to remove that debris with the digging of the foundations for the next units. That request has been declined, and the developer was informed the debris needs to be removed before the stop work orders are removed. The developer and their attorney are very discouraged by the stop work orders, and are taking action to have those removed.

Mr. Wingerson said, as Mr. Garner indicated, there has been no progress on the weeds. Mr. Wingerson said the City could have posted notice of the weed violation, and provided 10 days, and then mowed the weeds at the City's cost to be reimbursed by the developer. City staff hesitated to do that, only because there has been some discussion by other area developers about buying the remaining lots in aggregate. A notice will be posted in the morning, so the weeds will be mowed within 10 days, or the City will mow them at the developer's expense.

Councilman Les Smith inquired into the City's remedies if the developer does not secure the funds to repair the wall.



Mr. Wingerson replied City staff would work with the City Attorney to come to a reasonable conclusion, but the bank did indicate that they did not foresee any concern whatsoever with the loan, but the application still needs to go to their Board for a vote.

Councilman Wayne Beer asked if there has been a determination as to the cause of the retaining wall's failure.

Mr. Wingerson replied it was primarily contractor failure. The City approved a set of retaining wall plans with the condition that it be independently inspected. The independent inspections did not occur. The City was not requested to inspect the wall and did not inspect the wall, and upon failure of the wall, it was determined that the wall was not constructed in accordance with the plans originally approved.

Councilman Beer asked if it is remedial by performance bonds, insurance or anything that might make this happen more quickly.

Mr. Wingerson replied, no, not from the City's perspective, because it is an entirely private project, however, the developer should have some of those remedies with the subcontractor.

Mayor Pro Tem Bill Cross asked if the developer's attorney and the City attorney have been in contact with each other.

Mr. Wingerson replied not at this time. Staff is hopeful the bank will issue the loan and the issue will be resolved.

Mary Abbott, 5905 North Broadway, inquired into the debris on Mr. Sharhag's property, (north of Englewood Road, near the Englewood Villas), which she said has not been touched. Ms. Abbott said she had the feeling that Mr. Mancuso will not be at the site too much longer, so if he is the one to take care of it, it needs to be done.

Mr. Wingerson stated, as he indicated to City Council at the last meeting, Mr. Scharhag received a grading permit application. That application has not been returned. Building Official Alan Napoli spoke to Mr. Mancuso late last week and again this morning. Mr. Mancuso has made arrangements to have the material removed this week.

Ms. Abbott expressed her thanks and said that sounds fine.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

Councilman Wayne Beer said Council is near the point of the agenda to consider the Natatorium cooperative agreement between the North Kansas City School District and the City of Gladstone. Councilman Beer stated that intergovernmental and interjurisdictional cooperation is nothing new in the world, but in this part of the world, it is believed that

something has begun that is of major importance in that respect. Councilman Beer said he was glad Susan Downing, North Kansas City School District Board of Education member, was present at this meeting, because that is a message that this project is as important to the School District as it is to this City. Councilman Beer said he believed this is the first step for bigger and better things for the Northland. Things go so much better when there is cooperation, and entities do not do all things individually. The North Kansas City School District and the City of Gladstone have both worked very hard and diligently and made this come together. Councilman Beer said City staff and School District staff need to be congratulated.

**Councilman Les Smith** had no comments at this time.

**Mayor Pro Tem Bill Cross** thanked the City and Human Resources Administrator Charlene Leslie for the opportunity he and Mayor Rudi had in attending a Mid America Regional Council Insurance Trust (MARCIT) meeting at Tan-Tar-A over the weekend. Councilman Cross said the educational sessions were very good, and he felt he was much more of a knowledgeable Councilman when he left the conference, then he was before attending the conference.

**Mayor Pro Tem Cross** thanked Parks and Recreation Director Sheila Lillis for the Happy Rock Park expansion dedication held this evening. Councilman Cross said the turn out was much better than he anticipated. This is something City Council and the Parks and Recreation staff has been working on for years, and the dedication today shows what strong support there is, including the cooperative effort with Kansas City.

**Mayor Pro Tem Cross** said many members of the City administration and City staff pitched in to help with Gladfest to make it a great success. Councilman Cross offered thanks on behalf of the City Council for these efforts.

**Mayor Carol Rudi** thanked Parks and Recreation Director Sheila Lillis for the Happy Rock Park Expansion dedication this evening. Mayor Rudi said it was a great event, and she really enjoyed the Oak Park High School Marching Band, and especially the Oak Park High School fight song.

**Mayor Rudi** stated attending the MARCIT conference was very helpful to her in understanding the loss control from a greater perspective then just keeping down the cost of health insurance, and she appreciated having the opportunity to attend the conference. Mayor Rudi explained that MARCIT paid for their attendance, and was not an expense for the City.

**Mayor Rudi** introduced Susan Downing, North Kansas City School District Board of Education member, and thanked her for attending this meeting and for her support with the Natatorium. Mayor Rudi introduced Chris Stigall from Congressman Graves's office. Mayor Rudi stated Mr. Stigall asked people to contact him if they needed information from Congressman Graves's office.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reported the City's Brush Disposal event is scheduled for November 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup>, from 8:00 AM to 5:00 PM daily, at the Public Works facility. Mr. Davis stated there is a Gladstone Plaza Tax Increment Financing item that will be scheduled for Council's October 24<sup>th</sup> meeting agenda, which will follow through on the Tax Increment Financing Commission meeting that occurred this past week.

City Manager Davis congratulated the Gladstone Area Chamber of Commerce on the great Gladfest event, and expressed his appreciation for the help City staff provided in making sure Gladfest was a success.

**Item 9. on the Agenda.**

**RESOLUTION 05-81**, approving the Cooperation and Use Agreement between the North Kansas City School District and the City of Gladstone creating a partnership for purposes of designing, constructing, and operating the Natatorium component of the Gladstone Community Center.

Councilman Les Smith moved to adopt **RESOLUTION 05-81**, approving the Cooperation and Use Agreement between the North Kansas City School District and the City of Gladstone creating a partnership for purposes of designing, constructing, and operating the Natatorium component of the Gladstone Community Center. Mayor Pro Tem Bill Cross seconded.

Councilman Smith stated he would also like to welcome North Kansas City School District Board of Education member Susan Downing, who was unwavering in her support of this issue from the very beginning, and was instrumental with the Board in putting this effort together. Councilman Smith stated City staff did a very good job in working towards this agreement. City Manager Kirk Davis, Assistant City Manager Scott Wingerson, City Counselor David Ramsay, Parks and Recreation Director Sheila Lillis, and Finance Director Debra Daily did a very good job working to accomplish this agreement. It is very impressive to see how quickly City staff can respond to issues, and how City staff, along with members of the School Board and School District staff, could consider some issues "outside the box".

Councilman Smith said City Manager Davis has encouraged a more regional thinking in the various things the City does, and he is making his point in that things like this can happen. Councilman Smith stated that if other communities, jurisdictions, and entities would stop being so parochial, things like this can happen. City limit lines, County lines, rivers, and District lines don't need to be anything other than a defining boundary. They don't need to be a real boundary that hinders progress. Councilman Smith continued by saying we have done something special here, and have done something that really is for the good of the kids, and he is pleased our City has been able to step up to the plate and help do something for the children of the North Kansas City School District, and in return the School District did something to help move along our process for an indoor swimming

facility. Councilman Smith stated this type of cooperation works, and he implores other communities, School Districts, and entities to cooperate, because they can do the same type of things.

Councilman Beer stated this shows that if an entity finds itself unable to accomplish a project, that maybe someone else has a similar desire, and if the resources are pooled, things can be done that otherwise might not be done. Councilman Beer said this is a project that has come together in such a way that neither the School District nor the City had financial facilities to do on their own, but through cooperation, were able to make happen.

Councilman Smith agreed and said we are in the business of serving the community. The community is not just the City of Gladstone, and for the School Board members, it is not just the people within their district. Councilman Smith stated that although we have to segregate funding, we are in the business of serving people, and people are the community, and this is truly a community project.

Councilman Beer stated a benefit is that we are accomplishing this project without increasing taxes, which is remarkable. This project is something that could not be done alone without increasing taxes, but combined, it could be done without increasing taxes.

Mayor Rudi thanked the City staff and the School District staff for working so well together and coming up with such a great proposal. Mayor Rudi thanked Councilman Smith for all his efforts in this project, and for all the time he spent to make certain it was successful, which is very much appreciated.

The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0)

**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.

**Item 12. on the Agenda.**      **ADJOURNMENT.**

There being no further business to come before the October 10, 2005, Gladstone City Council Meeting, Mayor Carol Rudi adjourned the Regular Meeting.

Councilman 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, 610.021(2) for Real Estate Acquisition

Discussion, and 610.021(3) for Personnel Discussion. Mayor Pro Tem Bill Cross seconded the motion.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

Respectfully submitted:

Cathy Swenson  
Cathy Swenson, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

Carol Rudi  
Mayor Carol Rudi



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, OCTOBER 24, 2005**

**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 the September 12, 2005 Regular City Council Meeting Minutes**
- 4a. **Approval of the October 10, 2005 Regular City Council Meeting Minutes.**

**5. CONSENT AGENDA**

**RESOLUTION R-05-82**, authorizing execution of a contract with Aylett, Flowers Survey & Engineering Company in the total amount not to exceed \$27,977.63 for the Natatorium Street Improvements Design Survey; Project IN0611.

**APPROVAL OF FINANCIAL REPORTS FOR SEPTEMBER 2005**

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **PUBLIC HEARING:** on a request to rezone from CP-3 (General Business Planned) to CP-1 (Neighborhood Business Planned) at property located behind the building at 6100 North Oak Trafficway. Applicant/Owner: Gladstone Gifts LLC (DBA Priscilla's). File #1260

- 9a. **FIRST READING BILL 05-31**, 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.
10. **PUBLIC HEARING:** on the adoption of an Official Zoning Map for the City of Gladstone, Missouri.
- 10a. **FIRST READING BILL 05-32**, adopting an Official Zoning Map for the City of Gladstone, Missouri.
11. **FIRST READING BILL 05-33**, prohibiting the storage, operation and location of open-flame cooking, heating or decorative devices, and fuels, upon decks, balconies and porches, or within ten feet of dwelling structures comprised of more than two units, within the City of Gladstone.
12. **RESOLUTION R-05-83**, directing the City Manager to collect the City Personal Property Taxes for 2005 at the rate of .5391 cents per one hundred dollars in valuation.
13. **FIRST READING BILL 05-34**, accepting the recommendations of the Tax Increment Financing Commission approving the Gladstone Plaza Tax Increment Financing Plan, establishing a redevelopment area, redevelopment project and redevelopment project area, designating Gale Communities, Inc. as the developer of the redevelopment project and authorizing and directing the City Manager to begin negotiations of a Tax Increment Financing contract between the City of Gladstone, Missouri and Gale Communities, Inc.
14. **FIRST READING BILL 05-35**, approving and designating the Redevelopment Project of the Gladstone Plaza Tax Increment Financing Plan as a Redevelopment Project and adopting Tax Increment Financing therein.
15. Other Business.
16. Questions from the News Media.
17. Adjournment.



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

**MONDAY OCTOBER 24, 2005**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Les Smith  
Councilman Wayne Beer  
Councilman Joe Evans

Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** City Manager Kirk Davis

Mayor Carol Rudi opened the Regular October 24, 2005, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE SEPTEMBER 12, 2005,  
REGULAR CITY COUNCIL MEETING MINUTES.**

Councilman Les Smith moved to approve the September 12, 2005, Regular City Council Meeting Minutes as presented. Councilman Joe Evans seconded the motion.



The vote: "Aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith. As they were not present at this meeting, Mayor Pro Tem Bill Cross and Mayor Carol Rudi abstained from the vote. (3-0-2).

**Item 4a. on the Agenda.**      **APPROVAL OF THE OCTOBER 10, 2005, REGULAR CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Bill Cross moved to approve the October 10, 2005, Regular City Council Meeting Minutes as presented. Councilman Wayne Beer seconded the motion.

The vote: "Aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. As Councilman Joe Evans was not in attendance at this meeting, he abstained from the vote. (4-0-1).

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

Mayor Pro Tem Bill Cross moved to adopt the Consent Agenda as presented. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-05-82**, authorizing execution of a contract with Aylett, Flowers Survey & Engineering Company in the total amount not to exceed \$27,977.63 for the Natatorium Street Improvements Design Survey; Project IN0611. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to approve the **FINANCIAL REPORTS FOR SEPTEMBER 2005**. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

**REGULAR AGENDA**

**Item 6. on the Agenda.**      **COMMUNICATIONS FROM THE AUDIENCE.**

Mayor Rudi stated due to the number of issues on this meeting's agenda, there would be a five-minute time limit per speaker.

**Mary Abbott, 5905 North Broadway**, stated the rocks have not been removed from the property she discussed at the last meeting (near the detention basin by the Englewood Villas). Mr. Scharhag mowed the grass around the rocks today.

Assistant City Manager Scott Wingerson stated it was believed that Mr. Mancuso was going to remove the rocks and fill dirt on Thursday of last week, which for some reason did

not happen. Mr. Wingerson said he did not have an opportunity to follow up on this before this meeting, but will do so first thing in the morning.

Melanie McMullan, 13601 Hinson Road, Holt, Missouri, stated she was present to represent the Clay County Constitutional Charter Commission. Ms. McMullan stated on November 8<sup>th</sup>, Clay County voters will have the opportunity to bring Clay County government into the 21<sup>st</sup> century. Ms. McMullan said one of the more surprising items of information she learned was that Clay County has had the same form of government since 1822. That County government was first set up to serve about 2,100, 21 year old, white male property owners. Clay County has grown quite a bit since then. There are now 200,000 residents and Clay County is far from a rural county. Ms. McMullan said one of the more important pieces of the constitution effort is bringing home rule, or self-government to Clay County. This essentially means we won't have to continue to spend money on lobbyists going to Jefferson City to ask permission to make decisions that affect people only in Clay County. Ms. McMullan stated it is awfully hard to get someone's attention when they are from Jefferson City, Rolla, or Springfield, and we are trying to give our Park Rangers authority to make arrests at Smithville Lake.

Ms. McMullan said some of the opponents will say that this initiative will steal votes. Part of this effort is to reform our County government, and right now many administrative positions are elected in addition to the County Commission. Ms. McMullan continued by saying most people looking in from the outside assume the County Commission is the elected body and in control of our County, but that is really not true. There are ten separate branches of government and none is accountable to the others, and none reports or answers to the others. Ms. McMullan said this would shift the votes over to the policy making body. Instead of a three-member County Commission, there would be an expanded nine-member County Council, who would make policies Countywide. Ms. McMullan said right now all of those elected department heads make their own policies in their own departments, however, the County Counselor still has to defend their actions when they do not follow his advice.

Ms. McMullan said this effort could result in no longer electing people who balance the checkbook and write the checks that pay the County bills and things that are more managerial and administrative in nature - professional people would be hired. Ms. McMullan stated that Gladstone is a shining example of where this Council/Manager form of government really works well. Gladstone has wonderful streets in the winter, because the streets are kept clean. Gladstone has low insurance rates because the City has an excellent fire protection district, and there is a Parks and Recreation system that is most enviable. Ms. McMullan said she comes from Kearney where they looked at building the same Natatorium as Gladstone is in the processing of doing today. Ms. McMullan continued by saying Gladstone is a good example of where it makes sense to elect the policy makers and hire the administrators.

Ms. McMullan stated another issue of interest to a lot of people is the merit system for employees. Right now a lot of decisions regarding hiring and promotions are based on

how well one campaigns for their office holder. Ms. McMullan said County employees would be protected under a merit system and would have 50 percent representation on the merit board. Ms. McMullan said she gave Council members a fact sheet that lists the highlights, and she really wanted to come before the Council prior to the November election and remind Council of the importance of this issue. Ms. McMullan said she felt it was unfortunate this there was not the choice of a higher turnout election date, but it will be critical to get people out to vote, and help them understand on what they are really voting.

**Kathy Pierronet, 6204 North Park,** stated she is a resident of Gladstone, a taxpayer, and a registered voter who never misses an election in Gladstone. Ms. Pierronet said she is impressed with Gladstone. Ms. Pierronet said she is definitely in support of the Charter for Clay County, and feels accountability needs to come back to Clay County. It seems to have been lost over the years. Ms. Pierronet said she feels that electing the Board officials, that in turn will appoint qualified individuals not based on partisan politics, to govern the County will be a great way to go. It will give the citizens their vote back. Ms. Pierronet encouraged all to vote on November 8<sup>th</sup>, so the process can begin. Ms. Pierronet encouraged everyone to vote favorable for the Charter, because she feels the results would be much like Gladstone.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Les Smith** stated he wished to express his personal support of the County Charter. Councilman Smith said as a Council it was decided not to take a position on the County Charter issue, however, he personally is very supportive of it. It is good to hear people stand up and use Gladstone as a shining example of how government should work. Councilman Smith said it is of course his esteemed colleagues that cause this to be said, but more importantly it is our form of government. Councilman Smith said the Council/Manager form of government, which has been in place in Gladstone since the early 1960's has worked very well with Council members being the policy makers for the community. Councilman Smith said Council does not meddle in day to day operations, because quite frankly Council is not qualified to do so, and just because Council members get more votes than anyone else, does not make them any more qualified.

Councilman Smith said he looks forward to Clay County being able to hire a manager and to have a form of government where all employees are held accountable. Councilman Smith said he has friends who are in office in Clay County, and this has nothing to do with them. It has to do with the fact that some of them over the years have been able to get away with things that none of us would be able to get away with on our job. That is because they only have to go out and get votes every four years. Councilman Smith said he looks forward to a professional form of government, and as important as anything is the non-partisan issue. Councilman Smith said it is a breath of fresh air to not have to play partisan politics to serve your community in this position. This would be a real boon for the County. Councilman Smith said more than anything else, it would be a professional form of government with more representation, because there would be a Councilperson from each of four districts, as well as at-large councilpersons. Councilman Smith said, as

people in the audience know, they can call their elected official and have someone in their backyard within a day or a week looking at their problems, which does not happen in the County now. Councilman Smith said most likely that kind of a response would be possible if there is a County Council. Councilman Smith said he supports this issue and encourages people to get out and vote in support of the County Charter.

**Councilman Wayne Beer** stated he would like to repeat two words that Councilman Smith mentioned: non-partisan and professional. Councilman Beer said he does not believe there are any two more critical aspects of the Clay County Charter government proposal than those two words.

**Councilman Joe Evans** stated he would like to echo the sentiments of his fellow council members. Councilman Evans said after initially having reservations about the new form of government for Clay County, he too is wholeheartedly endorsing it as of now.

**Mayor Pro Tem Bill Cross** stated he feels exactly the same as his colleagues, and as individuals they are going to support this effort. Mayor Pro Tem Cross thanked the administrative staff for the recent retreat that was held; it was very beneficial and he appreciated Staff taking time away from their jobs to spend time with the five Council members while several important City government issues were discussed.

**Mayor Carol Rudi** stated she personally supports the County Charter, however, she did not believe as a Council they should put forth a statement of support, because she also believes each of our City's citizens should have the right to make their own decisions without any extraordinary influence by the City Council. Mayor Rudi said she does believe this would be a very professional form of government, she likes the non-partisanship, and it will be very beneficial because it is very much like Gladstone. Mayor Rudi said hopefully it would bring a staff that is as good as the one we have in Gladstone.

#### **Item 8. on the Agenda.**

#### **COMMUNICATIONS FROM THE CITY MANAGER.**

Assistant City Manager Scott Wingerson began by saying City Manager Davis sends his regrets, as he was unable to attend this meeting. Mr. Wingerson stated City Counselor David Ramsay and City Clerk Cathy Swenson received good news today in that the Municipal Code is in the mail and should be received by the end of the week. Mr. Wingerson reported that Friday Fright Night, an event co-sponsored by the City and the Chamber of Commerce, is this Friday, October 28<sup>th</sup>, in Oak Grove Park, beginning at 6:00 PM. November 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup>, from the hours of 8:00 AM to 5:00 PM, is the City's Brush Disposal Weekend. Mr. Wingerson encouraged all to take advantage of this opportunity to dispose of brush. Mr. Wingerson continued by saying the City's Employee Recognition Banquet is November 5<sup>th</sup>, and the Amphitheatre Committee is holding a fundraiser on November 18<sup>th</sup> and 19<sup>th</sup>, to see "Mine of the Secret Nugget". More details will be coming in the future on this event.

**Item 9. on the Agenda.** **PUBLIC HEARING:** on a request to rezone from CP-3 (General Business Planned) to CP-1 (Neighborhood Business Planned) at property located behind the building at 6100 North Oak Trafficway. Applicant/Owner: Gladstone Gifts LLC (DBA Priscilla's). File #1260

Mayor Carol Rudi 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 to the application.

**Staff Presentation**

Assistant City Manager Scott Wingerson stated the applicant is requesting a change in zoning classification from CP-3 to CP-1. The background on this issue is that in April 2005, the City Council approved a site plan revision to allow construction of a parking lot behind the existing Priscilla's store to accommodate their needs. One of the recommended conditions in that site plan Ordinance, which was forwarded from the Planning Commission to the City Council, was that the parking lot area be rezoned to match the zoning of the store. This action completes that transaction and in effect makes consistent zoning between the two parcels. Mr. Wingerson reported the Public Hearing for the Planning Commission was at their last meeting, and the Planning Commission recommends approval by a vote of 8 to 3.

**Applicant Presentation**

There was no Applicant Presentation.

**There were no comments from those in Favor or in Opposition to the application.**

Mayor Rudi closed the Public Hearing.

**Item 9a. on the Agenda.** **FIRST READING BILL 05-31**, 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.

Councilman Wayne Beer moved to place Bill 05-31 on First Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 05-31, Waive the Rule and place the Bill on Second and Final Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 05-31 and enact the Bill as Ordinance 3.969. Councilman Les Smith seconded.

Roll Call Vote: "Aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

**Item 10. on the Agenda.** **PUBLIC HEARING:** on the adoption of an Official Zoning Map for the City of Gladstone, Missouri.

Mayor Rudi opened the Public Hearing and stated the process would be the same as the previous Public Hearing.

**Staff Presentation**

Assistant City Manager Scott Wingerson stated the Zoning Map was created in 1986. The base map is hand drawn, as are all the amendments since 1986. Mr. Wingerson pointed out the official Zoning Map of the City, and stated there is one back-up copy of the Zoning Map. Mr. Wingerson stated this illustrates the reason to update the official Zoning Map of the City. Mr. Wingerson pointed out the newly proposed official Zoning Map, a smaller copy of which was in Council's packet. Mr. Wingerson stated the intent of the official Zoning Map is to provide a legal document in which to make zoning decisions, interpretations, and classifications. Mr. Wingerson stated that this is extremely difficult to do with a hand drawn map, and in the age of technology and with the help of the City's Geographic Information System people, this is a better version that can be updated more appropriately as the Council takes actions on zoning changes. An example of this is the case that was just heard. The current zoning of that property is CP-3 and CP-1, and that will be changed to reflect that all the property is now CP-1, with a date, Ordinance number, and the amendment.

Mr. Wingerson reported that Staff is only seeking to take advantage of technology and to create a professional zoning map. It is not anyone's intent to change any zoning of any property whatsoever in this process. The zoning would remain the same, unless Council takes specific action.

Councilman Wayne Beer asked if there were a mistake, would the mistake be easily correctable by Council action and in what manner?

Mr. Wingerson replied that in the event of an alleged mistake, Staff would go back and do all the research back to the original Ordinances of the City for that property. All of that was done from 1976 to the current date so Staff is very comfortable, but if there were a mistake, there would be a Public Hearing with the Planning Commission with a recommendation to City Council who would make final action. Mr. Wingerson said if it were believed by Staff a mistake had been made and if an owner came forward with appropriate documentation, Staff would move very quickly in response to the application and address it in the shortest time possible.

**There were no comments from those in Favor or in Opposition to the application.**

**Mayor Rudi closed the Public Hearing.**

**Item 10a. on the Agenda.**      **FIRST READING BILL 05-32**, adopting an Official Zoning Map for the City of Gladstone, Missouri.

Councilman Les Smith moved to place Bill 05-32 on First Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 05-32, Waive the Rule and place the Bill on Second and Final Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 05-32 and enact the Bill as Ordinance 3.970. Councilman Joe Evans seconded.

Roll Call Vote: "Aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

**Item 11. on the Agenda.**      **FIRST READING BILL 05-33**, prohibiting the storage, operation and location of open-flame cooking, heating or decorative devices, and fuels, upon decks, balconies, porches, and patios, or within ten feet of dwelling structures comprised of more than two units, within the City of Gladstone.

Councilman Wayne Beer moved to place Bill 05-33 on First Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 05-33, Waive the Rule and place the Bill on Second and Final Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 05-33 and enact the Bill as Ordinance 3.971. Councilman Les Smith seconded.

Councilman Wayne Beer stated this Bill could be a lifesaver, and he believes it is long past due. There have been a couple of pretty serious fires in recent years that have resulted in roughly one half million dollars in damage to two structures. Fortunately there were no

lives lost. Councilman Beer concluded by saying this is something in which we cannot take a chance of happening again.

Mayor Rudi stated due to Public Safety efforts, lives were not lost.

Councilman Wayne Beer agreed, and stated there will be a public recognition of three Gladstone Public Safety officers by the Metropolitan Chiefs and Sheriff's Association on November 8<sup>th</sup>. These officers will be recognized for the heroism they displayed in getting people out of the latest major structure fire in the City. Councilman Beer asked that Public Safety Director Bill Adamo forward his remarks to Public Safety personnel.

Roll Call Vote: "Aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

**Item 12. on the Agenda.** **RESOLUTION R-05-83**, directing the City Manager to collect the City Personal Property Taxes for 2005 at the rate of .5391 cents per one hundred dollars in valuation.

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-05-83**, directing the City Manager to collect the City Personal Property Taxes for 2005 at the rate of .5391 cents per one hundred dollars in valuation. Councilman Joe Evans seconded.

Assistant City Manager Scott Wingerson explained this action allows the Personal Property Tax to be collected at the same rate of last year.

Mayor Rudi stated this is separate from the City's Real Estate Property Tax, which is collected at a higher rate. Mayor Rudi stated she wanted people to know this action does not raise taxes.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0).

**Item 13. on the Agenda.** **FIRST READING BILL 05-34**, accepting the recommendations of the Tax Increment Financing Commission approving the Gladstone Plaza Tax Increment Financing Plan, establishing a redevelopment area, redevelopment project and redevelopment project area, designating Gale Communities, Inc. as the developer of the redevelopment project and authorizing and directing the City Manager to begin negotiations of a Tax Increment Financing contract between the City of Gladstone, Missouri and Gale Communities, Inc.

**Christine Treat Bushyhead, White, Goss, Bowers, March, Schulte & Weisenfels, P.C.**, stated she was present at this meeting as special counsel to the City of Gladstone regarding this particular project. Ms. Bushyhead stated Bill 05-34 represents an Ordinance reflecting a unanimous recommendation by the Gladstone TIF (Tax Increment Financing) Commission regarding the approval of the proposed development plan, the designation of



the developer, and authorizing the negotiations for a Tax Increment Financing contract. Ms. Bushyhead stated there was a document presented at the very beginning of the process, where the TIF Commission did make the recommendation regarding Exhibit 7. That recommendation has been incorporated into the document.

Ms. Bushyhead stated that also on the agenda is First Reading of Bill 05-35, and it is her request that this Bill be only read once, because this is the Redevelopment Project Ordinance. When this Ordinance is finally enacted, it will put into place Tax Increment Financing for the project itself, and we do not want to trigger that Tax Increment Financing until the most opportune moment so as to maximize our "not to exceed" 23 years of Tax Increment Financing for the project. Ms. Bushyhead stated she recommends only one reading for Bill 05-35, but is recommending first reading, second reading, and enactment of Bill 05-34.

Councilman Joe Evans moved to place Bill 05-34 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" -- Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the First Reading of Bill 05-34, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded. The vote: All "aye" -- Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the Second and Final Reading of Bill 05-34 and enact the Bill as Ordinance 3.972. Councilman Wayne Beer seconded.

Councilman Les Smith began by saying his comments are regarding Items 13. and 14. on the agenda. Councilman Smith stated Gladstone Plaza and Tax Increment Financing has been discussed for a long time, and it is time to make something happen. It is also important to know that the City, in being the applicant for the Tax Increment Financing, has been extremely responsible to the other taxing jurisdictions that are involved.

Councilman Smith stated he wanted to read a couple of brief statements from the transcript of the TIF Commission meeting, as he felt they are pertinent. Councilman Smith said Pam Mason, County Clerk who sits on the TIF Commission, stated among other things that "this is the best prepared, best laid out, no hidden items in the plan, that I have seen in 11 years -- you have done well. I just want to say that I am with the County, and Gladstone is a good community, and I think this makes you a better community. It makes Clay County a better County. I did mention this plan to Commissioner McCaslin, we talked about it, she said it is a good plan, and I said, yes, this is one we should support."

Councilman Smith said Terry Ward, who is one of the two North Kansas City School District representatives on the TIF Commission included in his statements, "I think this is a responsible and well balanced plan." Councilman Smith stated Clay County Western

Commissioner Larry Larson stated that he was much in favor of the plan, because it is a very good plan. Councilman Smith said Freddie Nichols of the TIF Commission was also very supportive.

Councilman Smith said the point he is trying to make and reinforce for the record is that all the taxing jurisdictions involved have applauded Gladstone for the responsible plan we are pushing forward and they also heard a presentation from Mr. Gale, who shall very soon be designated the developer, and they were also very impressed with him, and feel very comfortable that this is a project that will work. Councilman Smith said he believes the City is presenting a responsible plan and should feel good about that.

Mayor Rudi commended City staff and Ms. Bushyhead on the project that was put before the TIF Commission, because they did rave about how well it was organized. They liked our developer, who is proposed here. Mayor Rudi thanked all for their hard work and time spent on this effort.

Mayor Pro Tem Bill Cross agreed with Mayor Rudi, and thanked Staff and fellow Council members for all the time spent on this project. Councilman Cross also thanked Mr. Gale for the time and knowledge he has shared with the City.

Roll Call Vote: "Aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

**Item 14. on the Agenda.**      **FIRST READING BILL 05-35**, approving and designating the Redevelopment Project of the Gladstone Plaza Tax Increment Financing Plan as a Redevelopment Project and adopting Tax Increment Financing therein.

Councilman Wayne Beer moved to place Bill 05-35 on First Reading. Councilman Les Smith seconded.

Mayor Rudi asked Ms. Bushyhead if there is a limit as to how long Council can wait before considering the second reading of this Bill.

Ms. Bushyhead replied the answer to Mayor Rudi's question is 10 years.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

**Item 15. on the Agenda.**      **OTHER BUSINESS.**

There was no other business.

**Item 16. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

Item 17. on the Agenda.

**ADJOURNMENT.**

There being no further business to come before the October 24, 2005, Gladstone City Council Meeting, Mayor Carol Rudi adjourned the Regular Meeting.

Respectfully submitted:

Cathy Swenson

Cathy Swenson, City Clerk

Approved as submitted: X

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

Carol A. Rudi

Mayor Carol A. Rudi



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, NOVEMBER 14, 2005**

**OPEN STUDY SESSION: 5:45 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will hold a Closed Executive Session immediately following 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 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(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 the October 24, 2005 Regular City Council Meeting Minutes.
- 4a. Special Presentation
5. CONSENT AGENDA

**RESOLUTION R-05-84**, amending the 2006 Annual General Fund and Combined Waterworks Sewerage System (CWSS) Fund Budgets for the City of Gladstone, Missouri and authorizing expenditures of funds.

**RESOLUTION R-05-85**, authorizing acceptance of work under a contract with Haworth, Incorporated, through Contract Studios, for the Furniture for the Public Safety Headquarters Renovation Project 025608.

**RESOLUTION R-05-86**, authorizing acceptance of work under contract with Dennis Johnson Construction for the 2200 block of 60<sup>th</sup> Street Drainage Improvements; and authorizing final payment in the amount of \$17,360.37 for Project 045030.

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **RESOLUTION R-05-87**, authorizing execution of a Lease Agreement with the Gladstone Chamber of Commerce for use of the Williams house premises, located at 6913 North Cherry, Gladstone, Missouri, as the headquarters for the Gladstone Chamber of Commerce and requiring the Gladstone Chamber of Commerce to complete improvements to the premises at an estimated cost of \$140,000.00.
10. **RESOLUTION R-05-88**, authorizing execution of a Professional Architectural Consulting Services Agreement with Gould Evans Associates, LC, in the total amount not to exceed \$1,007,000.00 for the design of the Gladstone Community Center-Natatorium. Project IP0651.
11. **RESOLUTION R-05-89**, authorizing execution of a Construction Manager Agreement with McCown Gordon Construction, LLC, in the total amount not to exceed \$821,938.00 to provide Construction Manager Services for the Gladstone Community Center-Natatorium. Project CM0663.
12. **FIRST READING BILL 05-36**, an Ordinance adopting a revision and re-codification of the Ordinances of the City of Gladstone, Missouri, entitled "The Code of Ordinances of 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 NOVEMBER 14, 2005**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Les Smith  
Councilman Wayne Beer  
Councilman Joe Evans  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Carol Rudi opened the Regular November 14, 2005, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE OCTOBER 24, 2005,  
REGULAR CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Bill Cross moved to approve the October 24, 2005, Regular City Council Meeting Minutes as presented. Councilman Joe Evans seconded the motion.

The vote: "Aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

**Item 4a. on the Agenda.**

**SPECIAL PRESENTATION**

Mayor Carol Rudi explained this item would be moved until later in the meeting to allow a recipient time to arrive.

**Item 5. on the Agenda.**

**CONSENT AGENDA**

Councilman Wayne Beer moved to adopt the Consent Agenda as presented. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-05-84**, amending the 2006 Annual General Fund and Combined Waterworks Sewerage System (CWSS) Fund Budgets for the City of Gladstone, Missouri and authorizing expenditures of funds. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-05-85**, authorizing acceptance of work under a contract with Haworth, Incorporated, through Contract Studios, for the Furniture for the Public Safety Headquarters Renovation Project 025608. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-05-86**, authorizing acceptance of work under contract with Dennis Johnson Construction for the 2200 block of 60th Street Drainage Improvements; and authorizing final payment in the amount of \$17,360.37 for Project 045030. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

**REGULAR AGENDA**

**Item 6. on the Agenda.**

**COMMUNICATIONS FROM THE AUDIENCE.**

Mayor Rudi introduced Boy Scout Jeff Coquyt, who is a Tenderfoot from Troop 354, and his father Cam Coquyt. Mayor Rudi also introduced Boy Scout Bobby Pendleton, who is a member of Troop 354, which meets at Meadowbrook Methodist Church, and his father Byron Pendleton.

Mayor Rudi welcomed State Representative Jerry Nolte who was present at this meeting.

Mary Abbott, 5905 North Broadway, stated she wished to extend her sincere appreciation to the City for addressing her concern she brought to the attention of City Council members. The area (near the detention basin by the Englewood Villas) is all nice and clean. The rocks are all gone, and she appreciates this very much.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Joe Evans** began by saying this past Friday was Veterans' Day and he wished to thank all veterans who have served in our country's Armed Forces.

Councilman Evans inquired into the status of the MBW property on Antioch Road.

Assistant City Manager Wingerson replied Staff does not have new information regarding this issue at this time. Staff has reduced the review of the property, but if there has been additional activity at this location, he would be interested in that information.

Councilman Evans stated he would visit with Mr. Wingerson after this meeting.

**Councilman Les Smith** stated the last time the MBW property was discussed, there was discussion about issuing citations for vehicles and trailers that did not belong there, and asked if any citations have been issued.

Mr. Wingerson replied no citations have been issued.

Councilman Smith asked why no citations have been issued.

Mr. Wingerson replied the trailers were removed from the site for a good period of time. Staff was on a routine inspection basis, and for a good period of time there was compliance at this site. Mr. Wingerson said if that has changed, he has not noticed it, but Staff would be glad to pick up where they left off before.

Councilman Smith stated it has changed, and the City has been dealing with these folks since their Special Use Permit request was denied. Councilman Smith said the activity has probably increased because development is going on just behind this property, and it is his understanding they are builders. There are work trailers on this site, and tractors were there over the latter part of last week. Councilman Smith said something has to be done. We cannot allow people to thumb their nose at Council decisions, and a good number of Planning Commissioners voted against their request as well. Councilman Smith stated it is time to "make them paint or get off the ladder." Councilman Smith said he does not know if the Council concurs, but the City has been fighting this problem for a long time.

Mr. Wingerson thanked Councilman Smith, and stated he agrees, but was not aware of the activity. Staff will address this first thing tomorrow morning.

**Councilman Wayne Beer** had no comments at this time.

**Mayor Pro Tem Bill Cross** thanked those who assisted in putting up the Mayor's Holiday Tree. The Mayor's Holiday Tree Lighting Ceremony takes place on November 22<sup>nd</sup>, at First Bank of Missouri on Antioch Road, and he encouraged everyone to attend. Mayor



Pro Tem Cross asked if Public Safety receives more phone calls than the City Manager's office.

Captain Mike Couch replied there were over 5,000 calls received in Public Safety in the last quarter.

Mayor Pro Tem Cross said he noticed two businesses have relocated in Gladstone from Antioch Shopping Center, and asked if that number has increased.

Economic Development Administrator Melinda Mehaffy stated there has been no increase, but there are still possibilities.

**Mayor Carol Rudi** invited everyone to the Mayor's Holiday Tree Lighting at 6:00 PM, on November 22<sup>nd</sup>, at First Bank of Missouri on Antioch Road. Mayor Rudi stated she had the occasion to walk along Missouri Highway 1 and when she met someone walking the other direction, it was not easy to pass that person, because it was too crowded. Mayor Rudi inquired into the possibility of the State installing sidewalks along this area, and asked Staff to investigate.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reminded everyone that City Hall will be closed on Thanksgiving and the following Friday.

City Manager Davis reported the next Downtown public meeting is scheduled for 7:00 PM, December 1<sup>st</sup> at Antioch Bible Baptist Church.

**Item 9. on the Agenda.**

**RESOLUTION R-05-87**, authorizing execution of a Lease Agreement with the Gladstone Chamber of Commerce for use of the Williams house premises, located at 6913 North Cherry, Gladstone, Missouri, as the headquarters for the Gladstone Chamber of Commerce and requiring the Gladstone Chamber of Commerce to complete improvements to the premises at an estimated cost of \$140,000.00.

Assistant City Manager Scott Wingerson reported this issue was discussed in an Open Study Session, and based on Council's input, Staff would suggest two modifications to the proposed lease. The first modification is in Section 3, Item B, on Page 2 of the lease document, and has to do with the provision of alcohol. The new second to the last sentence would read *"the lessee shall provide for an officer, Board member, or other designated official of the Chamber of Commerce to be present during any such event and who shall be responsible for the distribution of beer and wine, including compliance with all State and City licensing and other requirements and regulations with the distribution of alcoholic beverages."*

Mr. Wingerson said the second change would be in Section 4 titled "Buildings Improvements", in paragraph 2. The modification is in the first sentence, which is

suggested to change to "*Lessee shall, at Lessee's sole cost and expense, make such changes, alterations and improvements, as set forth in Exhibit A, and all fixtures and improvements of every kind permanently affixed and installed by Lessee shall remain the property of the Lessor, except for items of personal property that can be removed. Lessee shall remove items in such manner as not to injure or damage the demised premises; and provided further that should Lessee fail to remove the items of personal property as above provided, the Lessor may remove and dispose of them as it sees fit....*" Mr. Wingerson said the paragraph continues with no further changes.

Mr. Wingerson stated, for clarification, things that are not permanently affixed to the structure would be the property of the Chamber. If they choose to take those items with them at the end of the lease, they would be allowed to do that. Anything permanently affixed or installed within the property would be the property of the City.

Councilman Smith asked if this wording is agreeable with the Chamber.

Mr. Wingerson replied he believed so. Chamber Chairman Mark Tomes was present at the meeting and they briefly visited about the changes.

Councilman Les Smith moved to adopt **RESOLUTION R-05-87**, authorizing execution of a Lease Agreement with the Gladstone Chamber of Commerce for use of the Williams house premises, located at 6913 North Cherry, Gladstone, Missouri, as the headquarters for the Gladstone Chamber of Commerce and requiring the Gladstone Chamber of Commerce to complete improvements to the premises at an estimated cost of \$140,000.00, incorporating the two changes as stated by Assistant City Manager Scott Wingerson. Councilman Wayne Beer seconded.

Councilman Smith stated he had thought there needed to be some clarification based on the leasehold improvements, but with the liquor license, the City needs to consider the future. Councilman Smith said in looking at the City's leadership and the Chamber's leadership, none of us were here eight or ten years ago, and what is being considered this evening is a 15-year lease. Consideration needs to be made on what can happen beyond the present time, because although we know the leadership of the Chamber is very responsible at this point, 15 or 20 years from now is a long time. Councilman Smith said in a typical retail environment, one of the stipulations of a liquor license is that the Managing Officer or designee will always be on site. This is consistent with what we are trying to do here, and this clarifies it for everyone and also protects the Chamber and the City.

The vote: All "aye" - Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

**Item 10. on the Agenda.** **RESOLUTION R-05-88**, authorizing execution of a Professional Architectural Consulting Services Agreement with Gould Evans Associates, LC, in the total amount not to exceed \$1,007,000.00 for the design of the Gladstone Community Center-Natatorium. Project IP0651.

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-05-88**, authorizing execution of a Professional Architectural Consulting Services Agreement with Gould Evans Associates, LC, in the total amount not to exceed \$1,007,000.00 for the design of the Gladstone Community Center-Natatorium. Project IP0651. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0).

**Item 11. on the Agenda.** **RESOLUTION R-05-89**, authorizing execution of a Construction Manager Agreement with McCown Gordon Construction, LLC, in the total amount not to exceed \$821,938.00 to provide Construction Manager Services for the Gladstone Community Center-Natatorium. Project CM0663.

Councilman Wayne Beer moved to adopt **RESOLUTION R-05-89**, authorizing execution of a Construction Manager Agreement with McCown Gordon Construction, LLC, in the total amount not to exceed \$821,938.00 to provide Construction Manager Services for the Gladstone Community Center-Natatorium. Project CM0663. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0).

**Item 12. on the Agenda.** **FIRST READING BILL 05-36**, an Ordinance adopting a revision and re-codification of the Ordinances of the City of Gladstone, Missouri, entitled "The Code of Ordinances of the City of Gladstone, Missouri."

Councilman Les Smith moved to place Bill 05-36 on First Reading. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 05-36, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 05-36 and enact the Bill as Ordinance 3.973. Councilman Joe Evans seconded.

Roll Call Vote: "Aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

**Item 13. on the Agenda.** **OTHER BUSINESS.**

Mayor Carol Rudi invited Marilyn Ahnefeld to join her at the podium. Mayor Rudi stated that as Marilyn Ahnefeld, former City Clerk, had done so much work on the City's Code of

Ordinances, she and City Council members wished to present to her a copy of the newly published Code of Ordinances.

Ms. Ahnefeld thanked Mayor Rudi and Council members, and said this presentation meant so much to her. Ms. Ahnefeld said this newly published Code of Ordinances represents so much work, and is the bible for every City department, including City Council, and represents 53 years of legislation from this Council and their predecessors. Ms. Ahnefeld congratulated Council members and offered her thanks for their thoughtfulness.

Mayor Rudi invited City Counselor David Ramsay to join her. Mayor Rudi presented to Counselor Ramsay his own copy of the Code of Ordinances and thanked him for his work in the completion of this important project.

Counselor Ramsay thanked the Mayor and City Council.

Mayor Rudi said there is also a copy of the Code of Ordinances to present to former City Counselor Nancy Thompson, who thought she would be arriving late this evening, which is why this item was moved to a later time on the agenda. Unfortunately, Ms. Thompson was unable to attend.

**Item 14. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

**Item 15. on the Agenda.**      **ADJOURNMENT.**

There being no further business to come before the November 14, 2005, Gladstone City Council Meeting, Mayor Carol Rudi adjourned the Regular Meeting.

Councilman 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, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Councilman Les Smith seconded the motion.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

Respectfully submitted:

Cathy Swenson  
Cathy Swenson, City Clerk

Approved as submitted: X

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

Carol A. Rudi  
Mayor Carol A. Rudi



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, NOVEMBER 28, 2005**

The Gladstone City Council will meet in Closed Executive Session on Monday, November 28, 2005 starting at 5:30 PM in the City Hall North Conference Room, Gladstone City Hall, 7010 N Holmes.

The Executive Session is closed pursuant to the Missouri Open Meeting Act Exemptions under Section 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and Section 610.021 (2) for Real Estate Acquisition, and 610.21(3) for Personnel Discussion.

City Council may reconvene the Closed Executive Session immediately following the Regular Meeting.

The Closed Executive Session will be immediately followed by an:

**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 the November 14, 2005 Regular City Council Meeting Minutes.
5. **CONSENT AGENDA**

**RESOLUTION R-05-90**, authorizing acceptance of work under contract with Anderson Backhoe, Incorporated for the Northeast 67<sup>th</sup> Terrace and North Indiana Drainage Improvements; and authorizing final payment in the amount of \$15,076.43 for Project 055023.

**RESOLUTION R-05-91**, adopting a Mission Statement and Goals for the City of Gladstone, Missouri for 2005-2006.

**RESOLUTION R-05-92**, adopting the 2006 State Legislative Program for the City of Gladstone, Missouri.

**APPROVAL OF FINANCIAL REPORTS FOR OCTOBER 2005.**

**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 Patricia Rammelsburg for operation of a nail salon on property at 5008 North Old Pike Road. Applicant/Owner: Patricia E. Rammelsburg. (File # 1263)
- 9a. **FIRST READING BILL 05-37**, granting a Special Use Permit subject to certain conditions to Patricia Rammelsburg for operation of a nail salon on property at 5008 North Old Pike Road. Applicant/Owner: Patricia E. Rammelsburg. (File # 1263)
10. **FIRST READING BILL 05-38**, providing that a Primary Election shall not be held, and calling a General Election for the election of two positions to the Gladstone City Council on Tuesday, April 4, 2006, 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. Other Business.
12. Questions from the News Media.
13. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
ADJOURNMENT TO A CLOSED EXECUTIVE SESSION  
GLADSTONE, MISSOURI**

**MONDAY, NOVEMBER 28, 2005**

**PRESENT:** Mayor Carol Rudi  
Councilman Wayne Beer  
Councilman Joe Evans

Mayor Carol Rudi opened the City Council Meeting to adjourn to a Closed Executive Session on November 28, 2005, at 5:30 PM in the Gladstone City Council Chambers.

Councilman 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 and Section 610.021 (2) for Real Estate Acquisition, and 610.21(3) for Personnel Discussion. Councilman Joe Evans seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Mayor Carol Rudi. (3-0). Mayor Pro Tem Bill Cross and Councilman Les Smith did not vote, but were present for the Closed Executive Session.

Mayor Carol Rudi adjourned the Closed Executive Session, to be reconvened after the November 28, 2005, Regular City Council meeting.

Respectfully submitted:

Cathy Swenson  
Cathy Swenson, City Clerk

Approved as submitted: ✓

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

Carol A. Rudi  
Mayor Carol Rudi





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

**MONDAY NOVEMBER 28, 2005**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Les Smith  
Councilman Wayne Beer  
Councilman Joe Evans  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Carol Rudi opened the Regular November 28, 2005, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE NOVEMBER 14, 2005,  
REGULAR CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Bill Cross moved to approve the November 14, 2005, Regular City Council Meeting Minutes as presented. Councilman Joe Evans seconded the motion.

The vote: "Aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

**Item 5. on the Agenda.**

**CONSENT AGENDA**

Following the Clerk's reading, Councilman Wayne Beer requested that Resolution **R-05-91** be removed from the Consent Agenda for consideration as Item 5a. under the Regular Agenda.

Councilman Joe Evans requested that Resolution **R-05-90** be removed from the Consent Agenda for consideration as Item 5b. under the Regular Agenda.

Mayor Pro Tem Bill Cross moved to adopt the Consent Agenda as amended. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-05-92**, adopting the 2006 State Legislative Program for the City of Gladstone, Missouri. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

Mayor Pro Tem Bill Cross moved to approve the **FINANCIAL REPORTS FOR OCTOBER 2005**. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

**REGULAR AGENDA**

**Item 5a. on the Agenda.** **RESOLUTION R-05-91**, adopting a Mission Statement and Goals for the City of Gladstone, Missouri for 2005-2006.

Councilman Wayne Beer moved to adopt **RESOLUTION R-05-91**, adopting a Mission Statement and Goals for the City of Gladstone, Missouri for 2005-2006. Councilman Joe Evans seconded.

Councilman Beer stated "Residential Redevelopment" is stated under the Objectives in the Resolution, and given the anxiety occurring recently with regard to the downtown project, he would like to put any anxiety to ease by adding the words rejuvenation, rehabilitation, renovation or revitalization after the word "Redevelopment." Councilman Beer suggested perhaps the words "Residential Reinvestment" would be a good summary of those words. Councilman Beer asked that the sentence be rephrased to read "Residential Redevelopment and/or Residential Reinvestment."

Councilman Smith, who had seconded the motion, agreed.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

**Item 5b. on the Agenda.**      **RESOLUTION R-05-90**, authorizing acceptance of work under contract with Anderson Backhoe, Incorporated for the Northeast 67th Terrace and North Indiana Drainage Improvements; and authorizing final payment in the amount of \$15,076.43 for Project 055023.

Councilman Joe Evans moved to adopt **RESOLUTION R-05-90**, authorizing acceptance of work under contract with Anderson Backhoe, Incorporated for the Northeast 67th Terrace and North Indiana Drainage Improvements; and authorizing final payment in the amount of \$15,076.43 for Project 055023. Councilman Les Smith seconded.

Councilman Evans stated that as he has an ongoing business relationship with Anderson Backhoe, Incorporated, he would be abstaining from the vote on this issue.

The vote: "Aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. "Abstain" – Councilman Joe Evans. (4-0-1)

**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** stated he appreciated the action on the MBW project, and thanked Assistant City Manager Scott Wingerson. Councilman Evans stated that Public Safety Officer Buck has stepped up his traffic enforcement, and, in fact stopped Councilman Evans's son. Councilman Evans asked Public Safety Director Bill Adamo to pass on to Officer Buck his comment of "good job!" Councilman Evans reported it has been dark at Happy Rock Park and asked Parks and Recreation Director Sheila Lillis if the time clocks need to be adjusted. The west sides seem fine, but the east side is dark.

Parks and Recreation Director Lillis said she was aware of the problem and was looking into making repairs.

Councilman Evans complimented Economic Development Administrator Melinda Mehaffy on the publication "From Grand Idea to Grand Opening", a business developer's guide to the city process in Gladstone, and said this is a very good product, which boasts of the great things we do in Gladstone. Councilman Evans encouraged everyone to ask Ms. Mehaffy for a copy, and stated he believed the publication won a first place award on the State level.

**Councilman Les Smith** jokingly thanked the "Gladstone choir" for their singing of Happy Birthday to him just before the meeting. Councilman Smith thanked his mother, Carmelina Smith, "who is the very best mother ever", for the wonderful birthday cake that was shared with all present.

Councilman Smith inquired into the closing of The Peanut, a restaurant and bar on Antioch Road.

Assistant City Manager Wingerson replied it happened very quickly and he did not believe Staff had information on the closing at this time.

Councilman Smith stated the City received a letter from David Peironnet regarding an issue in the City, and asked if a response could be sent to him as to the status of the matter.

City Manager Kirk Davis reported the subject of the letter was essentially Operation Green Light, of which Council is familiar.

Councilman Smith stated the essence of the letter was that since some of Gladstone's roads run through Kansas City, Missouri, and controlled by the Missouri Department of Transportation, the City of Gladstone would be a great partnership to get this effort moving and to set a good example.

**Councilman Wayne Beer** said he noticed the General Fund Use Tax revenues are down by 20 percent from a year ago, and inquired as to why the revenues are down.

City Manager Davis replied this has not been tracked dollar for dollar; who paid in the past and who has not. City Manager Davis said Staff would look into this. It is a \$55,000 to \$43,000 figure on a pretty volatile revenue source.

Councilman Beer stated if there is anything to alleviate the volatility, Council may want to look into that.

Councilman Beer said he was able to attend the Channel 9 and Metropolitan Chiefs and Sheriffs' Association meeting, which recognized three Gladstone Public Safety officers for exceptional merit with regards to the apartment fire that occurred at 58<sup>th</sup> and North Oak. Officers Boydston, Kever, and Salazar were recognized with bronze awards for their heroism in potentially saving many lives during that fire. As a result of their quick action, there were no injuries and no loss of life in a very serious fire. Councilman Beer asked Public Safety Director Bill Adamo to extend his congratulations to the officers.

**Mayor Pro Tem Bill Cross** thanked Council members and City staff who were present at the Mayor's Holiday Tree Lighting. There was a very good turnout, the weather was good, and it was a very worthwhile event. Mayor Pro Tem Cross thanked the City for sending Council members to a conference in Charlotte, North Carolina next week, where Council members will gain a great deal more knowledge about City government. Mayor Pro Tem Cross asked everyone to put on their calendars the Clay County Coordinating meeting in Kearney on January 26, 2006. The program will include reports from three under cover agents who work exclusively in Clay County who will talk about drugs in Clay County.

Mayor Carol Rudi thanked the Parks Department for all their work in preparing for the Mayor's Holiday Tree Lighting. Mayor Rudi said it was a good event, which she thought everyone enjoyed. Mayor Rudi thanked former City Clerk Marilyn Ahnefeld and her husband, Bud, City Counselor David Ramsay, Councilman Beer, Councilman Cross, and City Clerk Cathy Swenson and her husband, Kurt, who helped set up the Mayor's Holiday tree two weeks before the event. Mayor Rudi said it was good to see everyone at the event.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

Mayor Rudi continued to Item 9. on the Agenda at this time.

**Item 9. on the Agenda.**

**PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to Patricia Rammelsburg for operation of a nail salon on property at 5008 North Old Pike Road. Applicant/Owner: Patricia E. Rammelsburg. (File # 1263)

Mayor Carol Rudi 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 is requesting the renewal of a Special Use Permit for a nail salon at 5008 North Old Pike Road. The Planning Commission is recommending to Council by a unanimous vote that this application be approved. They did have two changes in the Ordinance; one is to change the name of the applicant from Patricia Day to her married name as listed on the agenda. The other change is to change the language on the original approval, which required installation of a backflow assembly, which has been done, so it is no longer necessary to be part of the Ordinance. Mr. Wingerson said other than the two changes, the ten recommended conditions are the same as Council approved when the Ordinance was first heard. Mr. Wingerson said the term for the renewal is five years.

Councilman Wayne Beer asked, for a point of clarification, that since all the conditions on the previous application were acceptable with the applicant, are they still now acceptable with the applicant.

Mr. Wingerson replied yes, they are still acceptable.

**Applicant Presentation**

There were no comments from the applicant.

**There were no comments from those in Favor or in Opposition to the application.**

Mayor Rudi closed the Public Hearing.

**Item 9a. on the Agenda.**

**FIRST READING BILL 05-37**, granting a Special Use Permit subject to certain conditions to Patricia Rammelsburg for operation of a nail salon on property at 5008 North Old Pike Road. Applicant/Owner: Patricia E. Rammelsburg. (File # 1263)

Councilman Wayne Beer moved to place Bill 05-37 on First Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 05-37, Waive the Rule and place the Bill on Second and Final Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 05-37 and enact the Bill as Ordinance 3.974. Councilman Les Smith seconded.

Roll Call Vote: "Aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

**Item 10. on the Agenda.**

**FIRST READING BILL 05-38**, providing that a Primary Election shall not be held, and calling a General Election for the election of two positions to the Gladstone City Council on Tuesday, April 4, 2006, 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 Joe Evans moved to place Bill 05-38 on First Reading. Mayor Pro Tem Bill Cross seconded.

Councilman Beer stated his wife serves as one of the Election Commissioners, and asked City Counselor Ramsay if he would be in any kind of conflict in voting on this Bill.

City Counselor Ramsay replied no.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the First Reading of Bill 05-38, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Joe Evans moved to accept the Second and Final Reading of Bill 05-38 and enact the Bill as Ordinance 3.975. Mayor Pro Tem Bill Cross seconded.

Roll Call Vote: "Aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

**Item 11. on the Agenda.      OTHER BUSINESS.**

There was no other business to come before City Council.

**Item 12. on the Agenda.      QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

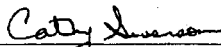
**Item 13. on the Agenda.      ADJOURNMENT.**

There being no further business to come before the November 28, 2005, Gladstone City Council Meeting, Mayor Carol Rudi adjourned the Regular Meeting.

Councilman 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, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Mayor Pro Tem Bill Cross seconded the motion.

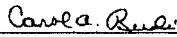
Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

  
Mayor Carol A. Rudi



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, DECEMBER 12, 2005**

The Gladstone City Council will meet in Closed Executive Session on Monday, December 12, 2005, starting at 5:30 PM.

The Executive Session is closed pursuant to the Missouri Open Meeting Act Exemptions under Section 610.021(1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and Section 610.021(2) for Real Estate Acquisition, and 610.21(3) for Personnel Discussion.

City Council will reconvene the Closed Executive Session immediately following the Regular Meeting.

The Closed Executive Session will be immediately followed by a:

**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 the November 28, 2005, City Council Meeting Minutes Convening the Closed Executive Session.**
- 4a. **Approval of the November 28, 2005, Regular City Council Meeting Minutes.**
- 4b. **SPECIAL PRESENTATION** by the Ford Motor Company to the Gladstone Economic Betterment Council for 2005 support of a lighting project for Gladstone Theatre in the Park.

**REGULAR AGENDA**

5. Communications from the Audience.
6. Communications from the City Council.



7. Communications from the City Manager.
8. **Board and Commission Appointments/Reappointments.**
9. **RESOLUTION R-05-93**, amending Resolution R-05-91, adopting a Mission Statement and Goals for the City of Gladstone, Missouri for 2005-2006.
10. **RESOLUTION R-05-94**, authorizing acceptance of work under contract with Reddi Services, Incorporated for the 2005 Sanitary Sewer Cleaning – Mill Creek; and authorizing final payment in the amount of \$28, 079.45 for Project CP0685.
11. **PUBLIC HEARING:** on a request to rezone from C-2 (General Business District), C-1 (Neighborhood Business), and R-1 (Residential) to CP-3 (Planned Commercial District) and a site plan revision at 5720 North Oak Trafficway. Applicant/Owner: Donald D. Perry II. (File #1265)
- 11a. **FIRST READING BILL 05-39**, 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. Applicant/Owner: Donald D. Perry II. (File #1265)
- 11b. **FIRST READING BILL 05-40**, approving a Site Plan in conjunction with a rezoning for Property at 5720 North Oak Trafficway. Applicant/Owner: Donald D. Perry II. (File #1265)
12. **FIRST READING BILL 05-41**, amending Ordinance Number 3.947 by adding two new chapters concerning "Portable Storage Units and Dumpsters" and "Erosion and Sediment Control" to the "Building and Construction Ordinance" of the City of Gladstone, Missouri.
13. **FIRST READING BILL 05-42**, an Ordinance establishing the membership, terms of service, and duties of the City Arts Council.
- 13a. **Reappointments to the Arts Council.**
14. Other Business.
15. Questions from the News Media.
16. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
ADJOURNMENT TO A CLOSED EXECUTIVE SESSION  
GLADSTONE, MISSOURI**

**MONDAY, DECEMBER 12, 2005**

**PRESENT:**

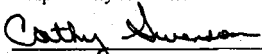
Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Wayne Beer


Mayor Carol Rudi opened the City Council Meeting to adjourn to a Closed Executive Session on December 12, 2005, at 5:30 PM in the Gladstone City Council Chambers.

Mayor Pro Tem Bill Cross 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 Section 610.021 (2) for Real Estate Acquisition, and 610.21(3) for Personnel Discussion. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. Councilman Les Smith did not vote, but was present for the Closed Executive Session.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Carol Rudi



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

**MONDAY DECEMBER 12, 2005**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Les Smith  
Councilman Wayne Beer  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Councilman Joe Evans

Mayor Carol Rudi opened the Regular December 12, 2005, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE NOVEMBER 28, 2005, CITY COUNCIL MEETING MINUTES CONVENING THE CLOSED EXECUTIVE SESSION.**

Mayor Pro Tem Bill Cross moved to approve the November 28, 2005, City Council Meeting Minutes Convening the Closed Executive Session as presented. Councilman Wayne Beer seconded the motion.

The vote: "Aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

**Item 4a. on the Agenda.      APPROVAL OF THE NOVEMBER 28, 2005, REGULAR CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Bill Cross moved to approve the November 28, 2005, Regular City Council Meeting Minutes as presented. Councilman Wayne Beer seconded the motion.

The vote: "Aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

**Item 4b. on the Agenda.      SPECIAL PRESENTATION** by the Ford Motor Company to the Gladstone Economic Betterment Council for 2005 support of a lighting project for Gladstone Theatre in the Park.

Bill Reynolds, representing the Ford Motor Company, began by saying the Ford Motor Company has a large number of employees and retirees who live in Gladstone, and certainly a lot of people in Gladstone drive Ford and Lincoln Mercury automobiles. Mr. Reynolds stated the Ford Motor Company has been very interested this year in Gladstone's Theatre in the Park, and wanted to provide money for lighting. Mr. Reynolds presented a check for \$7,290 to Mayor Carol Rudi and Theatre in the Park Chairman Julie Crawford for funds for Theatre in the Park. Mayor Rudi and Ms. Crawford thanked Mr. Reynolds.

Mayor Rudi stated this contribution is very much appreciated. It is wonderful to have community involvement in our community theatre.

**REGULAR AGENDA**

**Item 5. 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 Les Smith** had no comments at this time.

**Councilman Wayne Beer** had no comments at this time.

**Mayor Pro Tem Bill Cross** thanked the City administration and the citizens of Gladstone for sending four Council members to Charlotte, North Carolina last week. Mayor Pro Tem Cross said it was a wonderful learning experience to learn how city governments work throughout the entire United States.

Mayor Carol Rudi stated that unless there is an emergency meeting, this will be the last City Council meeting for this year. Mayor Rudi wished everyone wonderful, happy and safe holidays.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reported that on January 12, 2006, from 5:30 PM to 7:00 PM, there will be a downtown update meeting at City Hall with the developers, architects, and engineers who are working on this project. Mr. Davis wished everyone happy holidays and a safe holiday season.

**Item 8. on the Agenda.**

**BOARD AND COMMISSION APPOINTMENTS  
AND REAPPOINTMENTS.**

Mayor Pro Tem Bill Cross moved to approve the following Boards and Commissions appointments:

**PLANNING COMMISSION**

**TERM EXPIRATION**

Reappointment	Anne Alexander	December 2009
Reappointment	Dave Reynolds (one year)	December 2006
New Appointment	Carol Suter	December 2009

**CAPITAL IMPROVEMENTS COMMITTEE**

Reappointment	Pete Hall	December 2008
Reappointment	Beverly Johnson	December 2008
Reappointment	Bill Turnage	December 2008

**CODE BOARD OF APPEALS**

Staff will provide recommendations

Vacant (plumbing)

Vacant (electrical)

**GLADSTONE INDUSTRIAL DEVELOPMENT AUTHORITY**

Reappointment	Tim Presko	December 2011
New Appointment	Jenny Giar	December 2007

**PARKS AND RECREATION ADVISORY BOARD**

Reappointment	Teresa Farley	December 2008
Reappointment	Donald Harper	December 2008

Reappointment

Scott Peper

December 2008

**CABLE TV ADVISORY BOARD**

Reappointment

Paul Degenhardt

December 2008

**GLADSTONE RECYCLING AND SOLID WASTE COMMITTEE**

Reappointment

Dianne Smith

December 2008

Reappointment

Donna Eisenbarth

December 2008

New Appointment

LaVonne Boor

December 2008

Councilman Wayne Beer seconded.

Mayor Rudi thanked all who serve on the City's Boards and Commissions and for the good work they do for the City.

The vote: "Aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

Mayor Rudi explained the Mayor appoints the Chairman for three Boards: Capital Improvements Committee, Code Board of Appeals, and Recycling and Solid Waste.

**Mayor Rudi appointed Pete Hall as Chairman of the Capital Improvements Committee; Chuck Logan as Chairman of the Code Board of Appeals; and Burt Comstock as Chairman of the Recycling and Solid Waste Committee.**

**Item 9. on the Agenda.**

**RESOLUTION R-05-93**, amending Resolution R-05-91, adopting a Mission Statement and Goals for the City of Gladstone, Missouri for 2005-2006.

City Manager Davis reported at the last City Council meeting Council approved the goals and objectives for 2004. This action is for the 2005-2006 objectives, which inadvertently were not included in the previous Council packet.

Councilman Wayne Beer moved to approve **RESOLUTION R-05-93**, amending Resolution R-05-91, adopting a Mission Statement and Goals for the City of Gladstone, Missouri for 2005-2006. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

**Item 10. on the Agenda.**

**RESOLUTION R-05-94**, authorizing acceptance of work under contract with Reddi Services, Incorporated for the 2005 Sanitary Sewer Cleaning –

Mill Creek; and authorizing final payment in the amount of \$28,079.45 for Project CP0685.

Councilman Les Smith moved to approve **RESOLUTION R-05-94**, authorizing acceptance of work under contract with Reddi Services, Incorporated for the 2005 Sanitary Sewer Cleaning – Mill Creek; and authorizing final payment in the amount of \$28,079.45 for Project CP0685. Councilman Wayne Beer seconded. The vote: "Aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

**Item 11. on the Agenda.** **PUBLIC HEARING:** on a request to rezone from C-2 (General Business District), C-1 (Neighborhood Business), and R-1 (Residential) to CP-3 (Planned Commercial District) and a site plan revision at 5720 North Oak Trafficway. Applicant/Owner: Donald D. Perry II. (File #1265)

Mayor Carol Rudi opened the Public Hearing and explained the hearing process that City Staff would 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 there were some procedural differences in this application compared to most zoning applications. Mr. Wingerson pointed out that Council members had at their seats two versions of the same protest petition. One version was prepared and presented by Mr. Galen Neill, and the second version was prepared and presented by Mr. David Naylor. They are the same protest petition; they just have different names in the body of the petition, and different notarized signatures at the end of the petition.

Mr. Wingerson explained that when a protest petition is filed, Staff analyzes the request to see if the signatures on the petition meet the threshold to increase the City Council's burden for voting on the application. Mr. Wingerson showed City Council members a map indicating the subject property; property owners contained in the protest petition; and those property owners included in the protest petition, who do not reside within the 185-foot boundary. Mr. Wingerson explained what is being looked at is a ratio of property ownership to the subject property itself. It is required that 30 percent of the land area within a 185-foot boundary of the subject property must be included in the petition for it to be valid. Mr. Wingerson stated in this particular case, excluding the subject property, it is approximately 33 percent. Mr. Wingerson said that although the protest petition was just received this afternoon, it is believed to be valid, and what that means to the City Council is that rather than a simple majority vote, a 3-2 vote, a super majority vote, or 4 votes, is necessary to move this application forward.

Mr. Wingerson continued by saying the applicant is requesting two actions from the City Council. The first action is a zoning change from the current classification of C-2, where the existing BP Amoco Station is located; C-1, the vacant property directly to the west and

south of the existing development; and R-1, which is a small strip of land that connects to North Grand. Mr. Wingerson stated these three classifications are being requested to change to CP-3. The project proposes the removal of the existing BP Amoco building, the service pumps, the existing car wash, the existing service bays, and the removal of the existing retail building on 58<sup>th</sup> Street. All of those actions are proposed to create a single development parcel.

Mr. Wingerson explained the application tonight involves a 3,200 square foot convenience store together with gasoline pumps, and a canopy covering six pump islands, which are generally located on the northeastern quadrant of the property. To the west of these improvements is a proposed single bay automated car wash, exiting on to 58<sup>th</sup> Street, and accessory to the car wash are two outdoor vacuum islands. Mr. Wingerson said the proposal contains a 9,750 square foot automobile service and repair building. The primary access to the building is from the east, and a secure parking area is located to the west. Mr. Wingerson stated the application is designed to request approval of both the zoning change and site plan in the most cost effective manner. To that end, a storm water study has not been performed, however there is a condition concerning how that moves forward through the City process. Mr. Wingerson reported a complete landscape plan has not been submitted, but there are recommended conditions in the site plan Ordinance, and there will be testimony from the applicant about his landscaping intentions.

Mr. Wingerson reported a complete signage plan has not been completed, however, the applicant will provide that information at a future time. Mr. Wingerson said given the existing development and the volume of the existing traffic on North Oak Trafficway, a significant traffic impact is not anticipated, so a traffic study was not required. Mr. Wingerson continued by saying that before the Planning Commission Public Hearings, there appeared to be two issues that rose to the surface; the first was what to do with the small strip of land that accesses this property from the west and North Grand further to the west, and the vehicle storage lot in the original application encroached into the required 35 foot buffer area. During the Planning Commission process, the applicant agreed not to use the small strip for any construction activity or business activity.

Mr. Wingerson reported the vehicle storage lot site plan has been changed to comply with the 35-foot setback on the west and the south. Mr. Wingerson said Staff was concerned about the number of curb cuts on 58<sup>th</sup> Street. Those have been reduced by one, so there are now three instead of four. The Planning Commission added a condition that is Number 15., that says the proposed fence around the storage lot will be eight feet tall around the entire perimeter. Mr. Wingerson stated that in terms of the site plan Ordinance, Staff is recommending a host of conditions; including that a landscape plan be submitted with a requisite height and size of all the plantings; that tractor/trailer overnight parking is prohibited; all speakers used in the development contain adjustable volume controls and all noise shall be significantly imperceptible at the property lines; a 35-foot buffer will be maintained at the west and south property lines adjacent to the fenced lot; the fenced lot shall be accessed from the developed property; the western most curb cut and drive shall be eliminated; and the buffer area shall be landscaped in accordance with an approved plan.



Mr. Wingerson stated Condition Number 9, on the site plan Ordinance requires that a stormwater study to be performed by the developer and approved by the City; the approved plan shall be implemented by the developer. Mr. Wingerson said Condition Number 11, restricts access to North Grand and says it shall not be improved for any business usage or construction activity. Mr. Wingerson said Condition Number 15, says the privacy fence shown on the site plan shall be eight feet in height, constructed finished side out and maintained in perpetuity.

Mr. Wingerson reported the Planning Commission is recommending approval of both of these requests by a vote of 8 yes, 1 no, and 1 abstention due to a conflict.

Mayor Rudi asked if the strip of property between the two residential areas is included in the rezoning.

Mr. Wingerson replied it is included in the rezoning, but the site plan Ordinance restricts its use to no business or construction activity.

Councilman Wayne Beer stated, in regard to the same strip of property, there was a comment made at one point by the applicant that he would be amenable to removing that strip of land from the proposal.

Mr. Wingerson stated he believed that was correct, based on the applicant's comments at the site visit, and subsequent to that. Mr. Wingerson said he believed Mr. Perry would support that portion of the land remaining at the current zoning of R-1, if that is Council's desire.

Councilman Beer said he believed the applicant said that strip of property could be given or deeded to the adjoining property owners.

Mr. Wingerson said Mr. Perry did talk about that at the Planning Commission site visit, and he would ask Mr. Perry to talk about that in his presentation.

#### **Applicant Presentation**

**Donald D. Perry II**, 6913 North Pennsylvania Avenue, began by saying he has lived in this area since 1975. He attended schools in the North Kansas City School District, and after high school, he acquired a job at North Oak Amoco. Since then he has married and has two children. Mr. Perry said in May 2003, his family purchased the North Oak BP, and now they have the opportunity to purchase the vacant commercial property around the existing business. Mr. Perry said he had with him a few of his colleagues that have volunteered to present to Council the vision of North Oak BP.

**Erin Lindall** stated he is the service rider at North Oak BP, and has been there for 4 years. Mr. Lindall reported there are currently two service bays and eight fuel pumps, 4 of which

are full service pumps. There is a small convenience store, a single tow truck, and 21 employees. The company is built on its reputation. The company first opened the summer of 1959, and has only had a few owners. The business maintains a high level of service, with professional affiliations, including ASE Certified Technicians. The business has a AAA approved shop. Mr. Lindall stated only one of three shops that apply for AAA status actually achieve that status. Mr. Lindall continued by saying the business offers a full service island that is staffed five nights and seven day per week.

Mr. Lindall said the business is very proud of its customer service and considers it a high priority, taking care of customers, as they would like their families treated. The business offers rides back and forth for people who leave their vehicles, going over and above what most facilities offer. This is a long-standing tradition. Assistance is also available for people with special needs.

**Andrew Killen** stated he works as a "drive guy" at North Oak BP and feels the future vision for North Oak BP will include a modern convenience store, which will be much larger than the one currently on site. It will include what most convenience stores offer. The larger shop with ten bays will allow for more tasks in a timely manner. The employee numbers will grow to 30+, and there will be a possibility of a future Public Safety towing contract with Gladstone. Customer service will be preserved, while attracting new customers. There will be less congestion in the traffic and fueling areas with the planned proposal of 16 pumps or so, which will eliminate some of the slow-downs during rush periods. Mr. Killen said the plan also allows for express oil changes and express tire changes.

**Ryan Henchcliff**, stated he is the evening technician, and reported some of the benefits seen from an expansion is that the building will become more aesthetically pleasing. The architecture is going to be done by the Warman design group. There will be safer entry and exit points. Currently when one pulls into the lot, they are in the middle of the traffic flow by the pumps. The improvements will slow down the congestion during the rush time. Mr. Henchcliff said this plan fits within the Gladstone plan for the North Oak corridor. Mr. Henchcliff stated the BP Corporation is the fifth largest company traded on the New York Stock Exchange, and has about \$41 billion dollars in assets locked in the United States, with about \$231 billion dollars in assets worldwide. Standards and quality is high for all the BP service stations. Mr. Henchcliff said BP is consistently rated the top fuel in the country by consumer surveys, so much so that Ford Motor Company now recommends BP fuels in all new Ford vehicles. Mr. Henchcliff shared with Council members copies of the source of some of his information.

**Kathleen Warman**, Warman Design Group Architects, said she would like to talk about the site plan and perhaps a little bit about the architecture. Ms. Warman stated what is proposed is a new convenience store and six islands, which would constitute fueling positions. Ms. Warman pointed out on a rendering the location of the curb cuts and how the traffic flow would be improved by the proposal. Ms. Warman discussed the layout of the buildings and how they would improve the traffic flow.

Ms. Warman continued by saying there is concern about the vehicle lot, and in an effort to address concerns of the people that live in nearby homes, the plan has been modified to maintain the 35-foot buffer, and discussed potential landscaping scenarios including the use of coniferous evergreen trees that would provide year round greenery and a screen from the proposed vehicle lot. Ms. Warman stated this is not a retail parking lot, where people are coming and going all the time. It would be a controlled situation with a gated fence type parking lot, with a eight-foot fence surrounding it.

Ms. Warman pointed out that proposed is a newer style service building that will not have multiple overhead doors facing the street. It will be a climate-controlled building with controlled points of entry.

Councilman Beer stated Ms. Warman mentioned the building would be climate controlled, and one of the issues he would have were that not the case would be noise, especially for the neighbors to the west. Councilman Beer said the noise in the building will still be there, and asked if there was assurance that if this application is approved, that those west doors will be kept closed at all times, except when cars are going in and out.

Ms. Warman replied with the climate controlled situation, the owners would not want it any other way, or they would be heating and cooling the outside world. Ms. Warman stated her firm has just completed a large project for Aristocrat Motors in Merriam, Kansas, and they have a very large service building that her firm designed in the same fashion, with very limited overhead doors. Ms. Warman said that particular building is a concrete building, where one can stand outside the building and not hear anything from inside the building. That building is not very close to any single-family residence, but security is very important. The outside parking to that particular service building has a large fence around it, not to buffer anyone, but to protect the cars and property of those car owners that are leaving a vehicle overnight or while they are at work during the day when the car is being serviced. Ms. Warman said her firm is very familiar with these issues and has been successful in addressing them. The limited number of doors will keep the noise contained.

Councilman Beer asked if this project would utilize tip-up precast.

Ms. Warman replied she has not gotten that far yet. BP has some very specific aesthetic standards and requirements for their projects, and the development will have to be sure to meet the International Building Code. Ms. Warman said there are requirements for the type of construction and the materials used for these types of buildings, and that is something she needs to work out with the owners. There are a number of different types of materials and combinations that could be used.

Councilman Beer stated the reason he asked that question also had to do with noise concerns. Construction materials can have a great deal to do with noise attenuation.

Ms. Warman agreed and said that would be considered.

Councilman Beer stated one of the recommended conditions by the Planning Commission was to do with increasing the fence height to eight feet, and he believed the Planning Commission subcommittee report indicated the space where the parking is proposed is at an elevation higher than the adjoining residences. Councilman Beer said he presumes there will have to be some elevation reduction, and inquired into that issue.

Ms. Warman stated what does need to be completed in a storm drainage study is a survey indicating the grades. Right now there is a kind of crest and it does slope down as it comes toward the neighbor's property. Ms. Warman said to some degree that is an advantage because with a six-foot or an eight-foot fence, a car will not be seen, as the elevation will be higher than the neighbor. Ms. Warman continued by saying there will probably have to be a bit of the top of the hill removed and leveled a bit more, which will probably serve to pull another area up a bit so that a 3 to 1 slope or something less than that type of slope is maintained. The fence would be on the high side and the landscaping between. Ms. Warman discussed different elevations near the parking lot.

Councilman Beer inquired into security lighting and light spillage, and asked if the fence becomes an eight-foot fence and has a grade elevation increase, that perhaps the lighting could be incorporated with part of the fence.

Ms. Warman replied that would be considered. The owners will want security and some level of illumination in the parking lot. Ms. Warman said her firm deals with other cities that have very specific Ordinances that mandate that foot candle levels at the property line be zero. Ms. Warman said Councilman Beer's comment is something she would like to explore in terms of maintaining the security. Ms. Warman said of all the things that potentially could occur as concerns of the neighbors, the lighting could be something that would have an effect, and she would want to do something extra special to keep that from happening. Noise should not have an effect, however, lighting issues are something that will have to be handled very carefully and with sensitivity to the neighbors.

Councilman Beer said he counted 85 parking spaces, and asked if 85 parking spaces are necessary for the operation of the business.

Ms. Warman replied they are necessary. Ms. Warman said her firm has completed two service centers very recently - Master Tech Automotive in Riverside and a project for Jaguar/Landrover in Merriam for Aristocrat Motors. Aristocrat Motors had 14 service bays and 120 parking spaces. Master Tech Automotive had 9 service bays and 60 parking spaces. Ms. Warman said with the 2 existing bays, there has been as many as 42 cars they tried to accommodate, because their service business demands that. The inability to keep cars behind a fence and out of sight is very detrimental. The parking spaces are really used; it is not just extraneous concrete.

Councilman Beer asked Mr. Wingerson if this application is in line with the City's Comprehensive Plan.

Mr. Wingerson replied that question was asked in the Planning Commission's Public Hearing, and he replied yes at that time. Another Commissioner brought to Mr. Wingerson's attention that part of his answer was incorrect. The 1993 Comprehensive Plan indicates this area as a mixed use area, but it is a very large geographic area from Englewood Road to approximately 60<sup>th</sup> Street and North Oak to approximately North Broadway. Mr. Wingerson stated the North Oak Corridor Study indicated from a land use perspective that office development would be the most appropriate use here, and Council will remember in the discussions on the Corridor Study the need to increase office square footages to increase the day time population to support some of the other land uses that are desirable, such as restaurants and so forth. Mr. Wingerson said his answer was incorrect as it related specifically to land use, however, the North Oak Corridor Study talks about a lot more issues than land use. It talks about improved traffic safety by reducing the number of curb cuts on North Oak. It talks about increased streetscape attention, which this plan does. It talks about increasing commercial depth, which is what this plan does. Mr. Wingerson said from the land use perspective, he was incorrect in his answer to the Planning Commission, but from a technical sense it is in compliance with the Corridor Study.

Ms. Warman stated that over the years she has done a lot of projects in the City of Gladstone, and many times a client, even with good intentions, will come to her to help them lay out a plan, or engineer a site, and they don't meet a setback; they need a variance; they can't get that 30 foot of green up front; or they can't get the required 35 feet of buffer in the back; so she works to provide a viable business plan for them, even with the shortcomings. It does, however, make it difficult to come before the Council or Planning Commission and have to say the project is short in some area. Ms. Warman said when Mr. Perry came to her, she thought how refreshing that someone is trying to acquire enough property to do the project, and it was a very well thought out plan. Ms. Warman continued by saying, in regard to office use, this may not apply as this is not a new business coming in; they are trying to expand an existing business.

Mayor Pro Tem Bill Cross asked if the business owns all of the land.

Ms. Warman replied it is something they have the option to purchase.

Mr. Perry stated his family has not yet purchased the property. One of the contingencies on the purchase of the property is the site plan and rezoning of the property in order to expand the business. Currently his family owns the business on the property. Mr. Perry said his family pays Carter Energy and Carter Energy pays the landowner, and he would like to eliminate Carter Energy from the middle.

Mr. Perry stated to answer Councilman Beer's question about the strip of land, he would be willing to do whatever necessary, whether leave it zoned as it is, and deed it over to the neighboring residents, or maintain it as a residential piece of property.

Councilman Beer asked Mr. Perry if he were in agreement with all the recommended conditions.

Mr. Perry replied, absolutely.

Councilman Beer asked if there would be a noise buffering of the car wash to the west.

Ms. Warman replied the building would be a masonry building block or something similar. There are no openings to the west. The noisiest thing on a single bay, automatic accessory use car wash is the dryer, and that is at the exit end of the car wash. In the winter the door stays down and that helps mitigate the noise. In the summer the doors are up, and at the exit end of the car wash the dryer can be heard. The car wash and dryer equipment has become much more sophisticated so they are not as noisy as they used to be. Ms. Warman stated the west end faces public right-of-way and commercial property, so there would be no noise sent in the direction of anything other than public right-of-way. To the south is an entrance door, but it is abutting the building, so would not be an issue.

Mr. Perry said if the noise became an issue in the evening time, he would limit the hours of operation of the car wash to conform with the Noise Ordinance of Gladstone.

#### **Comments from those in Favor of the Application**

**Jim Thomas** said he lives in Gladstone and represents Carter Energy and BP brand, and represents 42 sites. Mr. Thomas said he had built and operated hundreds of convenience stores. One thing he has learned is that if businesses are willing to invest in their sites to help improve the market area, it needs to be done as soon as possible, as down the road competition moves in and the volumes of the stores begin going down. Mr. Thomas said he had known Mr. Perry for about a year, and he handles his customers quite well and does care about the market area. Mr. Thomas said Mr. Perry asked Carter Energy if he would be allowed out of his lease, and Carter Energy said yes, and they would continue selling him the BP brand. Mr. Thomas said Carter Energy wishes they had more people like Mr. Perry running businesses for them.

#### **Comments from those in Opposition to the Application**

**Galen Neill, 6010 North Wyandotte**, stated he is opposed to the rezoning request, and mentioned an article in the Kansas City Star newspaper regarding a tow lot site. Mr. Neill said the article says for several years Kansas City officials have been looking for new tow lot sites, which is kind of like looking for a place to put a junk yard. Mr. Neill said he agrees with this, and has contacted homeowners of our community, and in some cases they are retirees, senior citizens, and some in this area are handicapped. Mr. Neill stated

members of our community are attempting to establish a system where our seniors can live in their homes even if they are handicapped, and have the proper help from Social Security and Medicare, and similar services. Mr. Neill said this past year a fund was passed where people are taken care of in their homes, and asked Council to take this into consideration. Mr. Neill said he and others have filed a protest petition today with the City of Gladstone. Mr. Neill read the protest petition.

**Note: Please see the attached copy of the petition.**

Mr. Neill said 16 members of the community, who are going to be affected by this zoning change if it is approved, have signed this petition. Mr. Neill said he heard Mr. Wingerson say there are some people who are not within the 185 feet of the development, and what Mr. Wingerson is referring to is that there are people on East Creek. Nothing is known about this area now, as there has not been a drainage study. It can be seen how the water will run; it will run towards East Creek. The water will go underneath a culvert on Grand Avenue, out into a ditch, and then ultimately go into East Creek. Mr. Neill said those people not within the 185 feet are in that East Creek area, and asked Council to take that into consideration. Mr. Neill asked Council to vote against the C-3 zoning.

**David Naylor, 5711 North Grand**, stated as having lived the longest next to this property, it is his and his wife's opinion that passing this proposal would be a detriment to his property and their neighbors' property due to the noise factor. Mr. Naylor said Mr. Perry has a good business and they appreciate him being a neighbor, but let's keep his business on North Oak, instead of encroaching on the City's bedroom community like this plan proposes. Mr. Naylor said the noise factor could not be realized, as well as the lighting. No one wants a bright light shining through their bedroom window all night, and this is what would happen in this situation. Mr. Naylor said a towing business increased from what it is now will have cars parked there for no telling how long, because of money problems or cars tied up in court, which is not good for the community. We have a bedroom community. Mr. Naylor said he feels this proposal is encroaching on the neighbors' rights as a bedroom community. Mr. Naylor asked Council to please turn down this proposal.

**Buffy Shank, 5709 North Grand**, stated she was in the field when the development was discussed, and her concerns are the noise, runoff water, lighting, and the traffic. Ms. Shank said there are a lot of issues here that have not been fully addressed and answers have not been heard that this will be a good development in the neighbors' backyards. As far as a climate control facility, the bays will be open in the spring and fall, so that will be a noise factor in those months. The noise should not be as bad in the winter and summer. There will be more traffic along the streets, and with a car wash facility, there may be ice dumped onto 58<sup>th</sup> Street.

Ms. Shank said she has heard this will be an improvement for the homeowners as far as the runoff, but she does not believe that. The owners say there will be containment for the runoff on the south side, and it will be funneled onto the north side. The north side is a

street, and it has not been resolved as to where the runoff is going. Ms. Shank said the hill itself slopes east to west, and even if the top of the hill is slightly shaved off, there will still be quite an inclination and the runoff water will go into the neighbors' backyards. Ms. Shank said using the easement for runoff water concerns her if there would be a ditch put on the property, or it will be left alone, or what the development will truly entail from what is planned versus what it will be when it is done. Ms. Shank said she does not want to see a tow lot in her backyard, and feels it will devalue her and her neighbors' property. Ms. Shank pointed out that when Mr. Perry said he put a lot of hard work and effort into his business, the neighbors have done the same in their own homes. Ms. Shank concluded by saying she hopes Council members vote no to this proposal.

**Ron Coleman, 5717 North Grand**, said when the road was recently widened and the sidewalks installed, four more drains were installed for the runoff. His neighbor's basement is still flooded. When the water runs off, it runs hard. Mr. Coleman said he puts grass clippings in his backyard to keep his yard from being flooded, and it still gets saturated. It is that way for three or four days after a big rain. Mr. Coleman said beer bottles are thrown in his yard and driveway, and there is noise and music. Traffic is bad in this area, and that is without this development. Mr. Coleman said he believes the business should stay on North Oak and let the neighbors have their peace.

**Dan Boone, 5800 North Grand**, said he has lived at this address for 42 ½ years. Mr. Boone said he is concerned with the traffic problem. As it exists now, one is practically taking their life in their hands to try to turn left on North Oak at most times of the day. Mr. Boone said when he talked with the applicant, he said the entrance and exit would be on North Oak Trafficway. Mr. Boone said when he attended the on site meeting, he found out that had been shifted to 58<sup>th</sup> Street, which is directly in front of the apartments. This will only aggravate the traffic problem that already exists. There are school children and school busses in front of the apartments. Mr. Boone said he is in sympathy with his neighbors to the south, and fully supports their opposition to the petition.

**Linda Naylor, 5711 North Grand**, said the parking area for this proposed development would be in her backyard. What concerns her is the noise and the lights, and she does not want to look out to an eight-foot fence, because she would not know what was on the other side of the fence. Ms. Naylor said she has an elderly mother for whom they built a room on the back of the house. She would be closer to the noise and lights. Ms. Naylor said she would like Mr. Perry to improve his business, but does not want the neighbors to suffer.

**Mayor Rudi closed the Public Hearing.**

**Item 11a. on the Agenda.** **FIRST READING BILL 05-39**, 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. Applicant/Owner: Donald D. Perry II. (File #1265)



Councilman Les Smith moved to place Bill 05-39 on First Reading. Councilman Wayne Beer seconded.

Mayor Pro Tem Bill Cross said many of the citizens are concerned with the water runoff, and asked if anything is known for sure about this.

Mr. Wingerson replied the applicant has not yet performed a stormwater study, however, as part of their plan they reserve the south edge of the development for stormwater retention. One of the requirements in the draft site plan Ordinance states a stormwater study shall be performed by the developer and approved by the City. The approved plan shall be implemented by the developer. Mr. Wingerson said the applicant is trying to get through the approval process and then if successful, move forward into the full engineering study for stormwater and meet the City's requirements in that fashion rather than doing it up front.

Councilman Beer said, in his opinion, this is exactly the way that this Council and this City has desired to see a project along North Oak put together for some time. The problem the City has had with North Oak development has to do with the fact that in the early days of Gladstone's development, properties fronting North Oak were very shallow properties, and it makes it very difficult for a proposed project to accumulate property of such an area that would permit good development. Councilman Beer said, in his opinion, Mr. Perry has done exactly the kind of property acquisitions that provides for a good, well-developed project. Councilman Beer said he believes from what he has heard tonight, that the proposal appears to be generally in conformance with the North Oak Corridor Study, and to be generally in compliance with our Comprehensive Plan.

Councilman Beer said issues have been brought up that have to do with noise generation and its buffering. Councilman Beer said based on everything he has heard tonight, it appears to him those issues have been addressed and satisfied. Light pollution has also been a concern, and is always a concern with any type of commercial development. Councilman Beer said based on everything he has heard tonight, it appears to him the light spillage has been satisfactorily addressed. It can be done in such a way in this project that there would be no light spillage from this project. Councilman Beer said while there has not been a stormwater study on this project, he has every confidence in the City's Community Development staff and in the City's Ordinances that there will be proper stormwater control. Traffic in the neighborhood will be for all intents and purposes "zero" in terms of increased traffic. Any traffic into and off of this property is going to travel from North Oak and will return to North Oak. There will be no reason for traffic to leave this property and go into the neighborhoods, except for those people who are customers in the neighborhoods. Councilman Beer said because of everything he has heard tonight, he believes this is a project with great merit and he expects to be voting in favor of it, if Council is able to go into a second hearing tonight.

Councilman Les Smith stated the number one issue he heard was the storage lot being used for the storage of junk cars, and asked Mr. Wingerson how this can be addressed. The

intent is not for this to be a body shop, which would lead to wrecked vehicles being stored in the parking lot, but it does seem to be a concern of the neighbors. Councilman Smith said there was a situation like that at Gil's Body Shop, as an example. There have been complaints from neighbors due to the vehicles parked there. Councilman Smith asked how this can be addressed in this proposal.

Mr. Wingerson replied Council may want to consider defining the types of automobile service and a condition can be crafted that talks about that. It may be one way to address that concern. In other words list the appropriate automobile services or types of services, and thereby exclude those services that would be inappropriate.

Councilman Smith asked Mr. Perry what typically would be the longest term a vehicle would be stored on the lot.

Mr. Perry replied two to three weeks is the longest right now. The vehicles are recycled if the owner is unable to be contacted or if the owner accepts the \$50 to eliminate the car off the lot. Mr. Perry said this is monitored everyday by his crew as far as to what cars are still on the lot. The main issue that he is hearing is that it is going to be a towing lot. Mr. Perry stated if this is going to be an issue with the neighbors, he would not pursue a towing contract with the City of Gladstone. Mr. Perry said he gets a letter every one or two years from the City asking him to bid on the contract for the City towing, and in order to do that, he would have to have a fenced lot. Mr. Perry continued by saying he was anticipating a 15 to 20 percent usage on his lot for the City of Gladstone, but if that becomes an issue, he would not use the lot for that purpose, but only for disabled vehicles.

Councilman Smith said 85 parking spaces seem like a lot of parking spaces.

Mr. Perry replied it does seem like a lot, but in the Planning Commission meeting, Mr. Larry Whitton indicated he had 12 bays and had approximately 50 cars on the lot, and it appears he could utilize some more space if it were available. The lot will not be 100 percent utilized all of the time. Mr. Perry said this is going to allow him a little freedom to move the cars in and out. The 85 spots are not always going to be full, but at the beginning of the week to the middle of the week, it could be. It seems to lighten up into the weekends.

Councilman Smith reminded the Council that as there is a legal protest petition, there is required a super majority, which means it will take four of the five members to vote "yes". Councilman Smith questioned whether Council would want to wait to take this Bill beyond the first reading to when there is a full Council present.

The vote: All "aye" - Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Councilman Beer recommended not moving to the second reading on this Bill tonight, as was requested by Councilman Smith, and that the second reading be delayed until the next Council meeting.

Mayor Rudi said as there is not a motion to move this item forward, this Bill will be considered at the January 9, 2006, City Council meeting.

**Item 11b. on the Agenda.** **FIRST READING BILL 05-40**, approving a Site Plan in conjunction with a rezoning for property at 5720 North Oak Trafficway. Applicant/Owner: Donald D. Perry II. (File #1265)

Councilman Les Smith moved to place Bill 05-40 on First Reading. Councilman Wayne Beer seconded.

Mayor Rudi asked if Council would like to consider removing the 35-foot strip that is between the two residential properties from the site plan.

Councilman Beer stated he is agreeable, should this action pass, to let Mr. Perry work out the best agreement between him and his neighbors as to whether he retains the property as an R-1 zoning, or whether adjoining neighbors would like to split the strip of property, or one neighbor take the entire strip to become their maintenance issue. Councilman Beer said he saw no reason for Council to deal with this, unless this item is removed from the proposal altogether, and still that would become Mr. Perry's problem.

Mr. Wingerson stated that issue may be subject to the first reading of the previous Bill, because it would be part of the Zoning Ordinance, so Staff will correct that before the second reading on January 9<sup>th</sup>. Relating to the Site Plan Ordinance, Council has talked about conditions concerning overflow lighting, acceptable construction materials, and conformance of City standards, and the most effective noise reduction equipment possible for the service building and the car wash. Mr. Wingerson said he would anticipate adding conditions that address those issues prior to Council's next action.

Councilman Beer stated all of his remarks regarding the rezoning would be applicable to the site plan.

The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Mayor Rudi announced that this Bill will be considered at the January 9, 2006, City Council meeting.

**Item 12. on the Agenda.** **FIRST READING BILL 05-41**, amending Ordinance Number 3.947 by adding two new chapters concerning "Portable Storage Units and

Dumpsters" and "Erosion and Sediment Control" to the "Building and Construction Ordinance" of the City of Gladstone, Missouri.

Councilman Bill Cross moved to place Bill 05-41 on first reading. Councilman Wayne Beer seconded.

Councilman Beer referenced page 2200-11, Item b. *Required Inspections*, and stated there are seven inspections that are required. Item 6. states that there is an inspection required at the close of the construction season, and Item 7. states there is a required inspection at the completion of final landscaping. Councilman Beer asked if it would be inappropriate to include a required inspection after Item 6. that basically would deal with an inspection that would be required in the interim of the close of the construction season and the commencement of the succeeding new construction season. It is possible that during the time after final grade, and before final landscaping, that off-season erosion control measures could be severely damaged or destroyed. Before another inspection is required, there could be some significant erosion before the completion of final landscaping. Councilman Beer asked if it would be inappropriate to add another required inspection at the beginning of the next construction season.

Building Official Alan Napoli replied another inspection could be added. It may not be necessary to add one, as these are seven inspections during the construction season that may or may not be completed due to the close of construction season, as in the winter months, when construction is shut down. A project may go through a spring, summer, and fall period, and never have to worry about closing down. The inspections listed are the ones required, but there will still be times when Staff will go out after storms to check on erosion control to make sure it is being maintained or if there is a problem to let the developer or builder know they need to maintain erosion control. There will still be some of those interim inspections, especially after a rainy season or a snowstorm, to make sure that the erosion control is still in place.

Councilman Beer said he is looking for assurance that inspection will occur, not trying to cast aspersions on Mr. Napoli's department, but he is looking for something where the onus is upon the developer/contractor to call the City to say he needs another inspection. If he fails to do that, there can be some remediation.

Mr. Napoli stated these are the standard inspections that would be done on a job, however, he could put in a clause stating that any other inspections the Building Official feels needs to be done, shall be done, so if there is a situation where it is felt that because the project stopped, and Staff wanted to re-inspect the site before work starts, that could be added.

Councilman Beer stated he is looking for something that would cover the City following the close of a construction season, realizing that not all projects continue through a non-construction season, where the project is stopped, and recommenced at the beginning of the next construction season. Councilman Beer stated he is looking for assurance that where

there is a project that does have to shut down for the winter, for instance, and starts again, the City is assured that the erosion control measures are still in place and in good repair.

Mr. Napoli stated on Item 6. he could add language so it would read "Close of the construction season and at the restart of the construction season."

Councilman Beer stated that would be fine and thanked Mr. Napoli.

Councilman Les Smith asked in regard to the dumpsters and portable storage units, the section under permit conditions, page 2100-5, states a permit is required for each portable storage unit or dumpster, with a maximum of two permits per address location per calendar year. Councilman Smith said he believed it was discussed that there would not be two consecutive permits.

Mr. Napoli stated the intent of the permit conditions is that if a person got two permits back-to-back for 14 days each, they are done for the year, as they have used their two permits for the year. Mr. Napoli said something can be added that states there must be a period of time between the two permits.

Councilman Beer stated he believed that was the answer to the question when this was discussed before, and he is happy with the two permits, even if they happened to be back to back, as sometimes a longer time period is necessary. This provides some flexibility in that regard, but still does not permit any additional use of dumpsters or portable storage units beyond the two permits.

Councilman Smith stated one of the reasons he brought the issue forward was to keep neighbors from having to look at these dumpsters or storage units forever. In essence someone could have a portable storage unit for 28 days and a dumpster for 60 days, which seems like a long time, if you live next door. Councilman Smith asked that a time frame between the two allowed permits be considered or if there are back-to-back permits, the second permit would be for half the time, or something of this nature.

Councilman Beer stated he was in agreement with a shorter time period for the second permit, if they are back-to-back. An example would be 14 days for the first portable storage unit permit and seven days for the second back-to-back permit.

Councilman Smith asked if the permit fee of \$25 is the actual cost for the City to issue the permit, conduct inspections, and so forth.

Mr. Napoli replied basically that is correct. It covers Staff's time to fill out the permit and going out to inspect the site when the unit is removed. There would probably be a little over an hour of Staff's time in the whole process, if there are no problems.

Councilman Smith stated on the surface that may seem expensive, however, it has been decided to try to cover the City's expenses. Councilman Smith suggested perhaps Council

would like to give this Bill only a first reading at his meeting, so the language may be worked out for the length of the permits.

Councilman Beer asked if this first reading should be delayed until the language is in place.

City Counselor Ramsay stated that if Council desires to amend the Ordinance, there should be a first and second reading of the amended Ordinance. Having a first reading tonight would be ineffectual. Counselor Ramsay stated he had made note of language for the length of the permit if Council would like to consider it, and suggested adding a sentence to Section 9.2100.050, Paragraph b. that would read "*A second consecutive permit may be issued for 7 days for a portable storage unit and 15 days for a dumpster*".

Mayor Rudi suggested also adding to Section 9.2200.070, Paragraph b., Item 6. "Close of the construction season *and at the restart of the construction season.*"

Councilman Beer stated that would be his motion for amendment. Councilman Smith seconded.

Counselor Ramsay suggested Council now vote on the amendments, and then go forward with the first and second readings.

Mayor Rudi stated it has been moved and seconded to amend Bill 05-41, to include restrictions on consecutive permits for both portable storage units and dumpsters, with the second permit for a portable storage unit issued for seven days and the second permit for a dumpster issued for 15 days, and to amend Section 9.2200.070, Paragraph b., Item 6. to read "Close of the construction season *and at the restart of the construction season.*"

The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

Mayor Rudi stated there has been a motion and a second to place Bill 05-41 on its First Reading and as there was no further discussion, called for a vote.

The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 05-41 as amended, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of amended Bill 05-41 and enact the Bill as Ordinance 3.976. Councilman Wayne Beer seconded.

Roll Call Vote: "Aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

**Item 13. on the Agenda.**      **FIRST READING BILL 05-42**, an Ordinance establishing the membership, terms of service, and duties of the City Arts Council.

Councilman Wayne Beer moved to place Bill 05-42 on First Reading. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 05-42, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 05-42 and enact the Bill as Ordinance 3.977. Mayor Pro Tem Bill Cross seconded.

Roll Call Vote: "Aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

**Item 13a. on the Agenda.**      **REAPPOINTMENTS TO THE ARTS COUNCIL.**

Mayor Pro Tem Bill Cross moved to reappoint the following people to the Arts Council:

Reappointment	Tom Clayton	December 2007
Reappointment	Julie Conn	December 2008
Reappointment	Hester Duisik	December 2006
Reappointment	Chris Yannitelli	December 2008
Reappointment	Ginny Yates	December 2007

Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0).

**Item 14. on the Agenda.**      **OTHER BUSINESS.**

There was no other business.

**Item 15. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

**Item 16. on the Agenda.**      **ADJOURNMENT.**

There being no further business to come before the December 12, 2005, Gladstone City Council Meeting, Mayor Carol Rudi adjourned the Regular Meeting, saying it was not necessary for Council to adjourn to a Closed Executive Session.

Respectfully submitted:

Cathy Swenson

Cathy Swenson, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

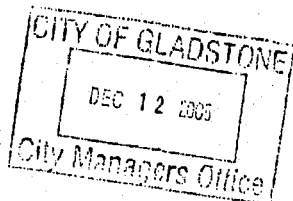
Carol A. Rudi

Mayor Carol A. Rudi



# PROTEST PETITION

To the City Council of  
GLADSTONE, MISSOURI



**Property:** General Location 5720 N. Oak Trafficway - Gladstone Community Development File No. 1265

WE, the undersigned, do protest the rezoning request submitted by: Donald D. Perry II.

**PLEASE TAKE NOTICE** that the undersigned, being owners of property within an area that will be directly affected by the proposed construction of a car wash, a service building for repair of automobiles and storage pavilion for 85 cars.

## WE ARE PROTESTING THIS BECAUSE:

1. This land is currently zoned C-2, C-1 and R-1. We oppose changing this zoning to C-3. The residences which adjoin this property on the west will suffer irreparable financial loss with the construction of a parking and storage facility that will allow for towed junk cars to accumulate. The surrounding residences will also be adversely affected financially.
2. This is a bedroom community and the noise factor from these facilities will be impossible to live with. Some of the property owners are retired and home all day and are entitled to the quite peaceful environment they are accustomed to.
3. Run off storm water is a problem on this property. One of the residences built a barrier to divert the water from his house. There is no recommendation for the anticipated increase in the amount of water from heavy storms. With the removal of the grass and vegetation, replacing it with concrete on most of the land that is now vacant. This proposal does not state how many acres or square feet are incorporated in this project in order to estimate how many gallons of water will be distributed. All of this storm water goes into East Creek, which is already full to capacity in a heavy rain.
4. In June 2001 the city spent \$50,000.00 for a new North Oak Corridor Study. The land that would be zoned C-3 is currently zoned C-1 and C-2. According to the North Oak Corridor Study and the new Zoning Map for Gladstone, this land is designated C-1 for the building of an office campus. We were agreeable with this concept when it was implemented and we are still in agreement with this plan. Also, we understood that future developments and redevelopment's would be required to adhere to the principles and guidelines contained in this Study.

Signatures

Address

Telephone

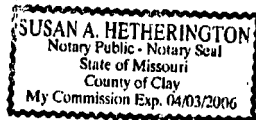
<u>Ronell Cleman</u>	<u>5717 North Grand</u>	<u>454-7315</u>
<u>Eunice L. Coleman</u>	<u>5717 North Grand</u>	<u>452-3186</u>
<u>Kuffy Stark</u>	<u>5709 North Grand</u>	<u>454-5383</u>
<u>Wanda G. Winters</u>	<u>201 W 57<sup>th</sup> St</u>	<u>452-9377</u>
<u>Robert J. Fals</u>	<u>5708 N Walnut</u>	<u>455-7836</u>

~~Sammy R. Jahn~~ 5708 N. Walnut 816-455-7836  
~~Sammy R. Jahn~~ 6010 N. Wycza 816-453-6973  
~~Sammy R. Jahn~~ 5800 N. Grand 816-453-4069  
~~Sammy R. Jahn~~ 303 NW 59<sup>th</sup> 816-453-3014  
~~Sammy R. Jahn~~ 303 NW 59<sup>th</sup> 816-453-3014  
[Edgar R. White 5705 N. Grand 453-1244]  
Guardship for E. White - Roxana Gansaulis  
Jeremy Anderson 101 N.E. 57<sup>th</sup> 455-6915  
Margaret Koch 211 NW 59<sup>th</sup> 453-4049  
Scotty L. Boyd 302 NW 59<sup>th</sup> 453-1145  
David W. Meyer 5711 N. Grand 816-453-0391

I personally witnessed the signatures of the above people.

Galen Noel

Notary Public:



Susan A. Hetherington

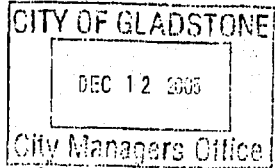
12/12/05

PROTEST PETITION  
5720 N. Oak Trafficway  
File No. 1265

079

# PROTEST PETITION

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Signatures

Address

Telephone

<i>Mike Kitchen</i>	5701 N. Grand	816-452-4769
<i>Marion Robinson</i>	5701 N. Grand	816-459-7108
<i>Marshall W. Chavenger</i>	183 NE 57th St	816-452-9361
<i>Faye Chavenger</i>	103 NE 57th St	816-452-9349
<i>Jan Ekert</i>	302 NE 57th	816-452-5273

Shirley 5701 N. Grand 816-452-4769  
Jimmie 5718 N. Grand 816-452-6457  
Bridget Calcare 5711 N. Grand 816 453-2593  
Rhonda Taylor 5711 N. Grand 816 453-0391  
Galen Neill 6010 N. Wyandotte 453-6973

I personally witnessed the signatures of the above people.

David W. Taylor

Notary Public:



Susan A. Hetherington

12/12/05

PROTEST PETITION  
5720 N. Oak Trafficway  
File No. 1265



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JANUARY 9, 2006**

**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 the December 12, 2005, City Council Meeting Minutes Convening the Closed Executive Session.**
- 4a. **Approval of Regular December 12, 2005, City Council Meeting Minutes.**
- 4b. **Presentation of Certificates of Recognition for citizen involvement with the Public Safety Department.**
5. **CONSENT AGENDA**

**RESOLUTION R-06-01**, authorizing acceptance of work under contract with Miller Paving & Construction, LLC, for the 2005 Curb and Sidewalk Program; and authorizing final payment in the amount of \$26,696.81 for Project 055007.

**RESOLUTION R-06-02**, authorizing acceptance of work under contract with APAC-Kansas, Incorporated, Kansas City Division, for the 2005 Street Overlay Program; and authorizing final payment in the amount of \$54,094.89 for Project 065001.

**RESOLUTION R-06-03**, accepting Temporary Construction Easements and Permanent Easements from property owners in conjunction with the Northwest 67<sup>th</sup> Street and North Indiana Phase II Stormwater Project (055023).

**APPROVAL OF FINANCIAL REPORTS FOR NOVEMBER 2005**

## REGULAR AGENDA

6. Communications from the Audience.
7. Communications from the City Council.
- 7a. Theatre in the Park reappointments.
8. Communications from the City Manager.
9. **FIRST READING AMENDED BILL 05-39**, 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. Applicant/Owner: Donald D. Perry II. (File #1265)
10. **FIRST READING AMENDED BILL 05-40**, approving a Site Plan in conjunction with a rezoning for Property at 5720 North Oak Trafficway. Applicant/Owner: Donald D. Perry II. (File #1265)
11. **PUBLIC HEARING:** on a request for a Site Plan Revision and consideration of a Special Use Permit subject to certain conditions to Ron Goens for operation of Goens Brothers, Incorporated, on property located at 7514 North Oak Trafficway. Applicant: Ron Goens. Owner: Ryan's Family Steakhouse, Inc. File No. 1266
- 11a. **FIRST READING BILL NO. 06-01**, an Ordinance approving a Site Plan Revision in a CP-2 zone for property at 7514 North Oak Trafficway. Applicant: Ron Goens. Owner: Ryan's Family Steakhouse, Inc. File No. 1266
- 11b. **FIRST READING BILL NO. 06-02**, granting a Special Use Permit subject to certain conditions to Ron Goens for operation of Goens Brothers, Incorporated on Property at 7514 North Oak Trafficway. Applicant: Ron Goens. Owner: Ryan's Family Steakhouse, Inc. File No. 1266
12. **FIRST READING BILL NO. 06-03**, amending Schedule V of the Model Traffic Code (Gladstone Municipal Code Section 18-12), to establish a "No Parking" Zone for north bound traffic on North Locust Street from the intersection of Northeast 71<sup>st</sup> Street north to Northeast 72<sup>nd</sup> Street.
13. Other Business.
14. Questions from the News Media.
15. Adjournment.



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

**MONDAY JANUARY 9, 2006**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Les Smith  
Councilman Wayne Beer  
Councilman Joe Evans  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Carol Rudi opened the Regular January 9, 2006, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE DECEMBER 12, 2005, CITY COUNCIL MEETING MINUTES CONVENING THE CLOSED EXECUTIVE SESSION.**

Councilman Wayne Beer moved to approve the December 12, 2005, City Council Meeting Minutes Convening the Closed Executive Session as presented. Councilman Les Smith seconded the motion.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

**Item 4a. on the Agenda. APPROVAL OF THE DECEMBER 12, 2005, REGULAR CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Bill Cross moved to approve the December 12, 2005, Regular City Council Meeting Minutes as presented. Councilman Wayne Beer seconded the motion.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

**Item 4b. on the Agenda. Presentation of Certificates of Recognition for citizen involvement with the Public Safety Department.**

Mayor Rudi began by saying that on December 14, 2005, at 1:47 PM, Gladstone police officers responded to Bircain Apartments to investigate a reported apartment burglary that had just occurred. With information regarding the suspects and suspect vehicle that was received from Scott Marquess, Communications Officer Baughman broadcast a BOLO (be on the lookout) for the suspects and suspect vehicle in connection with the burglary.

Mayor Rudi stated that Clay County Deputy Danny Ruth upon hearing the information broadcast, saw a vehicle matching the suspect vehicle description and radioed the information and direction of travel to Clay County Sergeant Murray Howerton, who was able to observe the vehicle, follow it, and make the stop at North Chouteau and Missouri Route 210, where he was joined by Deputy Ruth.

Mayor Rudi continued by saying Mr. Marquess, when many are hesitant to aid the police, was able to positively identify the suspect vehicle and the suspects in the burglary and aided in the investigation that led to the arrest and charging of the suspects with Burglary Second Degree and Felony Stealing.

On behalf of the City and the Public Safety Department, Mayor Rudi said she would like to extend thanks and commendation to all of the parties involved for their quick action, attention to detail and willingness to step forward and become involved. The efforts of each of these people being recognized tonight led to the speedy apprehension of two dangerous criminals and the recovery of nearly \$1,900.00 in stolen property. Mayor Rudi stated they are all deserving of this recognition, and we thank you.

Mayor Rudi asked Debra Baughman, Scott Marquess, Danny Ruth, and Murray Howerton to step forward to receive Certificates of Recognition.

Mayor Rudi welcomed Ms. Baughman's grandmother, Rosalie, Sheriff Paul Vescovo, and Under Sheriff Roger Yates. Mayor Rudi thanked them for their attendance.



Mayor Rudi expressed her thanks and the thanks of the community, and said we would be in a lot worse shape then we are if it weren't for the efforts of people such as these. Mayor Rudi encouraged everyone to look out for his neighbors, think about each other, and call the police for suspicious activity.

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

**CONSENT AGENDA DETAIL**

Following the Clerk's reading, Mayor Pro Tem Bill Cross moved to accept the Consent Agenda as presented. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-06-01**, authorizing acceptance of work under contract with Miller Paving & Construction, LLC, for the 2005 Curb and Sidewalk Program; and authorizing final payment in the amount of \$26,696.81 for Project 055007. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-06-02**, authorizing acceptance of work under contract with APAC-Kansas, Incorporated, Kansas City Division, for the 2005 Street Overlay Program; and authorizing final payment in the amount of \$54,094.89 for Project 065001. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-06-03**, accepting Temporary Construction Easements and Permanent Easements from property owners in conjunction with the Northwest 67<sup>th</sup> Street and North Indiana Phase II Stormwater Project (055023). Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

Mayor Pro Tem Bill Cross moved to approve the **FINANCIAL REPORTS FOR NOVEMBER 2005**. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

## REGULAR AGENDA

### Item 6. on the Agenda.

### COMMUNICATIONS FROM THE AUDIENCE.

**John Garner, 111 Heatherton Court**, stated a problem in his area was discussed at a previous City Council meeting, and a letter was sent to the developer. Mr. Garner said six of the residents were in attendance at this evening's meeting, and would like to know what the next step is that the City can take to get the developer to complete the eight to eleven concerns she has not yet completed.

Assistant City Manager Scott Wingerson stated the City issued numerous "Stop Work Orders" on the project, which have, in effect, stopped the work in Heatherton Court subdivision. The primary issues the City was involved in had to do with the failure of the retaining wall, erosion control, and some backflow prevention on the irrigation system. Mr. Wingerson said the retaining wall design has been approved, and the wall has been reconstructed. City staff is awaiting final engineering reports to certify the actual construction. It is believed the wall was done appropriately, as Staff was there a good part of the time taking pictures of construction of the retaining wall. Mr. Wingerson said the erosion control is greatly improved with minimal dirt in the gutter line, and very little in the street itself. Backflow prevention has been installed for the irrigation system, but not yet certified, however, the restoration of that area is not complete.

Mr. Wingerson stated the true life/safety issues that concern the City within Heatherton Court subdivision have been marginally addressed and are no longer an immediate hazard, however, there is more work to be done. Staff will continue to work through the developer, the developer's banker, and the developer's lawyers to move things forward. Mr. Wingerson said because the City has issued "Stop Work Orders", construction and any activity has stopped except that specifically authorized by City staff.

Mayor Pro Tem Bill Cross stated that Mr. Garner mentioned that six residents were present tonight and asked if the work done is visible.

Mr. Garner replied what Mr. Wingerson stated is true, but the debris that has been pushed over the hill needs to be removed, and there are still a lot of weeds that need to be cut. Hay bales that have deteriorated need to be replaced by the developer. The drainage coming off the hill has not been corrected. Mr. Garner said his backflow system has not yet been approved, and there was undermining on his driveway on City property, when the developer tried to correct the water connection between his and his neighbor's sprinkler system.

Mr. Garner said underneath his driveway has been eroded two or three feet, which is on City easement. Mr. Garner said he realizes the developer, Margaret Miller, is sick, but there has been plenty of time for her daughter to step in and do the things that need to be done to correct these problems. Mr. Garner said the County is coming out the end of the

month to reassess property because of this, and he and his neighbors will have their property values lowered because of this.

Councilman Les Smith said he visited this afternoon with Mr. Garner, and he knows that he and his neighbors understand that not all of the issues are City issues, and they appreciate that the City has tried to help resolve the issues Mr. Wingerson addressed. Councilman Smith said these folks are incredibly frustrated, as can be imagined. They have numerous neighborhood issues, as well as private issues. Councilman Smith said the sense is that if the City can continue to do what needs to be done, perhaps the project will evolve into what it should be. Councilman Smith said he would like to know if the developer should not complete those items that are City issues, what the process is for citing her, bringing her to municipal court, or whatever can be done to force the developer to comply.

Mr. Wingerson replied many of the issues that remain in the subdivision are left because of the issuance of the "Stop Work Orders"; that stops all activity in the project itself. As spring arrives, it is anticipated on undeveloped lots there will be weeds and additional erosion control being necessary. The developer can be cited for those types of things into municipal court, and given the developer's performance last year, Staff has started the step of citation into municipal court. From that point, it would be scheduled for a hearing with the judge, and if there were no continuances issued, the judge would mete out a judgment that is appropriate in the court's eyes. Mr. Wingerson said it is about a 60-day process from the issuance of a citation until the first possible court hearing. Some cases take much longer, depending on their complexity and ability of people to appear.

Councilman Smith inquired into the time frame from what Mr. Wingerson discussed versus an issue of weeds, and for the City to mitigate that problem. Mr. Smith said his understanding of the process is that the City gives notice to the property owner; the City then mows the property; the City assesses the fees and costs; and then the City posts a lien on the property. Councilman Smith inquired into the time frame for those actions.

Mr. Wingerson replied, in this case, Staff would issue a notice and citation simultaneously to the developer. The developer would have ten days to eliminate the weed concern. If it were not eliminated in ten days, Staff would retain a mower to mow the property. The City would assess those charges to the taxes in addition to an administrative fee. It would then continue on with the court process through a citation.

Councilman Wayne Beer remarked, as stated, a "Stop Work Order" has the effect of stopping all further development on the project, and asked to what extent does it inhibit or prevent the completion of items that have been cited for remediation, repair, replacement, and so forth.

Mr. Wingerson replied the "Stop Work Orders" preclude all improvement, development, and construction activity, except those activities that are required in order to have the "Stop Work Orders" removed. The undermining of the driveway, a small drainage swale concern

on the west edge of the property, and debris on the south edge of the property, which Mr. Garner mentioned, are the three main things that are left in order to have the "Stop Work Orders" removed, so those activities are not prohibited.

Mr. Garner stated an Ordinance was approved at the last Council meeting that talked about deposits that builders must provide, and asked if that would pertain to the mowing, the street, and this process. Mr. Garner said he does not know if the developer has renewed an occupation license with the City, and if she had to post money for the project that is now required.

City Counselor David Ramsay replied the Ordinance of which Mr. Garner speaks, was effective at the last meeting, so any project that commenced prior to that would not be subject to the terms of the Ordinance.

Mr. Wingerson stated any building permits issued after the effective date of the Ordinance, would apply, so we would miss the development deposit, but we would gain when new permits are issued the per lot deposit requirement for erosion and sediment.

Councilman Joe Evans stated in the past the City has mowed some property and sent bills to the property owner, and asked if Public Works or Parks personnel could assist in cleaning up this property, and include the costs back to the developer, as a one time issue to move this along.

Mr. Wingerson stated the Public Works Department offered to clean the street. That offer was rejected, and the developer cleaned the street. The weeds are now a little bit high for normal winter, but not much too high. When spring arrives, Staff is still on the cycle of inspections on a routine basis, so that site will be inspected early in the spring.

Mayor Rudi asked if everything is being done that could be done at this point.

Mr. Wingerson replied yes.

**Item 7. on the Agenda.**      **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Joe Smith** had no comments at this time.

**Councilman Les Smith** had no comments at this time.

**Councilman Wayne Beer** had no comments at this time.

**Mayor Pro Tem Bill Cross** stated he hoped everyone had a wonderful holiday, and he was glad to see such a nice turnout at this meeting.

**Mayor Carol Rudi** stated she hoped everyone had great holidays and has a wonderful new year.

**Item 7a. on the Agenda.**

**THEATRE IN THE PARK REAPPOINTMENTS**

Mayor Pro Tem Bill Cross moved to reappoint Lenette Johnson and Michelle Coon to the Theatre in the Park Council, with term expiration dates of December 2007 for both reappointments. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reported there was a wellness weigh-in today, which is a unique activity between Gladstone and the City of North Kansas City. Channel 5, tonight, covered part of the event. Human Resource Departments of both cities worked together to come up with not only a fun idea for employees, but also a way to better both organizations in terms of wellness of employees, reducing health care costs, and at the same time having a friendly competition relative to weight loss. Gladstone's sponsor is St. Luke's Northland, and North Kansas City's sponsor is North Kansas City Hospital. The sponsors are contributing funds to be donated to the winner's charity of choice. This is a three-month project. The teams look forward to getting started on their weight loss endeavors. City Manager Davis said his hat is off to Human Resources Administrator Charlene Leslie, who had the idea and coordinated the effort with North Kansas City. City Manager Davis said there was a tremendous response, today, from the cities and their staffs. Both mayors were present, and the challenge should be a lot of fun.

City Manager Davis reported City Hall will be closed Monday, January 16<sup>th</sup>, for the Martin Luther King Jr. holiday. On January 12<sup>th</sup>, there will be a Community Center public meeting to discuss the design of the community center. The public is invited to give input, ideas, suggestions, and to ask questions about this facility.

Mr. Davis welcomed Carol Blanchard from the "Dispatch Tribune" newspaper. This is the first meeting she has covered, and the City looks forward to a good relationship with her. Mr. Davis invited City Council members to Sergeant Steve Jackson's retirement luncheon, 11:30 AM to 1:30 PM, February 1<sup>st</sup>, at the Gladstone Community Center. Sergeant Jackson has been with the City for 25 years, and most everyone in the community knows him.

**Item 9. on the Agenda.**

**FIRST READING AMENDED BILL 05-39, 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.  
Applicant/Owner: Donald D. Perry II. (File #1265)

Councilman Les Smith moved to place Amended Bill 05-39 on First Reading. Councilman Wayne Beer seconded: The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Amended Bill 05-39, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded.

Councilman Smith stated that as there was public discussion about this issue at the last Council meeting, it is important to highlight the four conditions that have been added as follows:

*Outdoor lighting of the storage lot shall be mounted to buildings and/or fence. Overflow lighting shall be imperceptible of property lines.*

*Construction materials shall be in conformance with adopted site and design standards. Appropriateness shall be determined during the permit review and approval process.*

*Overhead garage doors on the service building and car wash shall remain closed, except during designed use.*

*The privacy fence shown on the site plan shall be 8 feet in height. At minimum, the lower 4-foot section shall be constructed of solid material. If wood is utilized for the upper section, it shall be constructed finish side out. The entire privacy screen shall be maintained in perpetuity.*

Councilman Smith stated the key element to the privacy fence is the lower 4-foot section. Many of the residents were concerned that merely a wood privacy fence could deteriorate over time and would cause the neighbors to see stored cars and different activity on the lot. This should solve that problem. Councilman Smith said solid material means brick, stone, and so forth, and he feels this is a key addition to the requirements.

Councilman Wayne Beer stated the Ordinance does state privacy fence, which eliminates the possibility of the upper four feet being of a light porous product. The term privacy alludes to the imperviousness to light transmission.

Mayor Rudi stated it is the fence that she has heard the most about from the neighbors. People are concerned about how the fence will look, and all efforts are being made to improve the appearance of the fence, rather than to just install a wood fence.

Councilman Smith stated it would be his preference that the entire eight-foot structure be of solid material. Councilman Smith said he was willing to compromise on the four-foot section, but believes the more the developer can do in this regard, would greatly appease the neighbors.

Mayor Rudi agreed, and said attractiveness is what Council is seeking.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Amended Bill 05-39 and enact the Bill as Ordinance 3.978. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

**Item 10. on the Agenda.** **FIRST READING AMENDED BILL 05-40**, approving a Site Plan in conjunction with a rezoning for Property at 5720 North Oak Trafficway. Applicant/Owner: Donald D. Perry II. (File #1265)

Councilman Wayne Beer moved to place Amended Bill 05-40 on First Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Amended Bill 05-40, Waive the Rule and place the Bill on Second and Final Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Amended Bill 05-40 and enact the Bill as Ordinance 3.979. Councilman Les Smith seconded.

Roll Call Vote: "Aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

**Item 11. on the Agenda.** **PUBLIC HEARING:** on a request for a Site Plan Revision and consideration of a Special Use Permit subject to certain conditions to Ron Goens for operation of Goens Brothers, Incorporated, on property located at 7514 North Oak Trafficway. Applicant: Ron Goens. Owner: Ryan's Family Steakhouse, Inc. File No. 1266

Mayor Carol Rudi opened the Public Hearing and explained the hearing process that City Staff would 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 subject property is the Ryan's Steak House facility located on the southwest corner of 76<sup>th</sup> Street and North Oak Trafficway. The applicant is requesting two actions from the Council. The first is a Special Use Permit to allow a moderate amount of outdoor activity on property that is currently zoned CP-2 for neighborhood business. The applicant proposes to operate two businesses from the Ryan's Steak House facility. The first is a rental business to rent table, chairs, and equipment. The second business is the headquarters and main offices for the applicant's painting contracting company. The Special Use Permit is the first action requested, and that is required to allow the use of an enclosed area to the west of the existing restaurant. This area would be enclosed by a masonry wall, and wrought iron gates, and would house outdoor equipment that would be available for rent, as well as propane, refilling tanks, and activity such as that. The Special Use Permit allows the outdoor operation of that portion of the business. The activities going on within the building would be allowed under the current zoning classification.

Mr. Wingerson said the second action the applicant is requesting is a Site Plan approval, which allows the construction of the masonry screening wall, and allows the construction of a 9,400 square foot retail building that is located just to the north and west of the existing restaurant, which is basically at the back of the lot. This maximizes the land use and provides a service area not only for the proposed retail building, but for the outdoor storage facility through the rear of the building, and provides ample parking to the north of what used to be Ryan's Steak House. The Planning Commission voted 10 to 1 to approve each of the requests. They did have some suggestions for language changes in each of the Ordinances. On the Special Use Permit Bill, Staff renumbered conditions 9 through 14 to provide consistency. Staff removed the phrase "trash pickup" from condition number 10. Condition number 12 was redrafted that had to do with weight limitations on heavy equipment, hours of use, and so forth, to simply say "storage of trucks and heavy equipment outside of the masonry screening wall is prohibited." It would be allowed behind the screening wall, but any storage outside would be prohibited.

Mr. Wingerson stated on the Site Plan Bill, the Planning Commission suggested to redraft condition number 5 to read "storage, lease, and/or sale of goods and merchandise outside of the masonry screening wall is prohibited." It allows it within the area, but not outside. The Planning Commission suggested to add condition number 15, which requires streetscape trees and landscaping to be maintained in perpetuity. Mr. Wingerson said Staff did not change the original Staff Report so Council could see the history of the application, but those changes have been made in the Bills that were in Council's packet.

### **Applicant Presentation**

**Ron Goens**, stated he owns Goens Brothers Rental on Northeast 76<sup>th</sup> Street, where he runs a painting company and a rental yard. Mr. Goens said it is his hope to move his operation to North Oak Trafficway to enhance his business and pickup increased revenue, which



would benefit him and the community. Mr. Goens said he has been in business since 1969 in the Gladstone area.

Mayor Pro Tem Bill Cross asked what is planned with the business currently located on 76<sup>th</sup> Street.

Mr. Goens replied it will be rented out, but he will still occupy the back part, where he will store big equipment, such as lifts and so forth. The painting operation will also be in the back. The front portion of the building will be rented.

Councilman Beer asked for assurance that Mr. Goens will not conduct any painting operations out of the building at the intersection of 76<sup>th</sup> Street and North Oak Trafficway.

Mr. Goens replied there would be no painting operations at that site; it will just be his business administration offices.

**Comments from those in Favor of the Application**

Tom Sims, 1904 NE 76<sup>th</sup> Street, stated that Ronny Goens has been a good neighbor to him. Mr. Sims said he has warehouses next to Mr. Goens. Mr. Goens is neat and clean, and has been in Gladstone over 30 years. Mr. Sims said the City needs to keep a lot of small businesses in the city. Mr. Goens has a little trailer sitting north of O'Reilly's in Kansas City, and he has been looking at that property to buy. Mr. Sims said he wants Mr. Goens to stay in our city. He is the type of small business owner we need in our city.

**Comments from those in Opposition to the Application**

There was no one to speak in opposition to the application.

**Mayor Rudi closed the Public Hearing.**

**Item 11a. on the Agenda.** **FIRST READING BILL NO. 06-01**, an Ordinance approving a Site Plan Revision in a CP-2 zone for property at 7514 North Oak Trafficway. Applicant: Ron Goens. Owner: Ryan's Family Steakhouse, Inc. File No. 1266

Mayor Pro Tem Bill Cross moved to place Bill 06-01 on First Reading. Councilman Joe Evans seconded.

Councilman Les Smith stated he would abstain from voting on the next two issues due to the fact that Mr. Goens and his family are good customers of his business and vice versa. Councilman Smith said he does not want to have the appearance of any conflict of interest.

Councilman Beer stated in his previous employment with the North Kansas City School District as the Director of Operations and Maintenance, he had occasion to do business with Mr. Goens with projects within the School District, and the relationship the School

District had with Mr. Goens was always on a very professional basis. Goens Brothers Painting always performed exactly to the specifications, and performed in a very professional manner. Councilman Beer said based upon that, and the performance seen from the rental operation, this appears to be a good application for this site.

The vote: "Aye" – Councilman Joe Evans, Councilman Wayne Beer, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. "Abstain" – Councilman Les Smith. (4-0-1). The Clerk read the Bill.

Mayor Pro Tem Bill Cross moved to accept the First Reading of Bill 06-01, Waive the Rule and place the Bill on Second and Final Reading. Councilman Joe Evans seconded. The vote: "Aye" – Councilman Joe Evans, Councilman Wayne Beer, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. "Abstain" – Councilman Les Smith. (4-0-1). The Clerk read the Bill.

Mayor Pro Tem Bill Cross moved to accept the Second and Final Reading of Bill 06-01 and enact the Bill as Ordinance 3.980. Councilman Joe Evans seconded.

Roll Call Vote: "Aye" – Councilman Joe Evans, Councilman Wayne Beer, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. "Abstain" – Les Smith. (4-0-1).

**Item 11b. on the Agenda.** **FIRST READING BILL NO. 06-02**, granting a Special Use Permit subject to certain conditions to Ron Goens for operation of Goens Brothers, Incorporated on Property at 7514 North Oak Trafficway. Applicant: Ron Goens. Owner: Ryan's Family Steakhouse, Inc. File No. 1266

Mayor Pro Tem Bill Cross moved to place Bill 06-02 on First Reading. Councilman Joe Evans seconded. The vote: "Aye" – Councilman Joe Evans, Councilman Wayne Beer, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. "Abstain" – Councilman Les Smith (4-0-1). The Clerk read the Bill.

Mayor Pro Tem Bill Cross moved to accept the First Reading of Bill 06-02, Waive the Rule and place the Bill on Second and Final Reading. Councilman Joe Evans seconded. The vote: "Aye" – Councilman Joe Evans, Councilman Wayne Beer, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. "Abstain" – Councilman Les Smith (4-0-1). The Clerk read the Bill.

Mayor Pro Tem Bill Cross moved to accept the Second and Final Reading of Bill 06-02 and enact the Bill as Ordinance 3.981. Councilman Joe Evans seconded.

Roll Call Vote: "Aye" – Councilman Joe Evans, Councilman Wayne Beer, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. "Abstain" – Les Smith. (4-0-1).

**Item 12. on the Agenda.**      **FIRST READING BILL NO. 06-03**, amending Schedule V of the Model Traffic Code (Gladstone Municipal Code Section 18-12), to establish a "No Parking" Zone for north bound traffic on North Locust Street from the intersection of Northeast 71<sup>st</sup> Street north to Northeast 72<sup>nd</sup> Street.

Mayor Pro Tem Bill Cross moved to place Bill 06-03 on First Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Mayor Pro Tem Bill Cross moved to accept the First Reading of Bill 06-03, Waive the Rule and place the Bill on Second and Final Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Mayor Pro Tem Bill Cross moved to accept the Second and Final Reading of Bill 06-03 and enact the Bill as Ordinance 3.982. Councilman Les Smith seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (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.**

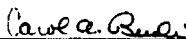
There being no further business to come before the January 9, 2006, Gladstone City Council Meeting, Mayor Carol Rudi adjourned the Regular Meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Carol A. Rudi



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JANUARY 23, 2006**

**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 9, 2006, City Council Meeting Minutes.
- 4a. **Presentation of Mayor Holiday Tree Lighting Checks to the Northland Christmas Store and Neighbors Helping Neighbors.**
- 4b. **PRESENTATION OF BOARD AND COMMISSION APPRECIATION PLAQUES.**

**Rick Washer, Code Board of Appeals**  
January 1992 – December 2005

**Brenda Lowe, Planning Commission**  
January 2002 – December 2005

**Lance Turner, Industrial Development Authority**  
January 2003 – December 2005

**Carol Fair, Recycling and Solid Waste Committee**  
January 2003 – December 2005

5. **CONSENT AGENDA**

**RESOLUTION R-06-04**, authorizing acceptance of a proposal from Key Equipment Company for the purchase of a 2005 Elgin Whirlwind Street Sweeper and Fleet Management System for the net purchase amount of \$193,745.

**RESOLUTION R-06-05**, authorizing execution of a contract with Linaweaver Construction, Incorporated, in the total amount not to exceed \$382,765.50 for the Northeast 76<sup>th</sup> Street and North Woodland Street Improvements; Project 035035.

**APPROVAL OF FINANCIAL REPORTS FOR DECEMBER 2005.**

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **FIRST READING BILL NO. 06-04**, amending Ordinance Number 3.975, providing that a Primary Election shall not be held, and calling a General Election for the election of two positions to the Gladstone City Council on Tuesday, April 4, 2006, 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. Other Business.
11. Questions from the News Media.
12. Adjournment.



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

**MONDAY JANUARY 23, 2006**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Les Smith  
Councilman Wayne Beer  
Councilman Joe Evans

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Carol Rudi opened the Regular January 23, 2006, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE JANUARY 9, 2006, REGULAR CITY COUNCIL MEETING MINUTES.**

Councilman Wayne Beer moved to approve the January 9, 2006, Regular City Council Meeting Minutes as presented. Councilman Joe Evans seconded the motion.

The vote: "Aye" Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

**Item 4a. on the Agenda.**      **PRESENTATION OF MAYOR HOLIDAY TREE LIGHTING CHECKS TO THE NORTHLAND CHRISTMAS STORE AND NEIGHBORS HELPING NEIGHBORS.**

Mayor Carol Rudi invited Ikey Harris, Chairman of the Northland Christmas Store, Bob Hill, Vice Chairman of the Northland Christmas Store, and Art Hammen, Executive Director of Neighbors Helping Neighbors to join her at the podium. Mayor Rudi presented a check in the amount of \$6,160.29 to Ms. Harris for the Northland Christmas Store. Mayor Rudi thanked Ms. Harris for all she does for the community. Mayor Rudi presented a check in the amount of \$759.06 to Mr. Hammen for Neighbors Helping Neighbors. Mayor Rudi thanked Mr. Hammen for his community efforts. Both Ms. Harris and Mr. Hammen thanked Mayor Rudi for the contribution to their organizations.

**Item 4b. on the Agenda.**      **PRESENTATION OF BOARD AND COMMISSION APPRECIATION PLAQUES.**

Mayor Rudi invited Brenda Lowe of the Planning Commission, and Lance Turner of the Industrial Development Authority to please join her at the podium. Mayor Rudi presented to Ms. Lowe and Mr. Turner appreciation plaques in honor of their years of service on these important City Boards. Ms. Lowe and Mr. Turner thanked Mayor Rudi and Council members for the honor.

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

Following the Clerk's reading, Mayor Pro Tem Bill Cross moved to accept the Consent Agenda as presented. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-06-04**, authorizing acceptance of a proposal from Key Equipment Company for the purchase of a 2005 Elgin Whirlwind Street Sweeper and Fleet Management System for the net purchase amount of \$193,745. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-06-05**, authorizing execution of a contract with Linaweaver Construction, Incorporated, in the total amount not to exceed \$382,765.50 for the Northeast 76<sup>th</sup> Street and North Woodland Street Improvements; Project 035035. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

Mayor Pro Tem Bill Cross moved to approve the **FINANCIAL REPORTS FOR DECEMBER 2005**. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE.**

**Dennis Daily**, 2309 NE 5<sup>th</sup> Street, said he would like to talk about a City Ordinance that addresses trash and unkempt property. Mr. Daily shared pictures with Council members of property that was unkempt and on which there was trash. Mr. Daily referenced one picture by saying the trash dumpster first appeared about two weeks before Thanksgiving. The dumpster wasn't picked up or emptied until it spilled over onto the street. Mr. Daily stated he first called the City the first week in December and called back December 14<sup>th</sup>. City staff told him they had received several phone calls about this trash, and the homeowner had been sent a letter, and another letter was going to be sent. Mr. Daily said he was told the next step would be to summons the homeowner into court. The trash was picked up between Christmas and New Years Day. Mr. Daily said he looked at the unsightly mess for over 30 days.

Mr. Daily pointed out in another picture old windows have been left laying on the ground. A yellow bag of trash on the front porch has been there since the middle of September. Mr. Daily said these people cut their grass twice last summer. The people next door to him cut their front yard three times and their back yard twice. Mr. Daily said every time their grass was cut, it was after prompting from the City Codes people, because of phone calls he made. Mr. Daily said a neighbor tore down a 10-foot by 20-foot metal shed that had a wooden wall, and insulation. It was torn down, so the owner could use the concrete pad on which the shed sat to erect a basketball goal. Mr. Daily said he looked at the mess in the neighbor's yard, suffered with the insulation blowing into his yard, and finally after 45 days, the debris was removed. Mr. Daily said it was his understanding that when there is a violation such as this, and someone complains, the City will mail the offender a letter. After 10 days if the trash is not cleaned up, the City will inspect the site, and if it is not cleaned up, the City will send another letter. After approximately another 10 days, if the trash is not removed, a notice is sent to appear in court. Mr. Daily said the court date could be a week, two weeks, or a month. Neighbors have to look at the trash for 30 to 45 days, but if during this time period, the trash is picked up, all is forgiven with nothing said until the next violation.

Mr. Daily suggested changing the City Ordinance to read that if trash is not picked up in 24 hours, the City will pick it up and send the homeowner a bill for \$200. Mr. Daily said the Ordinance needs to be changed to where it has some "teeth". Mr. Daily said he has two neighbors, one across the street, and one next door, who are playing the Ordinance to the hilt. Mr. Daily said he keeps his property clean, but when he had friends over for a barbeque this summer, they inquired into the trash next door, which was from the shed the



neighbor had removed. Mr. Daily suggested the Ordinance be changed to read that trash must be removed in 24 hours or even a week. If it is not cleaned up, there should be some consequences. Mr. Daily stated he cuts his grass sometimes twice a week. The neighbors he mentioned cut their grass twice in a summer.

Councilman Wayne Beer stated his sympathies lie with Mr. Daily's concerns, and he is in complete agreement with him, however, the City has tightened up the code enforcement Ordinance significantly in the last year. Councilman Beer asked Staff to give a brief summary of what the City had before and what is in place now for code enforcement.

Assistant City Manager Scott Wingerson stated before code enforcement changes, the property owner would be sent a courtesy notice, then a notice and order was sent, and there would be almost an endless compliance period, where the City took a pretty soft view and worked with the owner to get the violation corrected. Mr. Wingerson said the easiest way for him to think about the change in this process is the "three strikes rule". Mr. Wingerson said this does not apply to the tall grass concern, but for the property maintenance violations such as the trash, the screens in the yard, and so forth, for the first violation, a courtesy notice is sent, followed by a notice and order, and finally a summons to municipal court. For the second violation, a notice and order is sent, followed by a summons to municipal court. For the third violation and every violation thereafter, only a summons to municipal court is sent. Mr. Wingerson stated there is a little discretion given the specifics of the violation. Mr. Wingerson said he believed next summer these types of issues will proceed more quickly.

Mr. Wingerson said the issue of weeds is a little bit different. When the grass reaches more than the allowable height, a notice is sent providing 10 days to cut the grass. If necessary, second notice is sent saying that the City will mow the property at a premium price 10 days from the date of the notice. These issues proceed more quickly. For a second violation, it is the same two steps and a court citation. In the case of a third violation, the City mows the property and there is a court citation. Mr. Wingerson said it is a time consuming process, but faster, with limited success in terms of process, but next summer these issues will be corrected more quickly or aggressive action will be taken more quickly as it relates to summons to municipal court.

Mayor Pro Tem Cross stated if Mr. Daily sees 10-inch tall grass, he should notify the City.

Mr. Daily said he does do that, but City staff asks if the violation can be seen from the street. The answer is yes, and if a code enforcement officer wishes to view the neighbor's property from his back yard, he is welcome to do so.

Councilman Beer said the City depends on neighbors who will allow City personnel to enter their back yards to verify violations.

Councilman Joe Evans asked Mr. Daily if the properties being discussed are rental properties.

Mr. Daily replied no, they are not rental properties.

**Lila Smith**, 103 Heatherton Court, stated at the last Council meeting she believed it was said someone would check into the legal avenues to address the concerns in their subdivision, and asked if contact has been made with the developer, or if the developer has contacted the City.

Mr. Wingerson replied the developer has not contacted the City. The City has had some basic conversations with the developer's lawyer. Mr. Wingerson said he believes the City has had one conversation with the developer at the City's initiation. Mr. Wingerson stated he believes there is an active effort by the developer of Heatherton Court to sell the remaining lots in the subdivision to another developer. Two mildly interested parties interested in purchasing the remaining lots in Heatherton Court have contacted the City for information. The last letter was sent to the Developer on January 23<sup>rd</sup>, which outlines the six items the City is asking to be completed before construction is allowed to start or continue in Heatherton Court. The issues the Council has heard about have to do with the retaining wall; erosion control; removal of debris throughout the development; sodding and seeding; and backflow work. These are the same issues that have been discussed a couple of times in the last few months. Mr. Wingerson said he would be happy to provide Ms. Smith a copy of the letter.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Joe Evans** had no comments at this time.

**Councilman Les Smith** stated at the last Council meeting, a Special Use Permit was approved for Goens Rental at 76<sup>th</sup> and North Oak Trafficway in the former Ryan's Steakhouse building. Mr. Goens and his firm secured a couple of contracts for repainting a hotel and another facility in New Orleans after the hurricane. Councilman Smith said it came to the attention of Mr. Goens that the Sisters of Charity, who run a food pantry in that area, had been flooded out in the aftermath of the hurricane. Mr. Goens realized he had just bought a building that was formerly a restaurant and had a great deal of restaurant equipment inside. Councilman Smith said Mr. Goens donated, and he believes hauled nearly a semi trailer load full of kitchen equipment to New Orleans at no cost to the Sisters of Charity organization. Councilman Smith said much was said at the last meeting about Mr. Goens being a good corporate citizen, and he thought folks might be interested in Mr. Goens recent contribution.

Following applause from the audience, Councilman Smith stated he had no further comments.

**Councilman Wayne Beer** stated recently there has been less than stellar news regarding a group in Kansas that pickets funerals of our fallen service members, with basically the statements during their demonstrations that the soldiers who are being buried and honored

were less than good people, never mind the fact they were killed in defense of this country and everything that it stands for.

Councilman Beer reported there are some areas that are proposing and developing ordinances to control the demonstrations at those funerals, specifically within close proximity. Councilman Beer stated he would like very much for our City to look at this. There should be no reason to castigate those folks who died in defense of our country, and there should no reason to permit such activities, irrespective of the First Amendment. Councilman Beer said he was not trying to abrogate First Amendment rights, but there must be a way to protect the families of the fallen, and protection of their First Amendment rights. Councilman Beer asked that some form of ordinance be looked at to address this. Councilman Beer stated one of his former students was recently buried after being killed in Afghanistan. Councilman Beer concluded by saying he believes something should be in place to protect the families of the fallen during the time of their bereavement.

Mayor Rudi stated City Counselor David Ramsay has begun work on such an ordinance, and Council would ask that he continue that work.

Councilman Smith stated he believes there is a Bill that has been filed at the State level, and perhaps our City, for consistency, could mirror that Bill. The Bill allows for some freedom of speech rights. Councilman Smith stated for him, it is a matter of respect, and that is the basis and premise on which he would like the City to move forward with this ordinance.

**Mayor Pro Tem Bill Cross** asked if any of our local legislators have expressed an opinion on this matter.

**Mayor Carol Rudi** asked Counselor Ramsay to visit with local legislators regarding this issue.

Counselor Ramsay replied he would visit with local legislators and stated he believed Senator Charles Shields of St. Joseph sponsored a Bill regarding this issue.

Mayor Rudi agreed that this is a matter of respect for our servicemen and any family.

**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 NO. 06-04**, amending Ordinance Number 3.975, providing that a Primary Election shall not be held, and calling a General Election for the election of two positions to the Gladstone City Council on Tuesday, April 4, 2006, 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 Les Smith moved to place Bill 06-04 on First Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 06-04, Waive the Rule and place the Bill on Second and Final Reading. Councilman Joe Evans seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 06-04 and enact the Bill as Ordinance 3.983. Councilman Joe Evans seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (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.

**Item 12. on the Agenda.      ADJOURNMENT.**

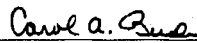
There being no further business to come before the January 23, 2006, Gladstone City Council Meeting, Mayor Carol Rudi adjourned the Regular Meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Carol A. Rudi



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, FEBRUARY 13, 2006**

**OPEN STUDY SESSION: 6:15 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 January 23, 2006, City Council Meeting Minutes.
5. **CONSENT AGENDA**

**RESOLUTION R-06-06**, authorizing acceptance of work under contract with William White & Sons Construction, for the Gladstone Fire Station #2 Driveway Improvements, and authorizing final payment in the amount of \$6,007.62 for Project 055018.

**RESOLUTION R-06-07**, authorizing acceptance of work under contract with Harmon Construction, Incorporated, for the Gladstone Public Safety Renovation, and authorizing final payment in the amount of \$6,000.00 for Project 025603.

**RESOLUTION R-06-08**, authorizing the destruction of certain records in accordance with RSMO Chapter 109 and applicable State Retention Schedules.

**RESOLUTION R-06-09**, accepting Temporary Construction Easements and Permanent Easements from property owners in conjunction with the Northeast 67<sup>th</sup> Street and North Indiana Phase II Stormwater Project (055023).

**RESOLUTION R-06-10**, a Resolution of the City Council of the City of Gladstone, Missouri, determining its intent to reimburse itself for certain capital expenditures.

**APPROVAL OF A NEW SUNDAY PACKAGE LIQUOR LICENSE**, Rawal Rock Corporation, dba Snappy Store #4901, 4901 Old Pike Road. Managing Officer: Parvez I. Yousaf.

**APPROVAL OF LIMITED ONE DAY LIQUOR BY THE DRINK LICENSE** to Oakhill Day School, 7019 North Cherry, for the annual auction event on Saturday, March 11, 2006, Hours: 5:30 PM - 12:00 Midnight. Managing Officer: Ms. Jeanette Hoy.

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **RESOLUTION R-06-11**, a Resolution selecting a site for the Gladstone Community Center/Natatorium.
10. **RESOLUTION R-06-12**, amending the 2006 Annual General Fund Budget, Combined Water and Sewerage System Fund Budget, and Municipal Pool Fund Budget for the City of Gladstone, Missouri, and authorizing expenditures of funds.
11. Other Business.
12. Questions from the News Media.
13. Adjournment.



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

**MONDAY FEBRUARY 13, 2006**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Les Smith  
Councilman Wayne Beer  
Councilman Joe Evans  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Carol Rudi opened the Regular February 13, 2006, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE JANUARY 23, 2006, REGULAR CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Bill Cross moved to approve the January 23, 2006, Regular City Council Meeting Minutes as presented. Councilman Joe Evans seconded the motion.

The vote: "Aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

**Item 5. on the Agenda.**

**CONSENT AGENDA**

Following the Clerk's reading, Councilman Wayne Beer asked that Approval of a **Limited One Day Liquor by the Drink License to Oakhill Day School** be removed from the Consent Agenda for consideration as Item 5a. under the Regular Agenda.

Mayor Pro Tem Bill Cross moved to accept the Consent Agenda as amended. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-06-06**, authorizing acceptance of work under contract with William White & Sons Construction, for the Gladstone Fire Station #2 Driveway Improvements, and authorizing final payment in the amount of \$6,007.62 for Project 055018. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-06-07**, authorizing acceptance of work under contract with Hammon Construction, Incorporated, for the Gladstone Public Safety Renovation, and authorizing final payment in the amount of \$6,000.00 for Project 025603. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-06-08**, authorizing the destruction of certain records in accordance with RSMO Chapter 109 and applicable State Retention Schedules. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-06-09**, accepting Temporary Construction Easements and Permanent Easements from property owners in conjunction with the Northeast 67th Street and North Indiana Phase II Stormwater Project (055023). Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-06-10**, a Resolution of the City Council of the City of Gladstone, Missouri, determining its intent to reimburse itself for certain capital expenditures. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

Mayor Pro Tem Bill Cross moved to approve a **NEW SUNDAY PACKAGE LIQUOR LICENSE** to Rawal Rock Corporation, dba Snappy Store #4901, 4901 Old Pike Road,



Managing Officer: Parvez I. Yousaf. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

## **REGULAR AGENDA**

**Item 5a. on the Agenda.**      **APPROVAL OF LIMITED ONE DAY LIQUOR BY THE DRINK LICENSE** to Oakhill Day School, 7019 North Cherry, for the annual auction event on Saturday, March 11, 2006. Hours: 5:30 PM - 12:00 Midnight. Managing Officer: Ms. Jeanette Hoy.

Councilman Les Smith moved to approve the **LIMITED ONE DAY LIQUOR BY THE DRINK LICENSE** to Oakhill Day School, 7019 North Cherry, for the annual auction event on Saturday, March 11, 2006. Hours: 5:30 PM - 12:00 Midnight. Managing Officer: Ms. Jeanette Hoy. Mayor Pro Tem Bill Cross seconded.

Councilman Wayne Beer stated his reason for asking that this item be removed from the Consent Agenda is due to the fact that his wife is the Head of School at Oakhill Day School, and there may be a conflict of interest for him to participate in the vote on this issue, and he would be abstaining from the vote.

The vote: "Aye" - Councilman Joe Evans, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. "Abstain" - Councilman Wayne Beer. (4-0-1).

## **Item 6. on the Agenda.**      **COMMUNICATIONS FROM THE AUDIENCE.**

**Frank Davis, 6900 North Baltimore**, stated he represented at least some of the residents of Hamilton Heights subdivision. Mr. Davis said he and his neighbors appreciate the City and the services it provides, but they are present tonight because of the meeting that was held in January about the Gladstone parkway. Mr. Davis said they like Gladstone, which is why they live here, and as the City redevelops and tries to attract new businesses, these businesses will be supported by the residents of Hamilton Heights.

Mr. Davis said he would like to address some of the concerns and feelings of the residents of Hamilton Heights - the folks west of North Oak Trafficway. Mr. Davis said they feel like the idea of the Gladstone parkway that would tie 69<sup>th</sup> Street on North Oak into 68<sup>th</sup> Street at Broadway, doesn't benefit them, except that it does provide sales tax revenue for the City, which provides services to the citizens, which is appreciated. Mr. Davis said the parkway is probably one of those things Hamilton Heights residents would not use; they are not the ones for whom the parkway would be built. It would be built for the people who want to get between North Oak or the new downtown area out to 169 Highway. Mr. Davis said some of the Hamilton Heights residents have lived in their homes for 50 years, and Hamilton Heights residents drive to 72<sup>nd</sup> Street or 67<sup>th</sup> Street to access North Oak Trafficway. The parkway would not be a tremendous draw to these residents.

Mr. Davis stated the biggest concern is for those residents who might lose their homes, and there would have to be some cases of this. In looking at the map, to put a road through this area, four, five or maybe six homes would be taken, which is just a fact. Mr. Davis said in talking to some of the residents who would be most likely to lose their property, the idea that was proposed at the January meeting, that the property would be valued at 50 percent above the appraisal, was not the greatest concern for these folks. Mr. Davis said most of the residents that he has talked to would rather stay in their homes. They have a house that is paid for, and at least one of the residents has been there for 50 years, and cannot live cheaper anywhere else.

Mr. Davis said other concerns are increased traffic, it is for the most part, nice and quiet, and the residents love it that way. There would be a somewhat loss of privacy with increased traffic. Mr. Davis said the proposal as they understand it, is still very much up in the air, and there is still conversation as to how to make this work. One possibility is if the parkway runs from North Oak Trafficway to Broadway with no access in the neighborhoods, which has some appeal. There would be no additional traffic in the neighborhoods, but some would lose access to the south or to the north, which would make a longer drive.

Mr. Davis said if there is access to the parkway, that means an increase in traffic and noise. If the development in the east part of town moves ahead, and there are a lot more multi family dwellings, there would be a lot of people who would drive from there over to North Broadway and on to 169 Highway. This would probably be the case in the mornings and evenings, but there will always be those people who cruise on the parkway late at night and on up into the neighborhoods. The residents of Hamilton Heights would not be in favor of this. People can do this anyway, but this would just be another way to do this. Mr. Davis said a lot of people cruising around at 11:00 PM or 12:00 Midnight or later are probably younger people who don't necessarily drive slowly or quietly.

Mr. Davis stated that some of the Hamilton Heights residents are not totally comfortable with the idea that Gale Communities proposed, which is the Brookside or 1930's or 1940's look for the new downtown area. When one enters Gladstone via Englewood Road, one sees the sign that says Gladstone has been a community since 1952. This is a 1950's community, and all of Hamilton Heights is a 1950's community, which is ranch style homes, and this is not a bad look. Mr. Davis said the idea of coming into our City to build a whole town, commercial, retail and residential properties, that has a completely different look might work or it might just be what is popular today. Ten or twenty years down the road, the City might be looking at tearing it down and starting over again.

Mr. Davis said in speaking for the residents of Hamilton Heights, they would like to be part of the future of Gladstone, help with plans, and offer their ideas and support, but they like their neighborhood the way it is, and want to keep it that way. Mr. Davis said, speaking for most of the people present, they would oppose a change to the street system through Hamilton Heights. Mr. Davis thanked the Mayor and Council for their time.

**George Nodler, 6807 North Walnut**, stated he and other residents were present because they heard a rumor that the City did not think there was much opposition to the road, and it was a popular idea – they were present at this meeting to prove that was wrong. Mr. Nodler said he was present with friends and neighbors to show their opposition to 68<sup>th</sup> Street through their neighborhood. The only reason the City owns this property is due to the hard work of their neighborhood in forcing the property owner to donate that property to the City. Mr. Nodler said they feel betrayed by their Council and officials in this matter. Mr. Nodler continued by saying they love Hamilton Heights – their ranch houses, big lots, and mature trees, which is why most of them bought their homes and live there now. Mr. Nodler said their streets are a maze that discourage through traffic, and this road would be in opposition to that. Mr. Nodler continued by saying they are not Brookside or Lee's Summit, and they do not want to be. This street will bring crime, traffic and noise to the Hamilton Heights neighborhood, and that is not what residents want.

Mr. Nodler said he would like to read a letter from a citizen who could not be at this meeting due to a work schedule. Mr. Nodler read the letter as follows:

*"Members of the City Council, City staff, and neighbors, my name is Roger Norris, former Councilman and Mayor. I attended your meeting last month dealing with the building of Town Center, and a street to connect 68<sup>th</sup> and North Broadway to North Oak. Initially, I was somewhat ambivalent to the idea, recognizing the need to do something to capture more of the sales tax dollars for Gladstone. However, after surveying the impact on the neighborhood, the loss of homes, and the overall size and cost of the project, I must take a step back and think and wonder. The survey has said we need a grocery store on North Oak, but we had one that sits vacant. We need a restaurant, but Ryan's sits vacant, and so the saga of North Oak goes on. We should be selling our City, not sending good money after bad. Fancy street reconfigurations that make driving on North Oak more of an inconvenience is not going to bring new business to Gladstone. We need to find a business to occupy the places we already have existing. We should be focused on existing vacancies. I don't fully believe in the concept "if you build it, they will come." I believe they will come if there is something worth coming for. We should work on bringing Gladstone Plaza an anchor – fill those empty shops. Possibly help them advertise they are in Gladstone. Provide an environment that says to the businesses "I need to be in Gladstone." We do not need to leap into big things that don't survive, but take one step at a time. Thank you for your time. Roger Norris."*

**Sandy Plontek, 6902 North Walnut**, said she just recently made the decision to do some remodeling of her house, and making the decision that she was going to stay in the neighborhood, because she likes the privacy and the trees. Ms. Plontek said it seems in this age, we are taking any plot of land that has trees and trying to pave it, and she is very much against that.

Mayor Rudi thanked the speakers for their comments and said Council appreciates their time and interest in this issue, as well as their valuable input to City staff and Council.

Mayor Rudi asked for a show of hands as to how many people in the audience were opposed to the roadway. Note: approximately 40-45 people raised their hands.

Mayor Rudi asked if there was anyone in the audience who was in support of the roadway. Note: one person raised their hand.

Mayor Rudi stated she wanted everyone to be aware that discussion of this roadway is simply a part of a citizen-based master planning process that was designed by Gale Communities. Mayor Rudi stated this process is designed with a reliance on valid public input, and to influence this process, it is important to participate in two ways:

1. Complete a survey which is available at City Hall and on the City's website. A lot of neighborhood leaders have copies of these forms. Mayor Rudi asked for people to please fill out the surveys, indicating how you feel, and make sure those get back to City staff.
2. Mayor Rudi said the second way to participate is to attend the meeting on February 23<sup>rd</sup>, at 7:00 PM, at Antioch Bible Baptist Church, to hear portions of the overall Master Plan. This will be held by Gale Communities.

Mayor Rudi explained that this is not a City plan. The City is waiting for something. Mayor Rudi stated that City Council members have seen no more than the residents, and they are waiting to see what the developer will propose for the City. Once that is known, the process can begin of determining of what is really needed, what is affordable, and how it will be paid. The residents that are present are here at the beginning, and Council is glad of that. Mayor Rudi encouraged all to stay in touch, keep paying attention, and come to the public meetings. The City needs to know what the residents think and wants that input.

Mayor Rudi informed those present that there will be Public Hearings before the Planning Commission once there is some kind of a Master Plan. Mayor Rudi thanked all who attended this meeting, and encouraged them again to complete a survey and attend the public meeting on February 23<sup>rd</sup>.

**Richard Schmick, 6707 North Walnut**, inquired how to indicate if one does not like any of the proposed plans.

Mayor Rudi replied to simply write that on the survey.

**Madelaine Johnsen, 6717 North Wyandotte**, asked what would happen if City Council members do not like any of the proposed plans.

Mayor Rudi replied if City Council or City staff does not like any of the proposed plans, there would be a lot of negotiating that would take place. The plan has to be something that works for the entire City.

Ms. Johnsen asked that since this development seems to be impacting her Hamilton Heights community the most, would they have more input.

Mayor Rudi explained the development would impact the entire City. One item that the City Council is reviewing on tonight's agenda is the City's budget. The City's sales tax revenue is down to 1999 or 1998 levels, and the City is in big trouble. The City cannot afford the services that citizens currently have if the City does not do something. The reason for the public meetings is to hear from people, and to get ideas as to how to deal with this issue. Mayor Rudi explained this is bigger than just Hamilton Heights; it is the entire City.

Ms. Johnsen stated that she believed most Hamilton Heights residents believe that the City needs some revitalization; it is just how to go about it.

Councilman Les Smith stated he has been in opposition to this roadway being built since it was first proposed. Councilman Smith said what he thinks he is hearing tonight is that all of the Hamilton Heights residents recognize, agree, and appreciate that the City needs to make an effort to revitalize the core of our community. Councilman Smith said what he is hearing is that perhaps they feel that the parkway should be a result of a redeveloped downtown and not vice versa. In other words, they want to see what is going to be done downtown, just as we would if it were coming to our neighborhood, before a roadway is cut through the neighborhood. Councilman Smith stated, however, years down the road if the City should have a quality development with a lot of residential components, then this might be another question.

Councilman Smith said he firmly believes that these folks need to see what is coming first, and as the Mayor said so eloquently, this is not a City plan at this point. This developer is truly interested in the public input, so residents need to give him that input. Councilman Smith said there is the age-old question of what is good for the whole community, which is great, but what if it goes through your backyard. Somehow, the City has to balance that. Councilman Smith encouraged residents to stay involved in the process, not to give up, and next time maybe there should be twice as many in attendance.

Councilman Wayne Beer stated he wished to echo that this is not a City plan. This is a plan that is being put forth to the City as a proposal by a developer. He has put forth a number of proposals up to this point, and they have all been preliminarily considered, because there has been no firm proposal as of this time. The City cannot make any decisions until a formal proposal is presented. Once that occurs, there will be a significant amount of time available for public and Council input and discussion. This is not something that happens overnight; it does take time, along with input from the community, so that Council can take that input into consideration in making decisions. Councilman Beer told the audience their input is important, and asked them to please stay informed and up to date on this issue. It is important to all of us City-wide. Councilman Beer thanked everyone for being in attendance at this meeting.

Councilman Joe Evans stated he has had the pleasure of discussing the Gladstone parkway with about 25 to 30 Hamilton Heights residents, and he appreciates their phone calls. Councilman Evans said he could not support such a severe impact to a very quiet neighborhood. Councilman Evans encouraged residents to stay involved, and stay in touch with City staff, City Council, or Mr. Gale and Gale Communities, and let them know how you feel.

Mayor Pro Tem Bill Cross stated he hopes the residents realize all City Council members encourage citizen involvement. Mayor Pro Tem Cross said it was interesting to talk to some 15 to 20 people who were so informed, and he appreciated those calls, and encouraged residents to call him or his fellow Council members with questions or concerns.

Mr. Frank Davis stated government is not easy on any level, which why there is so many sitting in the audience and only five people at the Council dais. Mr. Davis said City Council's work is appreciated, and probably a concern for some of the residents is that for any developer to build in the City, a plan has to be agreed upon between the City and the developer. The developer ends up purchasing the property; he has to own the property before he can develop it. Mr. Davis said it causes some concern that this company will end up owning a lot of property in Gladstone, and whether we like it or not, money talks, and those who are large property owners have more sway. This concerns the people west of North Oak more than anything.

Mr. Davis said other than this one roadway running through our neighborhood, there is not really a big question for the residents, other than that it sounds very good. Mr. Davis said the concern is that if Mr. Gale makes the investment in property in Gladstone, he is going to try to make it work, and will do whatever it takes to make it work. Mr. Davis stated if Mr. Gale decides that is a road through Hamilton Heights, or two roads, or ten roads, or whatever, he will push for that, and being a big property owner in Gladstone at that time, he will have more pull. Mr. Davis said whatever we could do as a City to maintain a certain amount of control would be to our advantage - we don't want to change the name of Gladstone to Galestone. Mr. Davis said if the City goes with this plan, that is a concern that the Council will have to deal with, and Council members do not want a bunch of unhappy residents on either side.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Joe Evans** congratulated Cathy Swenson on her designation as a Certified Municipal Clerk, and commended her on a good job.

Councilman Evans inquired into the MBW process on Antioch Road. Councilman Evans said he saw that MBW received a continuance in Court, and the Court has been continuing this for 18 months or better.

Mr. Wingerson replied he was not certain as to the exact reason for the continuance, but believes they are due back in Court on a date assigned by the judge. City staff will be ready to assist in that prosecution and testify or do whatever needs to be done to support the City Ordinances.

**Councilman Les Smith** began by saying he can attest to some of the resident having lived in Hamilton Heights for 50 years, because some of them bounced him on their knee when he was in diapers.

Councilman Smith offered condolences to Councilman Beer on the passing of his mother last week. Councilman Smith congratulated City Clerk Cathy Swenson for receiving the Certified Municipal Clerk designation, and said there is living proof that City Council members have made some good decisions, because City Council hired Ms. Swenson into the position of City Clerk, and she has done a great job for the City. Councilman Smith said he noticed some promotions within the City, and asked City Manager Kirk Davis to extend congratulations to those folks on behalf of City Council members.

**Councilman Wayne Beer** thanked Councilman Smith for his comments regarding his mother. Councilman Beer explained that he was not at home to receive some telephone messages as he has been in Iowa for the past two weeks tending to his seriously ill mother, followed by her death, along with affairs that had to take place. Councilman Beer said he was back for one day, and was able to visit with one person, but having just returned yesterday, he was not able to give attention to calls and he apologized for that. Councilman Beer offered congratulations to the employees that were promoted and to City Clerk Cathy Swenson.

**Mayor Pro Tem Bill Cross** stated he wished to echo Council's comments of congratulations to Ms. Swenson, who was an outstanding choice and who is very much interested in her professional growth. Mayor Pro Tem Cross stated he wished to thank the entire City leadership staff and his Council colleagues for traveling to Jefferson City to see him honored with the Outstanding Missourian award. Councilman Cross said it was a thrill for him to be surrounded by such professional people. Councilman Cross said it was an honor for him to have these people travel 330 miles in one day just to see him say thank you.

**Mayor Carol Rudi** congratulated Mayor Pro Tem Bill Cross on his award as Outstanding Missourian. Mayor Rudi pointed out his plaque and invitation were on display at the meeting, and they will be on display in the City's trophy case for anyone who would like to see them. Mayor Rudi explained that event took place on January 31<sup>st</sup>, in Jefferson City.

Mayor Rudi invited Finance Director Debra Daily to step forward, and said she was happy to announce the City has been given once again the Government Finance Officers Association Distinguished Budget Presentation Award. It was presented to the City of Gladstone, Missouri for the fiscal year beginning July 1, 2005. Mayor Rudi stated City

Council members appreciate all the work Director Daily has done on this, and said it has been 19 to 21 years that the City has consistently received this award.

Mayor Rudi offered congratulations to Carole McGuire and Becky Jarrett who recently passed their Permit Technician exam that was administered by the International Code Council. They join only 19 other Certified Permit Technicians in the State of Missouri. Mayor Rudi congratulated Cathy Swenson on the Certified Municipal Clerk accomplishment, which is a great thing for the City that the City has such technically able people.

Mayor Rudi announced that the City has received the Arbor Award of Excellence, and told Parks and Recreation Director Sheila Lillis that she appreciates all her hard work on this.

Mayor Rudi stated that Councilman Beer was missed while he was gone, and offered her condolences on the passing of his mother.

**Item 8. on the Agenda.**                      **COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reported City Hall would be closed on President's Day, February 21, 2006.

**Item 9. on the Agenda.**                      **RESOLUTION R-06-11**, a Resolution selecting a site for the Gladstone Community Center/Natorium.

Councilman Wayne Beer moved to adopt **RESOLUTION R-06-11**, a Resolution selecting a site for the Gladstone Community Center/Natorium. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (5-0)

**Item 10. on the Agenda.**                      **RESOLUTION R-06-12**, amending the 2006 Annual General Fund Budget, Combined Water and Sewerage System Fund Budget, and Municipal Pool Fund Budget for the City of Gladstone, Missouri, and authorizing expenditures of funds.

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-06-12**, amending the 2006 Annual General Fund Budget, Combined Water and Sewerage System Fund Budget, and Municipal Pool Fund Budget for the City of Gladstone, Missouri, and authorizing expenditures of funds. Councilman Joe Evans seconded.

Councilman Beer stated Finance Director Debra Daily presented a budget recommendation to City Council during the Open Study Session that he knows was the result of a huge amount of effort given the fluid and ever changing status of the City's revenues, and he wanted to say how much he appreciates the work that she did in putting this together in a way that was easily understandable. Councilman Beer thanked Director Daily.



Mayor Rudi asked everyone to please shop in Gladstone. The City needs the sales tax money. Mayor Rudi said when she went through this mid-year budget, it was very depressing to see that the City's sales tax levels are so low compared to what they were six or seven years ago. Mayor Rudi encouraged all to shop in Gladstone, and if anyone needs to know where the location of the City's boundaries are, to please contact the City.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (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.

**Item 13. on the Agenda.**      **ADJOURNMENT.**

There being no further business to come before the February 13, 2006, Gladstone City Council Meeting, Mayor Carol Rudi adjourned the Regular Meeting.

Respectfully submitted:

Cathy Swenson

Cathy Swenson, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

Carol A. Rudi

Mayor Carol A. Rudi



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, FEBRUARY 27, 2006**

The Gladstone City Council will meet in Closed Executive Session on Monday, February 27, 2006, starting at 5:30 PM. The Executive Session is closed pursuant to the Missouri Open Meeting Act Exemption 610.21(3) for Personnel Discussion. The Closed Executive Session will be immediately followed by an:

**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 February 13, 2006, City Council Meeting Minutes.
5. CONSENT AGENDA

**RESOLUTION R-06-13**, a Resolution authorizing an agreement between the City of Gladstone and the Gladstone Economic Betterment Council for the Administration of Business Advertising in the Gladstone community magazine.

**APPROVAL OF A BUILDING PERMIT:** for construction of a brick wall to the west of the existing structure located at 7514 North Oak Trafficway. Applicant/Owner: Goens Brothers, Inc. (BP 06-10000059)

**APPROVAL OF FINANCIAL REPORTS FOR JANUARY 2006.**

REGULAR AGENDA

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **FIRST READING BILL 06-05**, An Ordinance repealing Ordinance No. 3.882 (Section 6.110.100 of the City Code) and enacting a new Ordinance establishing Water Service Rates for the City of Gladstone, Missouri.
10. Other Business.
11. Questions from the News Media.
12. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
ADJOURNMENT TO A CLOSED EXECUTIVE SESSION  
GLADSTONE, MISSOURI**

**MONDAY, FEBRUARY 27, 2006**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Les Smith

Mayor Carol Rudi opened the City Council Meeting to adjourn to a Closed Executive Session on February 27, 2006, at 5:30 PM in the Gladstone City Council Chambers.

Councilman Les Smith made a motion to adjourn to Closed Executive Session pursuant to the Missouri Open Meeting Act Exemption 610.21(3) for Personnel Discussion. Mayor Pro Tem Bill Cross seconded.

Roll Call Vote: All "aye" – Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (3-0).

Mayor Carol Rudi adjourned the Closed Executive Session.

Respectfully submitted:

Cathy Swenson  
Cathy Swenson, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

Carol A. Rudi  
Mayor Carol Rudi



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

**MONDAY FEBRUARY 27, 2006**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Les Smith  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Councilman Wayne Beer  
Councilman Joe Evans

Mayor Carol Rudi opened the Regular February 27, 2006, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE FEBRUARY 13, 2006,  
REGULAR CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Bill Cross moved to approve the February 13, 2006, Regular City Council Meeting Minutes as presented. Councilman Les Smith seconded the motion.

The vote: "Aye" – Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (3-0).

**Item 5. on the Agenda.**

**CONSENT AGENDA**

Following the Clerk's reading, Mayor Pro Tem Bill Cross moved to accept the Consent Agenda as presented. Councilman Les Smith seconded. The vote: All "aye" – Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (3-0).

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-06-13**, authorizing an agreement between the City of Gladstone and the Gladstone Economic Betterment Council for the Administration of Business Advertising in the Gladstone community magazine. Councilman Les Smith seconded. The vote: All "aye" – Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (3-0).

Mayor Pro Tem Bill Cross moved to approve a **BUILDING PERMIT** for construction of a brick wall to the west of the existing structure located at 7514 North Oak Trafficway. Applicant/Owner: Goens Brothers, Inc. (BP 06-1000059). Councilman Les Smith seconded. The vote: All "aye" – Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (3-0).

Mayor Pro Tem Bill Cross moved to approve the **FINANCIAL REPORTS** for January 2006. Councilman Les Smith seconded. The vote: All "aye" – Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (3-0).

**REGULAR AGENDA**

**Item 6. on the Agenda.**

**COMMUNICATIONS FROM THE AUDIENCE.**

Mayor Rudi introduced Joyce Grady, a leader of Boy Scout Troop 247, sponsored by Gashland Presbyterian Church. With Ms. Grady were 6<sup>th</sup> and 7<sup>th</sup> grade Boy Scouts and leaders, who introduced themselves as follows: Sam Gray, New Mark Middle School; Alex Mason, New Mark Middle School; Timothy Mason, New Mark Middle School; Michael Mason, New Mark Middle School; Andrew McFeeney, Northgate Middle School; Don Mason, Boy Scout Leader; and Elizabeth Gray, Boy Scout leader.

Mayor Rudi welcomed the Troop 247 members and leaders, and suggested if they should have any questions, to contact City Council members or City employees. Mayor Rudi commended the group on their interest in municipal government.

Anita Newsom, 7401 North Wabash, began by saying she was seeking clarification as over the past couple of weeks some things have happened that from a historical perspective, she felt needed clarification. Ms. Newsom said it was unfortunate that not all Council was present at this meeting, but knows her comments will go into the record. Ms. Newsom stated a remark was made at a meeting last Thursday that past Council should have been dealing with economic issues in the past, as if there was something amiss that past Councils had not addressed. Not everyone knows what past Councils did or what they

looked at during their tenure. Ms. Newsom said a number of years ago a City Council of which she was a member, and which also included Councilman Nodler, Councilman Norris, Councilman Fricke, and Councilman Hammen, did a lot of prioritization and created a wish list for the City. That Council spent an entire day making plans as to what they would like for the City to have and the direction for the City to go. As there was only so much money, things had to be prioritized. A solid list of priorities was developed. City Council has been accused in the past of making plans, and nothing happening with those plans. Ms. Newsom stated the plans may not have occurred all at once, and Streetscape did not land in the middle of North Oak Trafficway all at once, however, over the course of the years, Streetscape and other plans suggested by past Councils have become part of the daily part of City business, and those standards have been incorporated in day-to-day business.

Ms. Newsom stated when she served on the City Council it was not easy economic times, but it was not as difficult as some of the things this Council is considering. There may not then have been some of the hard decisions that this Council is facing, and some of the exciting times that will probably follow. Ms. Newsom said she wished to clarify that during her Council tenure, there was a Council body that had to set some priorities, and had to make some hard choices. Ms. Newsom said she very much wanted a community center, but knew there were other things that had to come first, such as water service, ambulance service, a second fire station, and so forth. These things had to come into place first. Ms. Newsom stated she is glad to see this Council continuing with those plans. There were a lot of people involved a long time ago, and some of those people have been on different sides of issues recently, but it appears we are all moving together as a community for the solid purpose of where we need to go.

Ms. Newsom continued by saying she has made a clarification and now asks for a clarification. Ms. Newsom said she was not at the last City Council meeting, but she read in the "Northland" section of the "Kansas City Star" that there was concern about an issue being proposed. Ms. Newsom said what concerned her is that the report in the paper seemed to give the impression that all five of the current Council members, or the majority of the Council members, said there is no way a road will go through (68<sup>th</sup> Street parkway). Ms. Newsom stated that dismays her, as someone who has sat in a City Council chair, as the plan is not finished and is still being revised. Ms. Newsom said she was sorry to hear of these comments from City Council members, however, she has a feeling there may have been an error in reporting, and she would like to hear from Council an interpretation of what was said and how true the report actually was. Ms. Newsom said she personally knows each Council member and believes what was reported was probably not what was actually said.

Mayor Rudi responded that what she said at the last City Council meeting was that there was not yet a plan in place to be able to make a decision. The reporting was not totally accurate.

Mayor Pro Tem Bill Cross stated that he did not believe there was an emphatic statement from all five of the Council members, and he agrees with Ms. Newsom that the comments

were not reported correctly. Mayor Pro Tem Cross said he did not believe any Council member made such a strong statement.

Mayor Rudi stated she firmly believes that Council is not yet at a place to make a decision, because there is not yet a complete plan. That is a long ways away.

Councilman Les Smith stated he believed he may have been the only one who said he was not in support of building the road at this time, knowing that an agreement was being worked on with the neighborhood. Councilman Smith said his interpretation of the comments that followed were to say the plan is still evolving, and some things have to be done, but maybe not right now. Councilman Smith stated as it turns out, that is how it will happen. Councilman Smith said he would not cast aspersions on any representative of the media, but it was easy to interpret the comments that followed his as being supportive of what he said, but he does not believe they were supportive of everything he said.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Les Smith** stated regarding the issue Ms. Newsom brought up, which is the 66<sup>th</sup> Street parkway, west of North Oak Trafficway, the City has been in communication with some of the leadership of the Hamilton Heights neighborhood, and they, at least in principle, have agreed to some things that were offered at a recent public meeting, which may cause them to be more supportive of the parkway being built in the future. This is a very positive step, because this is such an exciting and important project, and an opportunity for the entire community. Councilman Smith said there has been a lot of give and take on both the neighborhood's part and on the perspective developer's part. Councilman Smith said a lot of work has been done by City staff to make this happen, and he believes things will work out on this issue.

Councilman Smith said he learned today that Senator Crowell's Bill regarding red light cameras is going to be heard in Committee this evening, and there will be a substitute offered with some parameters that might allow our City to move forward on this issue.

**Mayor Pro Tem Bill Cross** thanked City administration for allowing Council members to attend the Missouri Municipal League conference and to meet with elected officials. Mayor Pro Tem Cross said he feels these were good meetings, and he feels the elected officials that serve our City are in support of City issues. Mayor Pro Tem Cross said it was very worthwhile for Council members to attend these meetings.

Mayor Pro Tem Cross thanked Carol Blanchard, Staff Writer, for the "Sun Tribune", for an article she wrote about him. Mayor Pro Tem Cross said Council members appreciate Ms. Blanchard attending the City Council meetings and reporting the City news.

**Mayor Carol Rudi** stated she was distressed about the comments about past Councils, because unless one is working on an issue, they have no idea of the process. Every Council



has to deal with issues that will not be popular with everyone in the City. Mayor Rudi offered congratulations to Ms. Newsom for her efforts while on the City Council.

Mayor Rudi reported there would not be a City Council meeting on the regularly scheduled date of March 13<sup>th</sup>. City Council members will be attending the National League of Cities conference in Washington, D.C., and meeting with Senators Talent and Bond.

**Item 8. on the Agenda.**      **COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis stated Staff takes great pride in moving studies forward, and he does not believe there are any sitting on the shelf. They are utilized daily, especially by the Planning staff, and help staff to prioritize needs, especially Capital Improvement needs. City Manager Davis said, as Council members know, limited revenues require a plan, or otherwise the revenues are wasted. City Manager Davis said Staff has done a nice job in prioritizing, as well as implementing those plans in place.

City Manager Davis reported that Gale Communities, the downtown center developer, would unveil a plan for the public and City Council members to view at 7:00 PM, on March 7<sup>th</sup>, at Antioch Bible Baptist Church. This is an exciting proposal.

City Manager Davis concluded by saying that tomorrow night, there will be a presentation to the North Kansas City School Board, updating them on the progress of the community center-natorium construction project. Gould-Evans, the Parks and Recreation Department, and others will be at that meeting, making the presentation. Staff looks forward to updating the School Board on the great progress the City is making.

**Item 9. on the Agenda.**      **FIRST READING BILL 06-05, An Ordinance repealing Ordinance No. 3.882 (Section 6.110.100 of the City Code) and enacting a new Ordinance establishing Water Service Rates for the City of Gladstone, Missouri.**

Mayor Pro Tem Bill Cross moved to place Bill 06-05 on First Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (3-0). The Clerk read the Bill.

Mayor Pro Tem Bill Cross moved to accept the First Reading of Bill 06-05, Waive the Rule and place the Bill on Second and Final Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (3-0). The Clerk read the Bill.

Mayor Pro Tem Bill Cross moved to accept the Second and Final Reading of Bill 06-05 and enact the Bill as Ordinance 3.984. Councilman Les Smith seconded.

Roll Call Vote: All "aye" – Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (3-0).

**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.

**Item 13. on the Agenda.**

**ADJOURNMENT.**

There being no further business to come before the February 27, 2006, Gladstone City Council Meeting, Mayor Carol Rudi adjourned the Regular Meeting.

Respectfully submitted:

Cathy Swenson

Cathy Swenson, City Clerk

Approved as submitted: ✓

Approved as corrected/amended:     

Carol A. Rudi

Mayor Carol A. Rudi



**PUBLIC NOTICE**

**GLADSTONE CITY COUNCIL  
CLOSED EXECUTIVE SESSION**

**FRIDAY, MARCH 17, 2006**

**TIME: STARTING AT 9:30 AM**

**LOCATION: GLADSTONE CITY HALL**

The Gladstone City Council will meet in Closed Executive Session on Friday, March 17, 2006, starting at 9:30 AM in the City Manager's Office, Gladstone City Hall, 7010 N Holmes. The Executive Session is closed pursuant to the Missouri Open Meeting Act Exemption under Sections 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel and 610.21(3) for Personnel Discussion.

Representatives of the News Media may obtain copies of this notice by contacting:

City Clerk Cathy Swenson  
7010 N Holmes  
436-2200, Extension 3102



**MINUTES  
CITY COUNCIL MEETING  
ADJOURNMENT TO A CLOSED EXECUTIVE SESSION  
GLADSTONE, MISSOURI**

**FRIDAY, MARCH 17, 2006**

**PRESENT:**

Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Wayne Beer  
Councilman Les Smith

Mayor Carol Rudi opened the City Council Meeting to adjourn to a Closed Executive Session on March 17, 2006, at 9:30 AM in the Gladstone City Council Chambers.

Mayor Pro Tem Bill Cross 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 610.21(3) for Personnel Discussion. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

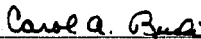
Mayor Carol Rudi adjourned the Closed Executive Session.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Carol Rudi



**PUBLIC NOTICE**

**GLADSTONE CITY COUNCIL  
CLOSED EXECUTIVE SESSION**

**MONDAY, MARCH 27, 2006**

**TIME: STARTING AT 8:30 AM**

**LOCATION: GLADSTONE CITY HALL**

The Gladstone City Council will meet in Closed Executive Session on Monday, March 27, 2006, starting at 8:30 AM in the City Manager's Office, Gladstone City Hall, 7010 N Holmes. The Executive Session is closed pursuant to the Missouri Open Meeting Act Exemption under Sections 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel and 610.21(3) for Personnel Discussion.

Representatives of the News Media may obtain copies of this notice by contacting:

City Clerk Cathy Swenson  
7010 N Holmes  
436-2200, Extension 3102



**MINUTES  
CITY COUNCIL MEETING  
ADJOURNMENT TO A CLOSED EXECUTIVE SESSION  
GLADSTONE, MISSOURI**

**MONDAY, MARCH 27, 2006**

**PRESENT:**

Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Wayne Beer  
Councilman Les Smith

Mayor Carol Rudi opened the City Council Meeting to adjourn to a Closed Executive Session on March 27, 2006, at 8:30 AM in the Gladstone City Council Chambers.

Councilman 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 and 610.21(3) for Personnel Discussion. Councilman Les Smith seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

Mayor Carol Rudi adjourned the Closed Executive Session.

Respectfully submitted:

Cathy Swenson  
Cathy Swenson, City Clerk

Approved as submitted: ✓

Approved as corrected/amended:       

Carol A. Rudi  
Mayor Carol Rudi



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MARCH 27, 2006**

**OPEN STUDY SESSION: 5:30 PM**

**REGULAR MEETING: 7:30 PM**

**AMENDED A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular February 27, 2006, City Council Meeting Minutes Convening the Closed Executive Session.
- 4a. Approval of Regular February 27, 2006, City Council Meeting Minutes.
- 4b. Approval of Regular March 17, 2006, City Council Meeting Minutes Convening the Closed Executive Session.
- 4c. **PROCLAMATION:** designating April 7<sup>th</sup>, 2006, as "**ARBOR DAY**" in Gladstone, Missouri, and urging residents to support efforts that focus on environmental betterment and the planting of trees.
- 4d. **SPECIAL PRESENTATION** by Helene Miller, Department of Conservation Urban Forester, of the 2006 Missouri Arbor Award of Excellence.
- 4e. **SPECIAL PRESENTATION** of the North Kansas City Schools and Board of Education "**POINT OF PRIDE**" award.
5. **CONSENT AGENDA**

**RESOLUTION R-06-14**, authorizing acceptance of work under contract with Rose-Lan Contractors, Incorporated, for the Rock Creek Channel Improvements; and authorizing final payment in the amount of \$19,110.32 for Project 0123.

**RESOLUTION R-06-15**, authorizing acceptance of work under contract with WCI, Incorporated, for the 67<sup>th</sup> and North Forest Drainage Improvements; and authorizing final payment in the amount of \$23,096.39 for Project 045033.

**RESOLUTION R-06-16**, accepting Temporary Construction Easements and Permanent Easements from property owners in conjunction with the Northeast 67<sup>th</sup> Street and North Indiana Phase II Stormwater Project 055023.

**RESOLUTION R-06-17**, authorizing acceptance of work under contract with Bridges Land Surveying Services, LLC, for Mill Creek Surveying, and authorizing final payment in the amount of \$5,500.00 for Project SP0593.

**RESOLUTION R-06-18**, authorizing execution of a contract with Superior Bowen Asphalt Company, LLC, in the total amount not to exceed \$346,565.72, for the 2006 Mill and Overlay Program, Project TP0701.

**RESOLUTION R-06-19**, authorizing execution of a contract with Musselman and Hall Contractors, LLC, in the total amount not to exceed \$554,233.50 for the 2006 Intermediate Maintenance Program – Slurry Seal and Micro-Surface; Project TP0603.

**RESOLUTION R-06-20**, authorizing execution of a contract with Miller Paving & Construction, LLC, in the total amount not to exceed \$278,500.50 for the 2006 Curb and Sidewalk Program – North Bales Sidewalk, Project TP0604-055011.

**RESOLUTION R-06-21**, authorizing Supplemental Agreement No. One in the amount of \$26,699.00 to the agreement with Gould Evans Associates, LC, for the design of the Gladstone Community Center-Natatorium Project #CB0661.

**RESOLUTION R-06-22**, authorizing acceptance of work under contract with Aylett, Flowers Survey & Engineering Company for the Natatorium Street Improvements Design Survey; and authorizing final payment in the amount of \$500.00 for Project IN0611.

**RESOLUTION R-06-23**, authorizing execution of a Frequency Reconfiguration Agreement with Nextel West Corp.

**APPROVAL OF A PACKAGE LIQUOR LICENSE**, Samra Mart, (formerly Gladstone Mart & Liquor), 7020 N Oak Trafficway. Managing Officer: Chris Abouchokr.

**APPROVAL OF FINANCIAL REPORTS FOR FEBRUARY 2006.**

**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 subject to certain conditions for property located at 6601 North Oak Trafficway. Applicant: Rod's Hallmark. Owner: SJ/GS Properties. (File #1270)
- 9a. **FIRST READING BILL 06-06**, approving a Site Plan revision for property at 6601 North Oak Trafficway.
10. **APPROVAL OF A BUILDING PERMIT:** for the addition to the existing Rod's Hallmark, 6601 North Oak Trafficway. Applicant: Rod's Hallmark. Owner: SJ/GS Properties. (BP 06-10000084)
11. **PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to Deborah Rommel for operation of an outdoor photography business on residential property at 6501 North Park. Applicant: Deborah Rommel/Debbie's Outdoor Portrait. Owner: Ronald and Deborah Rommel. (File No. 1269)
- 11a. **FIRST READING BILL 06-07**, approving a Special Use Permit subject to certain conditions to Deborah Rommel for operation of an outdoor photography business on residential property at 6501 North Park.
12. **FIRST READING BILL 06-08**, approving the Final Plat of "The Preserve at Carriage Hill Estates", a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said Plat for recording.
13. **FIRST READING BILL 06-09**, amending Ordinance Number 2.351 by enacting new provisions in conformity with the "Municipal Telecommunications Business License Tax Simplification Act".
14. **FIRST READING BILL 06-10**, amending Schedule VIII of the Model Traffic Ordinance (Gladstone Municipal Code Section 4.100.020) to establish "Stop" sign locations within the Santerra at Shady Lane residential development.
15. **RESOLUTION R-06-24**, adopting a "Position Classification and Compensation Plan" 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**

**MONDAY, MARCH 27, 2006**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Les Smith  
Councilman Wayne Beer

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Councilman Joe Evans

Mayor Carol Rudi opened the Regular March 27, 2006, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR FEBRUARY 27, 2006, CITY COUNCIL MEETING MINUTES CONVENING THE CLOSED EXECUTIVE SESSION.**

Mayor Pro Tem Bill Cross moved to approve the Regular February 27, 2006, City Council meeting minutes convening the Closed Executive Session. Councilman Les Smith seconded the motion.

Councilman Wayne Beer stated he would be abstaining from the vote on these Minutes and the following February 27, 2006, Minutes, as he was absent from the meetings.

The vote: "Aye" – Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi.  
"Abstain" – Councilman Wayne Beer. (3-0-1).

**Item 4a. on the Agenda. APPROVAL OF THE REGULAR FEBRUARY 27, 2006, CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Bill Cross moved to approve the February 27, 2006, Regular City Council Meeting Minutes as presented. Councilman Les Smith seconded the motion.

The vote: "Aye" – Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi.  
"Abstain" – Councilman Wayne Beer. (3-0-1).

**Item 4b. on the Agenda. APPROVAL OF THE REGULAR MARCH 17, 2006, CITY COUNCIL MEETING MINUTES CONVENING THE CLOSED EXECUTIVE SESSION.**

Mayor Pro Tem Bill Cross moved to approve the Regular March 17, 2006, City Council Meeting Minutes convening the Closed Executive Session. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0)

**Item 4c. on the Agenda. PROCLAMATION:** designating April 7<sup>th</sup>, 2006, as "ARBOR DAY" in Gladstone, Missouri, and urging residents to support efforts that focus on environmental betterment and the planting of trees. Mayor Rudi read and presented the proclamation to Parks and Recreation Director Sheila Lillis.

Director Lillis reminded everyone that the annual Arbor Day celebration will be April 7<sup>th</sup>, at 10:00 AM, at Flora Park. Assistance in planting trees during the celebration will be provided by Oakwood Manor Kindergarten students.

**Item 4d. on the Agenda. SPECIAL PRESENTATION** by Helene Miller, Department of Conservation Urban Forester, of the 2006 Missouri Arbor Award of Excellence.

Helene Miller, Department of Conservation Urban Forester, stated she was pleased to be present to present the Missouri Arbor Award of Excellence. Ms. Miller said the Missouri Arbor Award of Excellence represents a combined effort by the Missouri Department of Conservation and the Missouri Community Forestry Council to recognize those who act as good stewards for trees in our communities. This is the third year this award has been presented to towns, institutions, schools and businesses that have significantly contributed to their communities with outstanding, sustained tree care. Ms. Miller reported that all award entries are judged on the basis of contribution to the community, effectiveness of the

tree care work, event or program use of sound tree management principles, innovation, and sustainability.

Ms. Miller stated awards are presented in four categories, and Gladstone was the state-wide winner in the municipalities and government category. Ms. Miller read the statement that was presented during the March award ceremony in St. Louis:

*"The City of Gladstone has truly developed a sustainable community forestry program. Elements of that program include:*

*A tree inventory of all City parks.*

*Removal and pruning of more than 40 trees.*

*Published a recommended tree list.*

*Tree maintenance workshops for the public and training for park crewmen.*

*Planted over 400 trees working in partnership with the local Rotary Club and Forest ReLeaf of Missouri.*

*Working with a specialist to control the beaver population in the largest park in an effort to minimize tree damage.*

*Initiation of a Legacy Tree Program allowing for the donation of money for the planting of trees in parks or other City property.*

*Beautification Weekend event allowing residents to dispose of brush and limbs at no charge.*

*The expertise and hard work of the community's staff and the Parks and Recreation Advisory Board make Gladstone's community forestry program successful. Gladstone is a Tree City USA community."*

Ms. Miller reported that Parks and Facilities Superintendent Matthew Hoops accepted the award in St. Louis, on behalf of Parks and Recreation Director Sheila Lillis, Parks and Recreation Administrative Assistant Rise McGarvey, Parks and Recreation Staff, and the Parks and Recreation Advisory Board. Ms. Miller pointed out that the Parks and Recreation Advisory Board also serves as the City's Tree Board. Ms. Miller stated it was her great privilege to present the 2006 Arbor Day Award of Excellence to the City of Gladstone.

Director Lillis introduced Parks and Recreation Advisory Board members who were present - Freddie Nichols and Donald Harper. Director Lillis said some of the accomplishments listed by Ms. Miller were initiated by the Tree Board. Director Lillis stated she wished to commend them and Parks and Recreation staff members. It takes a lot of work on the part of Ms. McGarvey and Mr. Hoops, and it is a group effort, and they all have done a terrific job.

City Manager Davis stated Director Lillis and her staff have done an outstanding job in updating the City's arbor efforts, and have planted a number of trees and have worked very well with the Department of Conservation. City Manager Davis offered a "job well done" to those involved with this City effort.

**Item 4e. on the Agenda.**      **SPECIAL PRESENTATION** of the North Kansas City Schools and Board of Education "**POINT OF PRIDE**" award.

Mayor Rudi stated this award was given to the City of Gladstone in recognition of the City's partnership with the North Kansas City School District for construction of the Natatorium. Mayor Rudi said this is another project for which the Parks and Recreation Advisory Board should be proud. Mayor Rudi read the award, and stated this is another very nice award for the City.

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

Following the Clerk's reading, Mayor Pro Tem Bill Cross moved to accept the Consent Agenda as presented. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-06-14**, authorizing acceptance of work under contract with Rose-Lan Contractors, Incorporated, for the Rock Creek Channel Improvements; and authorizing final payment in the amount of \$19,110.32 for Project 0123. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-06-15**, authorizing acceptance of work under contract with WCI, Incorporated, for the 67<sup>th</sup> and North Forest Drainage Improvements; and authorizing final payment in the amount of \$23,096.39 for Project 045033. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-06-16**, accepting Temporary Construction Easements and Permanent Easements from property owners in conjunction with the Northeast 67<sup>th</sup> Street and North Indiana Phase II Stormwater Project 055023. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-06-17**, authorizing acceptance of work under contract with Bridges Land Surveying Services, LLC, for Mill Creek Surveying, and authorizing final payment in the amount of \$5,500.00 for Project SP0593. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-06-18**, authorizing execution of a contract with Superior Bowen Asphalt Company, LLC, in the total amount not to exceed \$346,565.72, for the 2006 Mill and Overlay Program, Project TP0701.

Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-06-19**, authorizing execution of a contract with Musselman and Hall Contractors, LLC, in the total amount not to exceed \$554,233.50 for the 2006 Intermediate Maintenance Program – Slurry Seal and Micro-Surface; Project TP0603. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-06-20**, authorizing execution of a contract with Miller Paving & Construction, LLC, in the total amount not to exceed \$278,500.50 for the 2006 Curb and Sidewalk Program – North Bales Sidewalk, Project TP0604-055011. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-06-21**, authorizing Supplemental Agreement No. One in the amount of \$26,699.00 to the agreement with Gould Evans Associates, LC, for the design of the Gladstone Community Center-Natorium Project #CB0661. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-06-22**, authorizing acceptance of work under contract with Aylett, Flowers Survey & Engineering Company for the Natorium Street Improvements Design Survey; and authorizing final payment in the amount of \$500.00 for Project IN0611. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-06-23**, authorizing execution of a Frequency Reconfiguration Agreement with Nextel West Corp. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

Mayor Pro Tem Bill Cross moved to approve a **PACKAGE LIQUOR LICENSE**, for Samra Mart, (formerly Gladstone Mart & Liquor), 7020 North Oak Trafficway. Managing Officer: Chris Abouchokr. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

Mayor Pro Tem Bill Cross moved to approve the **FINANCIAL REPORTS** for February 2006. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

## REGULAR AGENDA

### Item 6, on the Agenda.

### COMMUNICATIONS FROM THE AUDIENCE.

Nancy Shull, 6708 North Park, began by introducing her husband, Gordon Shull. Ms. Shull read from a prepared statement as follows:

*"Approximately three years ago, the City of Gladstone approached us and our neighbors to obtain permission to come onto the easement to install connecting drains from Garfield and 67<sup>th</sup> Street. It was presented to us that the project was to be completed within that year. What actually happened was the project was never completed. We now have a dangerous and damaging situation.*

*The ditch before the work was approximately 18 inches deep by 2 feet wide. Because rip-rap was never installed to protect the temporary inlet to the conduit, erosion has occurred and has washed out an area adjacent to our fence, killing fruit trees and leaving a washed-out area damaging our yard. The ditch is now measuring 18 feet by 2 feet and could now hold and conceal a small car. This has created an unsafe and dangerous ditch offering no protection to small children, not to mention the unsightly appearance. The standing water has also caused the mosquito problem to be so severe, we are unable to enjoy our deck or yard. We have put a lot of energy, time and money into our landscaping and we are certain this has caused our property value to decrease.*

*We have had several people from the City of Gladstone look at this situation. They were sympathetic and admitted the existence of the problem, but offered no solution. We also went to headquarters and asked for a solution. As we have asked before and are now again asking: 1. Is there a schedule to complete the project? If not, when will there be a schedule? 2. Is money available to complete the project? 3. Are there easements from Garfield and 67<sup>th</sup> to access the easement where the partially installed storms still exist?*

*We have asked the Engineering Department to furnish this information. We were never contacted. So far, all we have received from the City is no solution and procrastination. The City of Gladstone has created this problem. They operated this project in an unsatisfying and unprofessional manner. We now respectfully ask for answers to our questions and a speedy solution.*

*Gordon and Nancy Shull*

Mayor Rudi asked for input from City Manager Kirk Davis.

Mr. Davis stated he had no knowledge of this and asked for an opportunity to investigate the matter. There are several projects in the 67<sup>th</sup> and Garfield area that are high priority stormwater projects. Mr. Davis stated he would be in contact with Mr. and Mrs. Shull

tomorrow, and he would make arrangements with the appropriate Engineering staff to look at the problem.

Mayor Rudi asked Ms. Shull when the problem began.

Ms. Shull replied the problem began in 2002 or 2003. They were told at the time the project would be completed, but only a certain amount of work was done, and then the project was delayed.

City Manager Davis apologized, and said this is not the way the City conducts business. Mr. Davis said the City has a good record in responding to citizens when they raise issues, and he would find out why this project has been delayed. Mr. Davis said he would call Ms. Shull tomorrow, get the appropriate parties together, and see if the problem can be resolved as soon as possible.

Mayor Rudi gave Ms. Shull her phone number, and asked that she be kept posted as to the outcome of the concerns. Mayor Rudi expressed her regret that this has happened, but assured Ms. Shull this is not typical of how the City conducts business.

**James Shevling, 6908 North Wyandotte**, stated he is the Chairman of the Gladstone Area Chamber of Commerce, and would like to present a resolution to the City from the Chamber of Commerce, supporting the Gale Communities Master Development Plan for Gladstone. Mr. Shevling read the Resolution and presented it to the Mayor and City Council members. (Please see attached).

Councilman Les Smith stated that now the real work begins, which will probably impact some businesses. The City has always had a great relationship with the Chamber, and has appreciated their involvement and support in this process, which will be even more critical in the months to come.

Mr. Shevling thanked Councilman Smith and stated the Chamber appreciates its great relationship with the City and looks forward to continuing it in the future.

**Item 7. on the Agenda.**      **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Les Smith** had no comments at this time.

**Councilman Wayne Beer** had no comments at this time.

**Mayor Pro Tem Bill Cross** stated he very much appreciated the Parks and Recreation Advisory Board members who took the time to attend the City Council meeting this evening.

**Mayor Carol Rudi** reminded everyone to vote at the April 4<sup>th</sup> election.



**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.**

**PUBLIC HEARING:** on a request for a Site Plan revision subject to certain conditions for property located at 6601 North Oak Trafficway. Applicant: Rod's Hallmark. Owner: SJ/GS Properties. (File #1270).

Mayor Carol Rudi opened the Public Hearing and explained the hearing process that City Staff would 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 proposed to construct a 3,615 square foot addition to the existing retail store of Rod's Hallmark on North Oak Trafficway. This addition will create an overall facility of nearly 10,000 square feet. Fourteen new parking spaces are proposed, bringing the total parking provided to 48, which complies with adopted standards. Mr. Wingerson reported the recommendations are considered to be typical. There were two issues raised by Staff and continued through the Planning Commission on this request. The first issue is the existence of a sanitary sewer main that crosses the property. That main will be relocated to make room for the new building, which makes this no longer an issue.

Mr. Wingerson stated the second issue is a bit more complicated. Staff recommended relocating the existing dumpster, which is on the west side of the existing building, to either the north side or east side of the building. The applicant originally agreed until they looked at the operational difficulties, which that would provide within the store itself. The applicant tried to arrive at an additional solution. In addition, the Planning Commission suggested there should be a green space along North Oak Trafficway across the front of this property. Mr. Wingerson pointed out on a site plan provided to Council that the green space, which is 10 to 15 feet in width and adjacent to North Oak Trafficway, is behind the sidewalk. Also shown is the existing dumpster remaining in its current site, however, the dumpster enclosure would be constructed to match the existing exterior of the building.

Mr. Wingerson pointed out Condition Number 6 in the draft Ordinance requires that the dumpster area be enclosed and such enclosure shall be constructed of materials utilized in the construction of the primary building. The second sentence reads that the enclosure shall be located north or east of the proposed addition. Mr. Wingerson said the applicant would ask that second sentence be deleted from the Condition and substituting the site plan. Mr. Wingerson passed out to City Council members in its place as a solution to this

question. Mr. Wingerson pointed out that Condition Number 13 requires that the sanitary sewer be relocated.

Mr. Wingerson stated that Item 10. on the Agenda is a Building Permit for this facility. In the Building Permit there is a condition that references the enclosure; whatever action is taken on the site plan Ordinance will then carry over to the Building Permit.

Mr. Wingerson reported that the applicants, Mr. Henning and Mr. Sweeney, were both present at the meeting and would be glad to answer any questions or make a brief presentation if Council desires.

Councilman Smith stated Mr. Wingerson made a nice explanation as to the dumpster issue, and asked what would be Mr. Wingerson's recommendation based on the objectives along North Oak Trafficway.

Mr. Wingerson replied Staff is supportive. Mr. Wingerson said Mr. Henning and Mr. Sweeney can explain this much better. It is not the best situation but given the existence and operation of the store, it is very difficult, given floor plan and retail operation of the store, to move the dumpster to the north or to the east. The north is a topographic challenge and the east is an operational challenge. Mr. Wingerson said given that the dumpster is simply an addition to the building, it is not the best scenario, but Staff can understand those issues and be supportive.

Mayor Rudi asked for an explanation of "operational challenge".

Mr. Wingerson replied a vast majority of the store is dedicated to retail floor space. A very small part of the store is dedicated to product storage and trash. This facility generates a lot of paper and cardboard trash, which requires the employees to take out the trash several times a day. With a dumpster on the west side of the building, employees can simply take the trash out the back room to the dumpster. If the dumpster is located on the north or east side, it would require the employees to carry the trash either outside and all the way around to the dumpster, or through the retail space itself.

#### **Applicant Presentation**

Vince Sweeney, 8809 North Chatham, stated he is the owner of GS/SJ Properties, and a partial principal of Rod's Hallmark. Mr. Sweeney stated that about 10 years ago, Rod's Hallmark leased this building from Mrs. Wolfe. It was formerly an empty Western Auto building. The west side was then three overhead doors where cars were pulled in to do oil changes. Mr. Sweeney said they were tenants of Mrs. Wolfe's for about eight and one half years. Mr. Sweeney said as the shopping center deteriorated, they decided to control their investment and buy the property. The owners have now decided they are in need of more retail area. Mr. Sweeney stated Mr. Wingerson did a good job of explaining the store's operation challenge, and when looking at the site plan, the new retail area that is going to be added is all sales floor area and will be used for retail. There is an exit on the east side

towards the north part of the building, but that is a fire exit only, and logistically it would not be easy for employees to walk with trash all the way through the sales floor. Mr. Sweeney said the owners felt the green space would be a good compromise, and they also want to be sure it is along the same theme as the redevelopment of the entire shopping center.

Mr. Sweeney stated that Rod's Hallmark and GS/SJ Properties are supportive of the Redevelopment Plan, the Tax Increment Financing Plan and any other funding mechanisms needed.

**There was no one to speak in Favor or Opposition of the Application**

Mayor Rudi closed the Public Hearing.

**Item 9a. on the Agenda.**      **FIRST READING BILL 06-06**, approving a Site Plan revision for property at 6601 North Oak Trafficway.

Councilman Wayne Beer moved to place Bill 06-06 on First Reading, with an amendment to Item Number 6 in the conditions; with the amendment changing the last sentence to read "the enclosure shall be located at the northwest corner of the existing building". Mayor Pro Tem Bill Cross seconded.

The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 06-06, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Bill Cross seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 06-06 and enact the Bill as Ordinance 3.985. Mayor Pro Tem Bill Cross seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

**Item 10. on the Agenda.**      **APPROVAL OF A BUILDING PERMIT:** for the addition to the existing Rod's Hallmark, 6601 North Oak Trafficway. Applicant: Rod's Hallmark. Owner: SJ/GS Properties. (BP 06-10000084)

Mayor Pro Tem Bill Cross moved to approve a **BUILDING PERMIT** for the addition to the existing Rod's Hallmark, 6601 North Oak Trafficway. Applicant: Rod's Hallmark. Owner: SJ/GS Properties. (BP 06-10000084), with the amendment that the dumpster shall be located in the northwest corner of the building and the enclosure shall be constructed pursuant to approval by Staff. Councilman Wayne Beer seconded. The vote: All "aye" -

Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

**Item 11. on the Agenda.** **PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to Deborah Rommel for operation of an outdoor photography business on residential property at 6501 North Park. Applicant: Deborah Rommel/Debbie's Outdoor Portrait. Owner: Ronald and Deborah Rommel. (File No. 1269).

Mayor Rudi explained the process would be the same with this Public Hearing as explained with the previous Public Hearing.

**Staff Presentation**

Assistant City Manager Scott Wingerson began by saying Ms. Rommel operates an outdoor photography business from her home on North Park, near Antioch Middle School. Originally the City Council approved a Special Use Permit for a period of five years in 2001. A renewal application is being presented to City Council tonight. Mr. Wingerson reported that last night the Planning Commission recommended by a vote of 11-0 to approve the request for a period of ten years as a renewal term. The Planning Commission asked if there have been any concerns, questions or complaints from area residents. There have been none.

**Applicant Presentation**

**Deborah Rommel, 6501 North Park,** said she was requesting a renewal for a Special Use Permit.

Councilman Smith asked if the 4:00 PM time listed in the hours of operation condition of the Ordinance works for her business or is it too early.

Ms. Rommel replied it usually works for her, because the sun is going down on that side of the building, and she usually is done by 3:00 PM or sometimes at the latest 5:00 PM for consideration of neighbors.

Mayor Rudi remarked that Ms. Rommel said at the Planning Commission meeting that sometimes she would have an 8:00 AM appointment.

Ms. Rommel replied that is correct; sometimes she does have an 8:00 AM appointment, if it is a baby who has to take a nap in the morning.

Councilman Smith said with high school students and so forth, if 4:00 PM was pressing for her, he might suggest more time.

Ms. Rommel replied that would be fine to have more leeway. In April and in the fall, for a couple of weeks, there is a rush of senior high school students. Ms. Rommel said for most of the other times, she would not go that late.

Mayor Rudi suggested it would be safer to list the hours of operation as 8:00 AM to 5:00 PM to be in compliance with the Special Use Permit.

Ms. Rommel agreed.

**There was no one to speak in Favor or Opposition of the Application**

Mayor Rudi closed the Public Hearing.

**Item 11a. on the Agenda.** **FIRST READING BILL 06-07**, approving a Special Use Permit subject to certain conditions to Deborah Rommel for operation of an outdoor photography business on residential property at 6501 North Park.

Councilman Les Smith moved to place Bill 06-07 on First Reading, changing the hours of operation in Condition Number 3 to state 8:00 AM to 5:00 PM. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 06-07, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 06-07 and enact the Bill as Ordinance 3.986. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

**Item 12. on the Agenda.** **FIRST READING BILL 06-08**, approving the Final Plat of "The Preserve at Carriage Hill Estates", a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said Plat for recording.

Mayor Pro Tem Bill Cross moved to place Bill 06-08 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Mayor Pro Tem Bill Cross moved to accept the First Reading of Bill 06-08, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded.

The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Mayor Pro Tem Bill Cross moved to accept the Second and Final Reading of Bill 06-08 and enact the Bill as Ordinance 3.987. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

**Item 13. on the Agenda.** **FIRST READING BILL 06-09**, amending Ordinance Number 2.351 by enacting new provisions in conformity with the "Municipal Telecommunications Business License Tax Simplification Act".

Councilman Wayne Beer moved to place Bill 06-09 on First Reading. Councilman Les Smith seconded.

Councilman Beer stated this is in reality not a simple act at all, and is an issue forced upon the City by the esteemed state legislature. As distasteful as that may be, the City is obliged to follow through on this. Councilman Beer said he would like it to be in the public record that while the City does not have a choice in the issue, the fact remains that there are certain members of the Council who are not happy with it.

Mayor Rudi thanked Councilman Beer for summarizing Council's comments from the earlier Open Study Session.

The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 06-09, Waive the Rule and place the Bill on Second and Final Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 06-09 and enact the Bill as Ordinance 3.988. Councilman Les Smith seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

**Item 14. on the Agenda.** **FIRST READING BILL 06-10**, amending Schedule VIII of the Model Traffic Ordinance (Gladstone Municipal Code Section 4.100.020) to establish "Stop" sign locations within the Santerra at Shady Lane residential development.

Councilman Les Smith moved to place Bill 06-10 on First Reading. Councilman Wayne Beer seconded.

Councilman Smith asked if it is North Holmes that comes out of Santerra to the north.

Assistant City Manager Wingerson replied that was correct.

Councilman Smith asked if this Bill deals with stopping northbound traffic out of the development.

Public Works Director Chuck Williams replied he believed the Bill does deal with stopping northbound traffic out of the development.

Councilman Smith said he believed Stop Sign No. 747 on the Bill needs to read "southeast corner of the intersection of North Holmes Street and Northeast 66<sup>th</sup> Street governing north bound traffic on North Holmes Street.

City Manager Davis agreed with Councilman Smith.

Councilman Smith said he wished to amend his motion to include that change. Councilman Wayne Beer concurred.

The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 06-10, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, and Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 06-10 and enact the Bill as Ordinance 3.989. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

**Item 15, on the Agenda.**      **RESOLUTION R-06-24,** adopting a "Position Classification and Compensation Plan" for the City of Gladstone, Missouri.

Mayor Pro Tem Bill Cross moved to adopt **RESOLUTION R-06-24**, adopting a "Position Classification and Compensation Plan" for the City of Gladstone, Missouri. Councilman Wayne Beer seconded.

City Manager Davis explained that the City will do its best to implement the study, however, it is subject to budgetary restrictions. Staff is in the process of going through that right now. City Manager Davis said Staff hopes to give the Council some guidance as to

the ability to comply with this Resolution during the budget Study Sessions, and he has every confidence Staff will be able to do this, but he would like to give this caveat.

Councilman Smith stated he would like to commend City Manager Davis and Human Resources Administrator Charlene Leslie and department Directors. A lot of work has gone into this, and it is an item that Council has talked about for three or four years. Staff deserves a lot of credit for the work done on this issue. Councilman Smith said he believes it is a reasonable solution that continues to treat the City's employee group fairly.

The vote: All "aye" - Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (4-0).

**Item 16. on the Agenda.**      **OTHER BUSINESS.**

There was no other business.

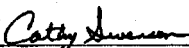
**Item 17. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**


There were no questions from the News Media.

**Item 18. on the Agenda.**      **ADJOURNMENT.**

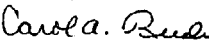
There being no further business to come before the March 27, 2006, Gladstone City Council Meeting, Mayor Carol Rudi adjourned the Regular Meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted:  \_\_\_\_\_

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

  
\_\_\_\_\_  
Mayor Carol A. Rudi



**GLADSTONE AREA CHAMBER OF COMMERCE**

**BOARD OF DIRECTORS**

**RESOLUTION**

**RESOLUTION SUPPORTING THE GALE COMMUNITIES MASTER DEVELOPMENT  
PLAN FOR GLADSTONE**

The Gladstone Chamber of Commerce Board of Directors, at its regular meeting held on the 9th day of March, 2006, upon discussion and careful consideration of the Gale Communities Master Development Plan for Gladstone, finds:

1. That the Master Development Plan proposed by Gale Communities provides a visionary design for progressive development and improvement of the downtown area of the City of Gladstone; and
2. That the Gale Master Plan proposes redevelopment actions that will transform the downtown sector of Gladstone into a mixed-use area featuring new retail, office, and other commercial construction coupled with a variety of new residential options to create a truly unique and inviting central business district; and
3. That the Gale Master Plan will complement the City's new Community Center/Natorium and create a new sense of community for the residents of the City; and
4. The Gale Master Plan will also enhance the business opportunities within the central district of the City for the benefit of the residents of Gladstone and the members of the Chamber of Commerce.

**IT IS THEREFORE RESOLVED**, that the Gladstone Area Chamber of Commerce hereby enthusiastically endorses the Gale Communities Master Development Plan for the central business district of the City of Gladstone and urges the City Council and all residents of the City to lend their support and energies to making the Plan a reality.

**ADOPTED BY THE BOARD OF DIRECTORS**, by unanimous vote, this 9th day of March, 2006.

  
JAMES SHEVLING, Chairman

  
AMY HARLIN, President

ATTEST:



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, APRIL 10, 2006**

**OPEN STUDY SESSION: 7:15 PM**

**REGULAR MEETING: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Approval of Regular March 27, 2006, City Council Meeting Minutes.**
- 4a. **Approval of Regular March 27, 2006 City Council Meeting Minutes Convening to a Closed Executive Session.**
- 4b. **PROCLAMATION:** recognizing Terry Smemo for his dedication to Gladstone and his efforts in bringing Max, Tanna and Moffit, radio celebrities, to Gladstone on their KY99 20 cities in 20 days tour.
5. **FIRST READING BILL 06-11**, declaring the results of the Tuesday, April 4, 2006, Gladstone General Election as certified by the Clay County Board of Election Commissioners that City Council Candidates **Bill Cross and Mark Revenaugh** have been elected to Three Year Terms on the Gladstone City Council.
6. **SPECIAL PRESENTATION** to outgoing **Councilman Joe Evans** recognizing his service as Councilman (2003 - 2006).
7. **CITY COUNCIL OATH OF OFFICE: BILL CROSS AND MARK REVENAUGH.**
8. **REMARKS FROM THE CITY COUNCIL.**
9. **ELECTION OF MAYOR AND OATH OF OFFICE.**
10. **REMARKS FROM THE CITY COUNCIL.**
11. **ELECTION OF MAYOR PRO-TEM.**

12. REMARKS FROM THE CITY COUNCIL.

13. CONSENT AGENDA.

**RESOLUTION 06-25**, authorizing the City Manager of the City of Gladstone, Missouri to implement a Revised Plan to provide economic Development services within the City.

**RESOLUTION 06-26**, authorizing the City Manager to pursue the determination of eligibility with the State Historic Preservation Office for the Atkins Johnson Farm, located at 6508 North Jackson.

**REGULAR AGENDA.**

14. Communications from the Audience.

15. Communications from the City Council.

16. Communications from the City Manager.

17. **FIRST READING BILL 06-12**, an Ordinance amending Schedule VIII of the Model Traffic Ordinance (Gladstone Municipal Code Section 4.100.020) to establish a "Stop" Sign location within the Santerra Residential development and to amend "Stop" Sign Number 747 in Ordinance Number 3.989.

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 10, 2006**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Bill Cross  
Councilman Les Smith  
Councilman Wayne Beer  
Councilman Joe Evans

City Manager Kirk Davis  
City Counselor David Ramsay  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

Mayor Carol Rudi opened the Regular April 10, 2006, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

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

**Item 4. on the Agenda. APPROVAL OF THE REGULAR MARCH 27, 2006  
CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Bill Cross moved to approve the Regular March 27, 2006, City Council Meeting Minutes as presented. Councilman Wayne Beer seconded the motion.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross and Mayor Carol Rudi.

**Item 4a. on the Agenda.**      **APPROVAL OF THE REGULAR MARCH 27, 2006 CITY COUNCIL MEETING MINUTES CONVENING TO A CLOSED EXECUTIVE SESSION.**

Mayor Pro Tem Bill Cross moved to approve the Regular March 27, 2006, City Council Meeting Minutes convening to a Closed Executive Session as presented. Councilman Wayne Beer seconded the motion.

The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross and Mayor Carol Rudi.

**Item 4b. on the Agenda.**      **PROCLAMATION:** recognizing Terry Smemo for his dedication to Gladstone and his efforts in bringing Max, Tanna and Moffit, radio celebrities, to Gladstone on their KY99, 20 Cities in 20 Days Tour.

Mayor Carol Rudi read and presented the Proclamation to Mr. Terry Smemo.

Mr. Smemo thanked Mayor Rudi and Council members. Mr. Smemo stated that Mayor Pro Tem Cross is his former teacher and a great friend. Mr. Smemo said he was delighted the City is in such great hands, and he is glad to live in Gladstone and to promote it whenever he can - Gladstone is a great City in which to live, work and play.

Mayor Rudi presented to Council members t-shirts that were available at the KY99, 20 cities in 20 days event held at Stone Canyon Pizza, on March 31, 2006.

**Item 5. on the Agenda.**      **FIRST READING BILL 06-11**, declaring the results of the Tuesday, April 4, 2006, Gladstone General Election as certified by the Clay County Board of Election Commissioners that City Council Candidates **Bill Cross and Mark Revenaugh** have been elected to Three Year Terms on the Gladstone City Council.

Councilman Wayne Beer moved to place Bill No. 06-11 on First Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross and Mayor Carol Rudi. The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 06-11, Waive the Rule and place the Bill on Second and Final Reading. Councilman Les Smith seconded. The vote: The vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross and Mayor Carol Rudi. The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 06-11 and enact the Bill as **Ordinance 3,990**. Councilman Les Smith seconded.

Roll Call Vote: All "aye" – Councilman Joe Evans, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0).

**Item 6. on the Agenda.**      **SPECIAL PRESENTATION** to outgoing Councilman Joe Evans recognizing his service as Councilman (2003 – 2006).

Mayor Rudi read and presented a plaque of appreciation to Councilman Joe Evans, recognizing his service as Councilman from April 2003 to April 2006.

Councilman Evans thanked the Mayor and City Council, and stated he is leaving the Council in good hands.

**Item 7. on the Agenda.**      **CITY COUNCIL OATH OF OFFICE: BILL CROSS AND MARK REVENAUGH.**

City Clerk Cathy Swenson gave the oath of office to Bill Cross and Mark Revenaugh for three-year terms on the Gladstone City Council.

Councilman Revenaugh took his seat at the Council dais.

**Item 8. on the Agenda.**      **REMARKS FROM THE CITY COUNCIL.**

Councilman Les Smith stated, as an elected official, citizen and business owner, he appreciates anyone who is willing to sit in a City Councilman chair for three years. Councilman Smith said Councilman Evans might not have been able to devote the time he wished he could, but he served the Gladstone community very well. Councilman Smith offered his thanks to Councilman Evans, and said it was a pleasure to serve on the City Council with him.

Councilman Smith addressed Councilman Revenaugh by saying he looks forward to serving the next three years with him. Councilman Smith said Councilman Revenaugh has been an outstanding Planning Commissioner and a good citizen of Gladstone. Councilman Smith congratulated Councilman Cross, and said the city is in good hands with his four City Council colleagues.

Councilman Wayne Beer offered congratulations to Councilman Evans for a job well done, and stated he appreciated the time Councilman Evans has given to the city. Councilman Beer stated he knows that work may have interfered with some of the activities in which Councilman Evans would like to have participated. Councilman Beer thanked Councilman Evans for his efforts on behalf of the city.

Councilman Beer expressed welcome and good luck to Councilman Revenaugh as he joins the City Council, and stated he knows that Councilman Revenaugh will do well.

Mayor Pro Tem Bill Cross stated it was a pleasure to receive the oath of office for the third time from City Clerk Cathy Swenson.

Mayor Pro Tem Cross said he appreciated the three years that Councilman Evans dedicated to the City Council, and he hopes he can be convinced to become active once again in one of the city's Boards or Commissions. Mayor Pro Tem Cross said Councilman Evans is very conscientious when he takes up a task.

Mayor Pro Tem Cross welcomed Councilman Revenaugh to the City Council, and said Councilman Revenaugh gets to work with people who are very dedicated, willing to give of their time, and share the common goal of making Gladstone a better city in which to live - a goal shared by Councilman Revenaugh.

Mayor Carol Rudi thanked Councilman Evans for the time he devoted to the City Council. Mayor Rudi said the City Council term can be a long three years, when one is struggling with a job, as she well knows. Mayor Rudi stated she hopes Councilman Evans will volunteer for other city activities, as he is still needed in the city.

Mayor Rudi welcomed Councilman Revenaugh, and congratulated Mayor Pro Tem Cross on his successful election.

**Item 9. on the Agenda.**

**ELECTION OF MAYOR AND OATH OF OFFICE**

Mayor Carol Rudi presided and opened nominations for the office of Mayor of the City of Gladstone. Councilman Les Smith nominated **Bill Cross** for Mayor. Councilman Wayne Beer seconded the motion. There being no further nominations, Mayor Rudi asked for a vote.

Roll Call Vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Bill Cross, Mayor Carol Rudi. (5-0)

The City Clerk administered the Oath of Office for the position of Mayor of the City of Gladstone, Missouri to Mayor Pro Tem Bill Cross.

**Item 10. on the Agenda.**

**REMARKS FROM THE CITY COUNCIL**

All City Council members congratulated and expressed their best wishes to Mayor Bill Cross on his election as Mayor.

Councilman Les Smith stated Mayor Cross has been through a lot this past year, and he is very happy Bill Cross is sitting in the Mayor's seat. Councilman Smith said he is looking forward to a wonderful year, as was the last year Bill Cross was Mayor.

Mayor Cross stated it has been his pleasure to work with each of the City Council members, who have made things extremely easy for him through their support. Mayor Cross said he was thrilled to be here today, and able to serve as Mayor.

Mayor Cross introduced his wife, Mary Cross, and said they have been married for many years, and with many children, grandchildren and great grandchildren, his wife definitely knows the amount of time and effort that is necessary for City Council members to accomplish their jobs. Mayor Cross said he has been fortunate to work with a professional staff of city administrators and Council, and his wife is 110 percent in support of him helping to, hopefully, make our city a better place in which to live. Mayor Cross thanked and expressed his love to his wife, Mary, for all her support, and stated she will undoubtedly be "carrying him" again for another three years!

**Item 11. on the Agenda.**

**ELECTION OF MAYOR PRO TEM**

Mayor Bill Cross invited nominations for the office of Mayor Pro Tem. Councilman Wayne Beer nominated **Councilman Les Smith** as Mayor Pro Tem of the City of Gladstone, and moved that the nominations cease and that Councilman Les Smith be elected Mayor Pro Tem by acclamation. Councilman Mark Revenaugh seconded the motion. There being no further nominations, Mayor Cross called for a vote.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Councilman Les Smith, Mayor Bill Cross. (5-0)

**Item 12. on the Agenda.**

**REMARKS FROM THE CITY COUNCIL**

Mayor Pro Tem Les Smith introduced his mother, Carmelina Smith, and said his father was first elected to the City Council in 1962, when Mayor Pro Tem Smith was about 6 or 7 years old. Mayor Pro Tem Smith said his mother has sat through many City Council meetings.

Mayor Cross stated he and Mayor Pro Tem Smith served in this same capacity a few years ago and worked extremely well together, and there should be three more good years with this City Council.

**Item 13. on the Agenda.**

**CONSENT AGENDA**

**CONSENT AGENDA DETAIL**

Following the Clerk's reading, Councilman Wayne Beer moved to accept the Consent Agenda as presented. Councilman Carol Rudi seconded the motion. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)



Councilman Wayne Beer moved to adopt **RESOLUTION 06-25**, authorizing the City Manager of the City of Gladstone, Missouri to implement a Revised Plan to provide economic development services within the city. Councilman Carol Rudi seconded the motion. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION 06-26**, authorizing the City Manager to pursue the determination of eligibility with the State Historic Preservation Office for the Atkins Johnson Farm, located at 6508 North Jackson. Councilman Carol Rudi seconded the motion. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

## **REGULAR AGENDA**

### **Item 14. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE**

There were no communications from the audience.

### **Item 15. on the Agenda.**

### **COMMUNICATIONS FROM THE CITY COUNCIL**

**Councilman Mark Revenaugh** introduced his father, Stewart Revenaugh. Councilman Revenaugh stated his father has set the bar for community service for him, which is why he is here today. Councilman Revenaugh said since he was young, his father has quietly contributed to many charities within the community. Councilman Revenaugh stated he wished to publicly thank his father for his support over the years.

Councilman Revenaugh thanked the people of Gladstone for their support. It is an exciting time to be coming on the City Council, with all the exciting projects that the city will be undertaking, such as the natatorium and the downtown project. Councilman Revenaugh stated that one of the wise Councilman sitting at the dais tonight told him that even with all the exciting things going on in the city, it is important that we not forget the day-to-day quality and level of service that our residents have come to expect, and that we maintain that super high level of service that our residents enjoy. Councilman Revenaugh said that after meeting and getting to know the quality and caliber of our city staff, he is confident that will not be an issue. Councilman Revenaugh thanked everyone for their support during the election, and he looks forward to serving on the City Council for the next three years.

**Councilman Carol Rudi** expressed her thanks for the honor and privilege of having served as Mayor for the past year. Councilman Rudi said it has been an amazing experience, and as much time as she has spent learning about city government while working on Boards and Commissions and serving on the City Council, there is so much to learn in the position of Mayor. It takes a lot of time, but it is worth it. Councilman Rudi

stated the city has a great Staff, who made it very easy to be the Mayor of this city. Councilman Rudi expressed her thanks to city staff.

**Councilman Wayne Beer** stated he would like to recognize three former Councilmen and Mayors who were in the audience: former Mayor and Councilman, Anita Newsom; former Mayor and Councilman, Dick Davis; and former Mayor and Councilman, Larry Whitton. Councilman Beer thanked them for being at this meeting, and for their ongoing support. Councilman Beer stated it is important to recognize the contributions of former Mayors and Councilmen.

**Mayor Pro Tem Les Smith** stated that former Mayor Carol Rudi did an excellent job as Mayor for our city this past year. Mayor Pro Tem Smith said Councilman Rudi and he served on the Planning Commission together, and he remembers a site visit where they walked through the snow on 76<sup>th</sup> Street. Councilman Rudi was first elected to City Council along with Councilman Beer, and then she became Mayor, where she took a firm hold of the job and jumped in with both feet. Mayor Pro Tem Smith said Councilman Rudi's mother should be very proud of her, and offered congratulations to Councilman Rudi on a wonderful job as Mayor.

Councilman Rudi thanked Mayor Pro Tem Smith, and stated there was an outstanding visitor in the audience, and introduced her mother, Bonnie Belknap.

**Mayor Bill Cross** had no comments at this time.

**Item 16. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER**

**City Manager Kirk Davis** stated he hoped everyone had a chance to go outside to see the city's new street sweeper. The street sweeper will be seen around town numerous times over the course of the next few years. City Manager Davis pointed out the slide show that has been running during the meeting, which is a recognition for the Northland Wellness Challenge that was Human Resource Administrator, Charlene Leslie's idea. City Manager Davis said \$1,750 was raised for Synergy Services, because the City of Gladstone won the challenge with North Kansas City.

A news clip of the Northland Wellness Challenge was then played for those in attendance at the meeting.

City Manager Davis reported that a total of approximately 2,000 pounds was lost by both cities, which averages about 10 pounds per employee. Mayor Bruns from North Kansas City lost approximately 33 pounds, and worked very hard during the challenge. City Manager Davis offered a special thanks to Charlene Leslie, and thanks to all the employees who participated.

On behalf of city staff, City Manager Davis thanked Councilman Joe Evans, and said the Councilman position is a lot of work, and the dedication and effort given by Mr. Evans is

appreciated. It was a good three years, and Mr. Evans is to be commended. City Manager Davis said the comments from Mayor Pro Tem Smith regarding Councilman Rudi are well deserved. Councilman Rudi did a great job as Mayor and led this city quite admirably. City Manager Davis welcomed Councilman Revenaugh, and said he looks forward to the next three years, which will be an exciting time for Gladstone.

**Item 17. on the Agenda.**      **FIRST READING BILL 06-12**, an Ordinance amending Schedule VIII of the Model Traffic Ordinance (Gladstone Municipal Code Section 4.100.020) to establish a "Stop" Sign location within the Santerra Residential development and to amend "Stop" Sign Number 747 in Ordinance Number 3.989.

Mayor Pro Tem Les Smith moved to place Bill No. 06-12 on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, 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 06-12, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded. The vote: The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, 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 06-12 and enact the Bill as **Ordinance 3.991**. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

**Item 18. on the Agenda.**      **OTHER BUSINESS.**

Councilman Wayne Beer thanked the Gladstone Area Chamber of Commerce for co-hosting the reception honoring City Council members, which was held immediately following the City Council meeting.

**Item 19. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

Mayor Cross thanked the media members present for attending the meeting, and stated their attendance is very much appreciated.

**Item 20. on the Agenda.**      **ADJOURNMENT**

There being no further business to come before the April 10, 2006, Gladstone City Council Meeting, Mayor Bill Cross adjourned the Regular Meeting and invited everyone to attend

the reception honoring the City Council, which was co-hosted by the Gladstone Area Chamber of Commerce and the City of Gladstone.

Respectfully submitted:

Cathy Swenson

Cathy Swenson, City Clerk

Approved as submitted: ✓

Approved as corrected/amended:       

Bill Cross

Mayor Bill Cross



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, APRIL 24, 2006**

**OPEN STUDY SESSION: 5:00 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, 2006, City Council Meeting Minutes.
- 4a. **PROCLAMATION:** designating May 7<sup>th</sup>-13<sup>th</sup>, 2006, as "**BUILDING SAFETY WEEK**" in Gladstone, Missouri. Sponsored by the International Code Council.

**REGULAR AGENDA**

5. **APPROVAL OF FINANCIAL REPORTS FOR MARCH 2006.**
6. Communications from the Audience.
7. Communications from the City Council.
- 7a. Board Appointment.
8. Communications from the City Manager.
9. **FIRST READING BILL 06-13**, repealing Ordinance No. 3.954 and enacting a new Ordinance levying Sewer Service Charges and Commodity Rate Charges in the City of Gladstone, Missouri.
10. **FIRST READING BILL 06-14**, amending Ordinance Number 3.988 by enacting a new tax rate in conformity with the "Municipal Telecommunications Business License Tax Simplification Act", based on new information from the office of the Missouri Director of Revenue.

11. Other Business.
12. Questions from the News Media.
13. Adjournment.



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

**MONDAY APRIL 24, 2006**

**PRESENT:** Mayor Bill Cross  
Mayor Pro Tem Les Smith  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilman Mark Revenaugh  
  
City Manager Kirk Davis  
City Counselor David Ramsay  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

Mayor Bill Cross opened the Regular April 24, 2006, 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 APRIL 10, 2006,  
CITY COUNCIL MEETING MINUTES.**

Councilman Wayne Beer moved to approve the Regular April 10, 2006, City Council Meeting Minutes as presented. Councilman Carol Rudi seconded the motion.

The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross.

**Item 4a. on the Agenda.** PROCLAMATION: designating May 7<sup>th</sup>-13<sup>th</sup>, 2006, as "BUILDING SAFETY WEEK" in Gladstone, Missouri. Sponsored by the International Code Council.

Mayor Bill Cross read and presented the Proclamation to Building Official Alan Napoli.

Mr. Napoli thanked Mayor Cross and City Council members.

## **REGULAR AGENDA**

**Item 5. on the Agenda.** APPROVAL OF THE FINANCIAL REPORTS FOR MARCH 2006.

Councilman Wayne Beer moved to approve the Financial Reports for March 2006, as presented. Councilman Carol Rudi seconded the motion.

The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross.

**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 Mark Revenaugh had no comments at this time.

Councilman Wayne Beer had no comments at this time.

Councilman Carol Rudi stated she wished to congratulate Executive Secretary Diane Whitaker for receiving the Certified Municipal Clerk designation.

Mayor Pro Tem Les Smith had no comments at this time.

Mayor Bill Cross stated he would also like to recognize Ms. Whitaker for her Certified Municipal Clerk designation, as well as her and City Clerk Cathy Swenson's designation as Certified Missouri Municipal Clerk. Mayor Cross wished City Clerk Swenson a happy Municipal Clerks' week.

**Item 7a. on the Agenda.** Councilman Carol Rudi moved to appoint Mike West to the Planning Commission position vacated by Councilman Mark Revenaugh, with the term expiring December 2006. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross.



**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reported the City's Beautification Event is April 28, 29, and 30. The Brush Disposal event is May 5, 6, and 7. City Manager Davis stated the Gladstone Night at the Royals is May 19, and tickets are available at City Hall.

Mayor Cross inquired as to who will be throwing out the first ball.

Parks and Recreation Supervisor Sheila Lillis reported that approximately 5,000 tickets must be sold to be eligible to pitch the first ball, and City staff does not expect ticket sales to reach that number.

**Item 9. on the Agenda.**

**FIRST READING BILL 06-13**, repealing Ordinance No. 3.954 and enacting a new Ordinance levying Sewer Service Charges and Commodity Rate Charges in the City of Gladstone, Missouri.

Councilman Wayne Beer moved to place Bill No. 06-13 on First Reading. Councilman Carol Rudi seconded.

Councilman Rudi stated she would like it to be noted that this is the annual increase in sewer service charges that Gladstone receives from the City of Kansas City. This increase must be passed on to Gladstone residents.

The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, 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 06-13, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, 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 06-13 and enact the Bill as **Ordinance 3.992**. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

**Item 10. on the Agenda.** **FIRST READING BILL 06-14**, amending Ordinance Number 3.988 by enacting a new tax rate in conformity with the "Municipal Telecommunications Business License Tax Simplification Act", based on new information from the office of the Missouri Director of Revenue.

Councilman Wayne Beer stated that due to the fact that the City is still awaiting some final data from the State of Missouri Department of Revenue, he would move to postpone consideration of this Bill until the May 8, 2006, City Council meeting. Councilman Carol

Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0).

Item 11. on the Agenda.      **OTHER BUSINESS.**

There was no other business

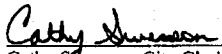
Item 12. on the Agenda.      **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

Item 13. on the Agenda.      **ADJOURNMENT**

There being no further business to come before the April 24, 2006, Gladstone Regular City Council Meeting, Mayor Bill Cross adjourned the meeting at 7:44 PM.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

  
Mayor Bill Cross



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MAY 8, 2006**

**OPEN STUDY SESSION: 5:45 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 April 24, 2006, City Council Meeting Minutes.
- 4a. **SPECIAL PRESENTATION** to Kellie Houx for her commitment to the promotion of volunteerism and service to the community.
- 4b. **PROCLAMATION:** designating the first week in May 2006, as **YOUTH WEEK**. Sponsored by the Northland Elks Lodge #2376.
5. **CONSENT AGENDA**

**RESOLUTION R-06-27**, authorizing execution of a contract with Miracle Recreation Equipment Company for the total amount not to exceed \$38,961.00 for the Happy Rock Park Playground Replacement; Project CP0655.

**APPROVAL OF CLASS "C & H" 7-DAY PACKAGE LICENSE**, (to include the sale of distilled spirits), for Hy-Vee, Inc., dba Hy-Vee Gas, 7121 North Prospect. Managing Officer: Steve Bindseil.

**APPROVAL OF PARK FESTIVAL USE PERMITS** for the 10th Annual Gladstone Summertime Bluesfest in Oak Grove Park, 76th & North Troost, Friday and Saturday, June 9-10, 2006, and the 27th Annual Gladfest Celebration on Friday, Saturday and Sunday, September 29-October 1, 2006, in the Gladstone Central Park area, near 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 9-10, 2006, Managing Officer: Amy Harlin; and Gladfest Celebration in the Gladstone Central Park area, near 69th & N Holmes, (3-day license), September 29-October 1, 2006. Managing Officer: Amy Harlin.

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **COUNCIL CONSIDERATION OF A SIGN VARIANCE** for the Creative Arts Academy property located at 1904 NE Englewood Road. Applicant/Owner: PS Properties (Pam Raisher).
10. **FIRST READING BILL 06-14**, amending Ordinance Number 3.988 by enacting a new tax rate in conformity with the "Municipal Telecommunications Business License Tax Simplification Act", based on new information from the office of the Missouri Director of Revenue.
11. Other Business.
12. Questions from the News Media.
13. Adjournment.



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

**MONDAY MAY 8, 2006**

**PRESENT:** Mayor Bill Cross  
Mayor Pro Tem Les Smith  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilman Mark Revenaugh

City Manager Kirk Davis  
City Counselor David Ramsay  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

Mayor Bill Cross opened the Regular May 8, 2006, 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 APRIL 24, 2006,  
CITY COUNCIL MEETING MINUTES.**

Councilman Carol Rudi moved to approve the Regular April 24, 2006, City Council Meeting Minutes as presented. Councilman Wayne Beer seconded the motion.

The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross.

**Item 4a. on the Agenda**      **SPECIAL PRESENTATION** to Kellie Houx for her commitment to the promotion of volunteerism and service to the community.

Mayor Cross read and presented a framed certificate from the Missouri Volunteer Service Commission to Kellie Houx, Editor of the Wednesday Sun, recognizing her commitment to the promotion of volunteerism and service to the community. Mayor Cross stated Ms. Houx was nominated for this award by City staff members, Sergeant Richard King, Public Information Coordinator and Melinda Mehaffy, Economic Development Administrator.

Mayor Cross stated that Ms. Houx, formerly of the Sun News, has spent many hours at Gladstone City Council meetings and events, providing news coverage of the City's activities. Mayor Cross asked Ms. Houx if she would like to tell the audience about where she is now working.

Ms. Houx stated she has been moved to the Wednesday Sun area, which is the south Kansas City, Brookside, and Waldo Community. Ms. Houx said the joy is that she is covering community activities, people and places; however, there are still similar problems, such as issues of growth and transition. Ms. Houx stated she does miss the Northland, which is her own community. Ms. Houx thanked Mayor Cross and Council members for the recognition.

**Item 4b. on the Agenda**      **PROCLAMATION:** designating the first week in May 2006, as **YOUTH WEEK**. Sponsored by the Northland Elks Lodge #2376.

Mayor Bill Cross read and presented the Proclamation to Northland Elks Lodge #2376 member Mr. Dean Gromer, and asked Mr. Gromer how many people attended the Elks' Breakfast this past Saturday and Sunday.

Mr. Gromer thanked Mayor Cross and Council members, and stated over 1,200 people attended, with over \$8,000 raised for scholarships for area youths.

Mayor Cross stated the food and company was very good both days at the breakfasts. A good time was enjoyed by all.

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

Following the Clerk's reading, Councilman Wayne Beer moved to accept the Consent Agenda as presented. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross.

Councilman Wayne Beer moved to adopt **RESOLUTION R-06-27**, authorizing execution of a contract with Miracle Recreation Equipment Company for the total amount not to exceed \$38,961.00 for the Happy Rock Park Playground Replacement; Project CP0655. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Mark

Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross.

Councilman Wayne Beer moved to approve a **CLASS "C & H" 7-DAY PACKAGE LICENSE**, (to include the sale of distilled spirits), for Hy-Vee, Inc., dba Hy-Vee Gas, 7121 North Prospect; Managing Officer: Steve Bindseil. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross.

Councilman Wayne Beer moved to **APPROVE PARK FESTIVAL USE PERMITS** for the 10th Annual Gladstone Summertime Bluesfest in Oak Grove Park, 76th & North Troost, Friday and Saturday, June 9-10, 2006, and the 27th Annual Gladfest Celebration on Friday, Saturday and Sunday, September 29-October 1, 2006, in the Gladstone Central Park area, near 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 Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross.

Councilman Wayne Beer moved to **APPROVE BEER LICENSES** for the Gladstone Summertime Bluesfest in Oak Grove Park, 76th & North Troost, (2-day license), June 9-10, 2006, Managing Officer: Amy Harlin; and the Gladfest Celebration in the Gladstone Central Park area, near 69th & N. Holmes, (3-day license), September 29-October 1, 2006. Managing Officer: Amy Harlin. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross.

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE.**

Anne Alexander, 6767 North Askew Circle, stated she would like to ask for the help and creativity of the City Council. Ms. Alexander said she likes both animals and people, but does not like either one when they are out of control. Ms. Alexander said Anna and Kenny, who developed the North Oak Garden Center, have torn down a derelict building, improved the property, and have complied with everything asked by the City, and are bringing in needed sales tax dollars. This business is having problems with feral cats. Ms. Alexander stated it is ludicrous to her that we have in place in this country where if it were a human being damaging property, action could be taken, but wild cats are a problem nation-wide. The cats have torn the plastic on the shelter for the plants, costing the owners over \$400 to repair the damage. There is an odor due to the animals' excrement on the plants. Ms. Alexander continued by saying that apparently there is a woman feeding the cats, but it is almost certain the cats are not immunized. If they bite or scratch a child, it would be difficult to know which cat did it, which could be a problem.

Ms. Alexander asked for help in taking down the hay bales that are covered with plastic and provide shelter for the cats. A way needs to be found to get rid of the cats. It is a lovely idea to catch the cats in order to neuter and immunize them, and then turn them loose. If the cats are turned loose, there will be the same problem. Ms. Alexander stated, apparently, the cats only live about two years, so if this is done, it will eventually eliminate the cats. That would cost about \$50 to \$75 per cat, which is a lot for Gladstone's budget.

Ms. Alexander said this is a problem throughout the country and our community – do we need a law or an Ordinance to address the problem of feral cats? Ms. Alexander said she is counting on the Gladstone staff and Council to come up with some way to remove the cats. The City does not need that many cats or animals in a business or residential area. Ms. Alexander said she would appreciate the City's help in legally addressing this issue.

Mayor Cross inquired into the approximate number of cats in the area Ms. Alexander has referenced.

Ms. Alexander replied there are approximately 50 cats in the area.

Mayor Cross asked City Counselor David Ramsay if there is an Ordinance that addresses this issue.

Counselor Ramsay replied the City has general nuisance Ordinances in place. Counselor Ramsay stated the information he has is that near the end of April some steps were taken by Fire Inspector Chuck Duddy and some others to set traps for the cats; however, he does not know what the status is as of this date.

Mayor Cross asked City Manager Kirk Davis if he was knowledgeable of the problem with the cats.

City Manager Davis replied he is knowledgeable about the feral cat issue in all urban areas, and recognizes our city has a problem, especially along our wooded areas and creeks. It is a very difficult issue with which to deal, with a lot of different perspectives in the community. City Manager Davis said he believed Public Safety has visited this area. City Manager Davis said he would look into this issue as to who is feeding the cats and why, and try to talk those folks into not feeding the cats and to remove the hay bales. City Manager Davis said he was not prepared to discuss possible solutions at this point in time, but would investigate the issue.

Councilman Wayne Beer stated the feral cat issue is a widespread concern, and is an often-reoccurring problem. Councilman Beer said his neighborhood is one of those areas that also has a feral cat problem, and he has a neighbor that is feeding the feral cats. If they were dogs, Animal Control would pick them up, per City Ordinance. Councilman Beer said this is an issue that has been brought forward in a number of places elsewhere, and believes in the past the feral cat issue has been dealt with in our City. Whenever a Bill is proposed regarding cats, those who are cat lovers become very much "up in arms".



Councilman Beer stated the political side of the issue becomes very difficult; however, cats, in his opinion, have the same kinds of public safety issues as dogs. Although cats may not be as big as many dogs, they can spread disease, if not to people, to other pets. Councilman Beer said he believes the City should have some kind of control, similar to the control of dogs. Councilman Beer said if a citizen catches a cat and takes it to Animal Control, Animal Control can deal with it, but if the cat is just roaming wild, Animal Control has no authority to pick up the cat. Councilman Beer said it is his opinion that Animal Control should be given the authority to catch cats that are unlicensed and roaming free.

Ms. Alexander said Gladstone does not want the same publicity that Independence had from the pit bulls, as a result of problems with cats. Gladstone is really on the move, and we need to keep it going that way.

Mayor Cross stated he did visit with Animal Control officers yesterday and they said they would like to do more, but because of manpower and the number of cats, it is impossible for them to address the problem. Mayor Cross asked City Manager Davis to investigate the issue, and report back to City Council members.

**John Garner, 111 Heatherton Court**, asked if there has been any more communication between the City and the bank since his subdivision was repossessed.

Assistant City Manager Scott Wingerson replied he had the opportunity to scan some correspondence that came in the mail last week while he was out of the office, and he would recount that and e-mail Mr. Garner the details in the morning. Mr. Wingerson reported that the bank that had the primary construction loan on the subdivision foreclosed on the property, so they currently own it. City staff had a meeting with a representative of the bank approximately two to three weeks ago, and talked about the requirements the City would have before issuing additional permits to a future buyer of the subdivision for the construction of houses.

Mr. Wingerson stated the City has received certification that the retaining wall was reconstructed properly. The City has received a letter from the bank and appropriate paperwork from licensed plumbers indicating that the backflow devices have been tested where necessary and approved. The City has received a commitment from the bank that construction debris down the hill on the south side of the development will be removed as part of the normal construction process. Mr. Wingerson stated that these are three very big steps that seem to have been cleared. Mr. Wingerson said he would get the details of the correspondence to Mr. Garner tomorrow.

Mr. Wingerson reported there has been some interest in the purchase of the property by an area developer. Mr. Wingerson stated he believes before long things will look better in this area.

Mr. Garner reported that mowing needs to be done on the vacant lots in his area. Six of the seven homeowners contribute \$65 per month to hire a mowing crew to mow their lawns and the entryway to the subdivision. The homeowners just spent \$320 to remove the weeds and plant new landscaping around the entryway. Mr. Garner said the homeowners would appreciate the bank mowing the vacant lots, because there are weeds on the vacant lots that are 1 foot to 2 ½ feet tall.

Mr. Wingerson said he would call the bank before he e-mails Mr. Garner, and hopefully he will also be able to relay the response from the bank.

Mayor Pro Tem Les Smith stated he might be able to shed a little light on this issue, in that one of the developers that was looking at the property had an engineering firm look at the various drainage issues. The engineers came back with an estimate of nearly a quarter of a million dollars to get the project to a point where the developer would be interested in taking over the project. Mayor Pro Tem Smith said the bank has repossessed the property and has a great deal of money in the property; there is a quarter million dollars of work to be done, and there are a limited number of lots. Unless the bank is willing to come to the table, which perhaps they will, it is an untenable situation.

Councilman Beer asked how the drainage problems came to be so severe; this had to be dealt with from an engineering standpoint before the project ever began.

Mr. Wingerson replied the original design to the first retaining wall, which primarily has to do with the area above the development at the apartment complex, should have been constructed to address those concerns, and had the water redirected to a swale between units. It would have worked perfectly, but unfortunately, the retaining wall was not constructed appropriately and it failed, causing a portion of the apartment complex parking lot to slide down the hill with it. When that occurred, the drainage conditions changed, and the way that was once appropriate is no longer appropriate without improvements up the hill to the apartment complex. Mr. Wingerson said what he believes Mayor Pro Tem Smith is referring to is remediation of the uphill portion, which is actually outside of the development, but has to be fixed because of the failure of the initial retaining wall.

Mayor Pro Tem Smith agreed that is correct, and in fact the apartment complex ownership, to protect its interest, has filed some litigation regarding this issue.

Councilman Beer inquired into who has responsibility for the remediation. It sounds like the reconstruction and redesign of the retaining wall was only part of the issue.

Mayor Pro Tem Smith said that is only keeping it from getting worse, and he does not know who is responsible. The easiest course would be for a developer to submit to the bank estimates of the cost of the total package, and the property to be released for an agreed upon price. That is the quickest and simplest solution. Mayor Pro Tem Smith said he believed there is at least one developer and the bank that are talking at this point.

Councilman Beer asked if the original owner/developer has any liability or responsibility at this time.

Mr. Wingerson replied that is what the litigation is about.

Mayor Pro Tem Smith said, not to offer a legal opinion, but he believes that just because the bank has foreclosed, if they should take a loss on the property, the borrower would still be liable. The bank still has recourse against the borrower.

Mayor Pro Tem Smith stated that he has seen some communications from Mr. Wingerson and staff that have been sent to the bank, and it has been made perfectly clear what the City's expectations are of anyone involved with the project for permits to be issued. Mr. Wingerson has done a very good job of staying on top of this issue.

**Item 7. on the Agenda.**      **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Mark Revenaugh** had no comments at this time.

**Councilman Wayne Beer** stated one of the items on the Consent Agenda dealt with playground equipment at the Happy Rock softball complex. One of the bidders on this project took exception to the bid process and sent a letter suggesting there were some irregularities. Councilman Beer said Council did determine that there were no irregularities and therefore the project was not removed from the Consent Agenda and the Consent Agenda was approved as presented.

Councilman Beer reported that there would be a preconstruction kick-off meeting/open house on May 30, between the hours of 4:00 PM and 6:00 PM, with remarks at 5:00 PM, at the Williams House, located at 70<sup>th</sup> and North Cherry, which will be the new location for the Gladstone Area Chamber of Commerce. There will be refreshments served and all are invited.

**Councilman Carol Rudi** had no comments at this time.

**Mayor Pro Tem Les Smith** had no comments at this time.

**Mayor Bill Cross** asked Parks and Recreation Director Sheila Lillis how many people attended the middle schools orchestra concert at the Gladstone Amphitheatre.

Director Lillis replied the honors orchestras from the middle schools performed, along with the Antioch Middle School Jazz and Fiddle group, under the direction of Steve Pelke. Four different groups performed during the day, and over 550 parents, friends, and interested residents attended. It was a very nice day. This is the first event for the summer program. This event is in its third year and has grown each year.

Mayor Cross thanked Director Lillis and City staff for their help in taking care of his wife's plants over the past six months. They have been returned to his home safely and look very good.

Mayor Cross asked how many citizens of Gladstone took advantage of the recent brush disposal event.

Public Works Director Chuck Williams reported that over the three-day event, 2,000 vehicles dropped off brush. Several vehicles made repeat trips. Mr. Williams said this event, much like the beautification event, is very much appreciated by the public.

Mayor Cross reported that Pastor Bob Baier, of the Antioch Bible Baptist Church, recently conducted a very nice prayer service in front of City Hall. Many people participated. Each year the group seems to get larger. Mayor Cross said it is a wonderful thing that they have selected City Hall as a location for the prayer service.

Mayor Cross complimented City Manager Davis on the quarterly report that he and City staff assembled. It was outstanding. Mayor Cross said he learned a lot from it. Much was accomplished in this quarter alone, which makes one proud to be a Gladstone citizen.

Mayor Cross thanked City staff for their help during his term as President of the Clay County Coordinating Committee. City staff helped make this past year one of the most successful years for the Clay County Coordinating Committee. Many favorable comments were received.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reported the annual Summertime Bluesfest will be June 9 and 10 at Oak Grove Park, and encouraged all to attend. There is a great lineup of entertainment for this event. City Manager stated 1,787 people took advantage of the popular Beautification event. City Manager Davis bid farewell and good luck to Carol Blanchard of the Sun Tribune. This is her last meeting, and the City has enjoyed working with her. Ms. Blanchard has done a good job in reporting City events for the newspaper.

**Item 9. on the Agenda.**

**COUNCIL CONSIDERATION OF A SIGN**

**VARIANCE** for the Creative Arts Academy property located at 1904 NE Englewood Road. Applicant/Owner: PS Properties (Pam Raisher).

Pam Raisher, stated she is the owner of Creative Arts Academy, and it is wonderful, but since she has moved into this location, the Sign Ordinance has changed. Ms. Raisher said very little of her property can be seen from Englewood Road. The 400-foot privacy fence became a place to hold a banner, which was visible from Englewood Road. Ms. Raisher said she has now had to remove her banner. Ms. Raisher said she is competing with a preschool on the opposite side of Englewood Road, which is in Kansas City, and would very much appreciate being able to once again put up a banner advertising her business.

Assistant City Manager Wingerson said this is a bit of an unusual case, because it involves the Sign Ordinance, and also involves the Special Use Permit for this property.

Councilman Rudi asked what kind of signage was allowed when the Special Use Permit was issued.

Mr. Wingerson replied the Special Use Permit allowed "compliant signage". When the Special Use Permit was approved, the banner sign was a form of compliant signage. Since the Ordinance changed, it is now a temporary form of compliant signage for the defined period of 14 to 21 days. The variance is requesting that the banner be allowed to be permanent.

Councilman Beer asked if the banner would be in a cabinet type of enclosure, which is something the City is encouraging other temporary banner users to utilize.

Mr. Wingerson replied that was correct.

Councilman Mark Revenaugh asked if the Signage Ordinance changed after the issuance of Ms. Raisher's Special Use Permit.

Mr. Wingerson replied that was correct.

Councilman Raisher asked if Ms. Raisher could be "grandfathered" in, as the City changed the rules after she received the permit.

Mr. Wingerson replied the approach the City took was an implementation period of one year on the banner signage, so there was no "grandfather" provision allowed for banner signage - just a year to comply. It was a delayed implementation so people could adjust and comply at the time.

Councilman Revenaugh asked if Ms. Raisher's banner would have been in compliance without the Ordinance change.

Mr. Wingerson replied yes, and this Ordinance change also affected 62 other businesses.

Councilman Revenaugh asked if the 62 other businesses are also having to change their signage.

Mr. Wingerson replied a vast majority of the businesses are having to change their signage.

Councilman Revenaugh asked if there have been any neighborhood complaints about the banner sign.

Mr. Wingerson replied not to his knowledge.

Councilman Wayne Beer moved to approve a Sign Variance for the Creative Arts Academy property located at 1904 NE Englewood Road. Applicant/Owner: PS Properties (Pam Raisher). Mayor Pro Tem Les Smith seconded.

Councilman Revenaugh stated that perhaps City Council would need to look at this on a case-by-case basis to be fair to all 62 businesses if they were to come before the Council. Councilman Revenaugh said he agrees with the motion and does not feel it is fair to change the rules with a business after the business has complied with the rules, and then there is an Ordinance change, especially as it can really affect the operation of a small business, where there has been substantial investment. Councilman Revenaugh said this action makes sense to him and he feels Council is moving in the right direction on this issue.

Councilman Carol Rudi stated to her the issue is not a small business, but the fact that this is a Special Use Permit, and generally in a Special Use Permit area there is no signage. The City has not rezoned the area to allow a business in a particular location, so it is different from other businesses that are in a correct zoning. Councilman Rudi asked Mr. Wingerson to help in clarifying this situation.

Mr. Wingerson agreed with Councilman Rudi, and said what is key in this instance is that there is a Special Use Permit in place and it is different from a commercial property on North Oak Trafficway. There are issues with signage in a neighborhood that are different than signage on an arterial. Mr. Wingerson stated he does not know that it is the rule change that is of concern here, but it is more along the lines of the Special Use Permit and the character of this business within that neighborhood, so it is a very narrow variance discussion for tonight's consideration.

Councilman Beer asked if the Special Use Permit did allow for compliance signage.

Mr. Wingerson replied yes, and Ms. Raisher does have compliant signage on the property in partnership with the Baptist Church, as well as directional signage, some of which, at the request of the Planning Commission, and ultimately approved by City Council, to separate employee parking from student/customer parking. Mr. Wingerson said all of this is in place, and the signage complies as it is today, and complied prior to the rule change. Mr. Wingerson explained the question here is the Special Use Permit and the character of this within that neighborhood.

The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross.

**Item 10. on the Agenda.** **FIRST READING BILL 06-14**, amending Ordinance Number 3.988 by enacting a new tax rate in conformity with the "Municipal Telecommunications Business License Tax Simplification Act", based on new information from the office of the Missouri Director of Revenue.

Mayor Pro Tem Les Smith moved to place Bill No. 06-14 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, 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 06-14, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, 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 06-14 and enact the Bill as **Ordinance 3.993**. Councilman Wayne Beer seconded.

Mayor Pro Tem Les Smith stated for the edification for those in the audience, the Missouri House of Representatives and the Missouri Senate agreed to a Bill last year; there was a drafting error in the Bill, so there was a mistake in the Bill. The State legislature cannot agree to go back and fix the mistake to have it read the way it read prior to the mistake. The reason this is of some interest is the difference in the Bill will cost the City of Gladstone approximately a quarter of a million dollars per year. That money would fund five police officers, five firefighters, or could provide for additional paved streets. Mayor Pro Tem Smith said the politics in Jefferson City is a disservice and making an unjust situation for the citizens of Gladstone and the residents of the State of Missouri. Mayor Pro Tem Smith said he does not understand why so many members of the State legislature are beholden to telecommunications companies. Mayor Pro Tem Smith said the public in our state does not realize this is happening and if they do he does not understand how they tolerate it. Mayor Pro Tem Smith said he does not understand this, and we are helpless to do anything about it.

Mayor Cross said citizens can keep track as to how their State Representatives vote on this issue.

Mayor Pro Tem Smith said our Representatives have been very responsive.

Councilman Beer said the City needs to give credit to Representatives Nolte and Silvey for supporting Gladstone's interests opposed to the party line interests. Councilman Beer said he wished to commend Representatives Nolte and Silvey, as they have been good friends to the City of Gladstone.

Mayor Pro Tem Smith agreed.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, 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.**

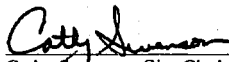
There were no questions from the News Media.

**Item 13. on the Agenda.**

**ADJOURNMENT**

There being no further business to come before the May 8, 2006, Gladstone Regular City Council Meeting, Mayor Bill Cross adjourned the meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: X

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

  
Mayor Bill Cross



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MAY 22, 2006**

**OPEN STUDY SESSION: 6:00 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will hold a Closed Executive Session immediately following 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 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(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 8, 2006 City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** designating the week of May 22-26, 2006, as "National Public Works Week" in Gladstone, Missouri, as sponsored by The American Public Works Association.

5. **CONSENT AGENDA**

**RESOLUTION R-06-28**, authorizing execution of a contract with SMI-CO Construction, Incorporated, in the total amount not to exceed \$145,498.00 for the 2005 Water Main Replacements; Project WP0590.

**RESOLUTION R-06-29**, authorizing acceptance of work under contract with Damon Pursell Construction Company for the Happy Rock West-Antioch Road Improvements, and authorizing final payment in the amount of \$14,219.82 for Project 025025.

**RESOLUTION R-06-30**, authorizing the City of Gladstone to participate in the Energy Leveraged Loan Program of the Missouri Department of Natural Resources and the State Environmental Improvement and Energy Resources Authority, and authorizing the City Manager to execute a loan agreement and promissory note to provide funds to finance the installation or construction of energy conservation measures for the new Community Center/Natatorium; such funds to be repaid from energy cost savings

realized by the City as a result of implementation of such energy conservation measures.

**RESOLUTION R-06-31**, authorizing the City Manager of the City of Gladstone to execute an agreement with Town and Country Building Services for Janitorial Services at City Hall, the Public Works Building, and the Water Treatment Plant for an initial one year period with three optional one year extensions in the amount of \$42,892.00 per year.

**APPROVAL OF CLASS "C & H" 7-DAY PACKAGE LIQUOR LICENSE WITH WINE TASTING**, for Missouri CVS Pharmacy, LLC, dba CVS/Pharmacy #8554, 6129 North Antioch Road. Managing Officer: Lorene Samson.

**APPROVAL OF FINANCIAL REPORT FOR APRIL 2006.**

**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 subject to certain conditions to Mancuso Construction for expansion of the parking area on property located at 305 Northwest Englewood Court. Applicant: Mancuso Construction. Owner: CPA Land Ventures, LLC. File No. 1274
- 9a. **FIRST READING BILL 06-15**, approving a Site Plan Revision at 305 Northwest Englewood Court. Applicant: Mancuso Construction. Owner: CPA Land Ventures, LLC. File No. 1274
10. **PUBLIC HEARING:** on a request for a Site Plan Revision subject to certain conditions to Van Chevrolet Cadillac, Incorporated for operation of Van Chevrolet Cadillac, Incorporated on property located at 100 NW Vivion Road. Applicant/Owner: Van Chevrolet Cadillac, Incorporated. File No. 1272
- 10a. **FIRST READING BILL 06-16**, approving a Site Plan Revision for property at 100 Northwest Vivion Road. Applicant/Owner: Van Chevrolet Cadillac, Incorporated. File No. 1272
11. **PUBLIC HEARING:** on the proposed 2006-2007 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**

**MONDAY MAY 22, 2006**

**PRESENT:** Mayor Bill Cross  
Mayor Pro Tem Les Smith  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilman Mark Revenaugh  
  
City Manager Kirk Davis  
City Counselor David Ramsay  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

Mayor Bill Cross opened the Regular May 22, 2006, 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 MAY 8, 2006, CITY COUNCIL MEETING MINUTES.**

Councilman Mark Revenaugh moved to approve the Regular May 8, 2006, City Council Meeting Minutes as presented. Councilman Wayne Beer seconded the motion.

The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross.

**Item 4a. on the Agenda.** **PROCLAMATION:** designating the week of May 22-26, as "National Public Works Week" in Gladstone, Missouri, as sponsored by the American Public Works Association.

Mayor Bill Cross invited Councilman Mark Revenaugh to present the proclamation.

Councilman Revenaugh read and presented the Proclamation to Public Works Director Chuck Williams, who stated there are 32 staff members in the Public Works Department. These staff members are dedicated individuals who are willing to report in the middle of the night to serve the community, whether it is a problem concerning water, sewer, or to clear the roads after a snow storm. Director Williams stated the Public Works Department is just one small cog in the entire City organization that is here to serve the citizens of Gladstone, and it is a pleasure to do so.

Mayor Cross thanked Director Williams and stated he and Council members appreciate all the good work of the Public Works Department.

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

Following the Clerk's reading, Councilman Wayne Beer inquired into the address for the CVS liquor license on 6129 North Antioch Road, which is currently the OSCO store.

City Clerk Cathy Swenson replied that CVS Pharmacy, LLC has bought the OSCO store located at 6129 North Antioch Road.

Councilman Carol Rudi moved to accept the Consent Agenda as presented. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross.

Councilman Carol Rudi moved to adopt **RESOLUTION R-06-28**, authorizing execution of a contract with SMI-CO Construction, Incorporated, in the total amount not to exceed \$145,498.00 for the 2005 Water Main Replacements; Project WP0590. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross.

Councilman Carol Rudi moved to adopt **RESOLUTION R-06-29**, authorizing acceptance of work under contract with Damon Pursell Construction Company for the Happy Rock West-Antioch Road Improvements, and authorizing final payment in the amount of \$14,219.82 for Project 025025. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross.

Councilman Carol Rudi moved to adopt **RESOLUTION R-06-30**, authorizing the City of Gladstone to participate in the Energy Leveraged Loan Program of the Missouri

Department of Natural Resources and the State Environmental Improvement and Energy Resources Authority, and authorizing the City Manager to execute a loan agreement and promissory note to provide funds to finance the installation or construction of energy conservation measures for the new Community Center/Natorium; such funds to be repaid from energy cost savings realized by the City as a result of implementation of such energy conservation measures. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross.

Councilman Carol Rudi moved to adopt **RESOLUTION R-06-31**, authorizing the City Manager of the City of Gladstone to execute an agreement with Town and Country Building Services for Janitorial Services at City Hall, the Public Works Building, and the Water Treatment Plant for an initial one year period with three optional one year extensions in the amount of \$42,892.00 per year. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross.

Councilman Carol Rudi moved to approve a **CLASS "C & H" 7-DAY PACKAGE LIQUOR LICENSE WITH WINE TASTING**, for Missouri CVS Pharmacy, LLC, dba CVS/Pharmacy #8554, 6129 North Antioch Road. Managing Officer: Lorene Samson. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross.

Councilman Carol Rudi moved to approve the **FINANCIAL REPORT FOR APRIL 2006**. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross.

## **REGULAR AGENDA**

Mayor Cross adjusted the agenda slightly and asked City Manager Kirk Davis for his comments.

### **Item 8. on the Agenda.**

### **COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reminded everyone that the municipal pool opens Memorial Day weekend. The Gladstone Amphitheatre in Oak Grove Park will be hosting the Sweet Adelines on June 3<sup>rd</sup> at 6:00 PM. City Manager Davis reported there will be a Community Center public meeting at 5:00 PM, on June 5<sup>th</sup>, at City Hall, and invited all to attend. City Manager Davis encouraged all to attend the Blues Festival on June 9 and 10 in Oak Grove Park.

Item 6. on the Agenda.

**COMMUNICATIONS FROM THE AUDIENCE.**

**John Rupert, 6407 North Wayne**, asked if the City would be able to fulfill the 2006-2007 budget in regard to the drainage project on the east side of North Wayne, which was supposed to be completed this year.

City Manager Kirk Davis stated this project is listed in the Stormwater Master Plan, and he believes it was originally funded for 2006 for construction. City Manager Davis said, unfortunately, when the sales tax revenue began to decline in the City in 2001 and 2002, this is one of the projects that suffered from the reprioritization that the City had to do. City Manager Davis stated this is his recollection, and asked Public Works Director Chuck Williams if he could provide an update on this issue.

Public Works Director Williams reported that the project that Mr. Rupert inquired about is now scheduled for 2011. As City Manager Davis indicated, with the shrinking sales tax and the increase in the construction costs, the City has had to do some significant reprioritization of all of the City projects. Director Williams suggested that one thing that could be done in the short term to assist Mr. Rupert is to discuss this project at an internal meeting that will be held Thursday morning, where some miscellaneous storm water money will be discussed. There may be something that can be done to alleviate Mr. Rupert's problem for the short term. Director Williams stated he knows that Mr. Rupert would like to see this project completed; it is however, an approximately \$175,000 project. Currently, the City does not have the funding available, based on the other prioritization of projects, but something may be able to be done in the short term.

Mr. Rupert asked what happened to all the money from 2004.

City Manager Davis replied he believes Mr. Rupert is talking about the City's property tax increase in February 2005. City Manager Davis reported that none of that money was dedicated to Capital Improvements, except for streetlights and sidewalks, which are the Gladstone on the Move objectives that came from that citizen based process.

Mr. Rupert asked why the City needs more sidewalks, when people don't use them and do not maintain them by cutting their tree limbs and so forth. Mr. Rupert said he turned in two complaints and nothing has been done on the route he reported.

City Manager Davis replied that for over a year, the Gladstone on the Move Committee for went over extensive discussions on what they wanted to see in the community, and one of the priorities identified was additional sidewalks. Those priorities were adopted by City Council resolution, and Staff has used those to help in prioritizing spending recommendations to City Council for the last two years. City Manager said unless Council would like to change priorities in the budget, as suggested by Mr. Rupert, he would like to have the opportunity to discuss at the Thursday meeting the amount of money available, which will be substantially less than \$175,000, to address this issue. City Manager Davis said Mr. Rupert's problem would not be entirely solved by the project. Mr. Rupert has

some underground storm drainage that affects his foundation. In addition, he has some surface drainage that would be resolved by this project. City Manager Davis said what Mr. Williams is suggesting is that Staff look at some type of a smaller french drain that would help alleviate part of Mr. Rupert's surface drainage problem, and provide him some relief, yet not compromise the \$175,000 project that would benefit a far greater number of people in 2011. City Manager Davis apologized for the delays with this project. The City is at 1997 levels in sales tax, but at 2006 prices in expenses. The City has had to reprioritize how it spends money in order to remain financially viable as an organization. City Manager Davis said Staff is very cognizant of Mr. Rupert's issue, and hopes that he is also appreciative of what the City is struggling with at this time. There might be at least some help, if Mr. Rupert will wait until Thursday, when Staff will look at a temporary option.

Mr. Rupert stated that Assistant City Manager Scott Wingerson has visited his home, and will attest that there is no problem with water above the ground; the problem is water below the ground. Mr. Rupert said he has spent \$5,400 having his walls reinforced to keep them from coming in. The house next door, 6409 North Wayne, has a similar problem, except the owner did not put in the drainage that Mr. Rupert did, and his wall moved in so far that it caused a fire in his house. The electrical circuit was pulled out of the box, which started a fire. Another neighbor spent over \$10,000 to jack up his home's foundation, and on the south side of that house, there was so much space one could put their arm into the basement.

Councilman Mark Revenaugh asked if the water is coming from underground, and what is the source of the water – is it a natural spring or a pipe that is leaking?

City Manager Davis replied it is not a pipe; it is underground drainage coming from an underground spring, and it becomes worse when there is a lot of rain. City Manager Davis stated what is being discussed is to divert some of that surface ground water, but the real problem is an underground spring.

Mr. Rupert asked if the location of the spring is known.

Public Works Director Williams stated that much of Gladstone has what is known as expansive soils. What Mr. Rupert is describing is not uncommon in areas where there is expansive soil. When expansive soil dries, it shrinks considerably, but when it gets wet, it expands far beyond its original size, or when the basements were poured. Director Williams stated the short-term project he is suggesting might help the problem, but it won't solve the problem completely.

Councilman Revenaugh stated as he understands it, this is not a problem the City created.

Mr. Rupert said the City originally filled in his yard, and he has big pieces of concrete under his front lawn. He tried to pull down a tree and found a piece of concrete and could not find the end of it without the great expense of a large hole to find the limits of the concrete. Mr. Rupert said he gets enough water when he lifts up the cover of his water



meter, it is sometimes up to the top, and he can walk across the street and that water meter will be perfectly dry, so that water cannot even run across the street. Mr. Rupert stated his home was built in 1958, and in 1972, he had to replace his water pipe because it was rusted. In October, during the ice storm, he had to replace his gas line, that had rusted. His home was the only house on his block that had to replace both lines, which is because of the water. Mr. Rupert said his two neighbors across the street just replaced their galvanized pipe in the last two years; their pipes lasted 40 years, and his lasted 14 years. Mr. Rupert said he has visited City Hall ever since the project was first done on Forest and 67<sup>th</sup> Street, and talked to the people that do the City's planning. Mr. Rupert said he thought maybe he would get something done after that project, but that did not happen. Mr. Rupert said he has been trying to get this work done for over 30 years, and it is still sitting there the way it is. Mr. Rupert said he spent the \$5,400 he mentioned and also spent \$2,500 to have a sump pump put in on the east side of his basement, and he still has a problem. Mr. Rupert stated he had his basement walls paneled, and he had to remove all of the paneling, along with his shelving, in order to have the work done to support the walls.

Councilman Revenaugh asked if Mr. Rupert discovered there was an underground spring after he built the house.

Mr. Rupert replied he bought the house two years after it was built, and no one has located a spring on his property. The people who live on the next street, which is North Highland, told him their houses were built before they built on Wayne Street, and there was nothing but a creek bottom in his area. Mr. Rupert said he believes the water still follows that.

Councilman Revenaugh asked, for clarification, if he was correct that Mr. Rupert wants the City to fix the problem.

Mr. Rupert replied, yes, the City inspectors should have looked at what they were doing when they filled in his yard. Mr. Rupert said his house sits in the ground almost 8 feet, and he would be happy to share pictures he had with him, showing how deep his house sits in the ground.

Councilman Revenaugh thanked Mr. Rupert for clarifying the situation for him, because he had no previous knowledge of this issue. Councilman Revenaugh said by Mr. Rupert attending this meeting, it helped everyone better understand what Mr. Rupert has been putting up with in that his house has some kind of underground water running into the basement that is causing him problems. Councilman Revenaugh said that City Manager Davis has agreed that when Staff meets on Thursday, they will see if there is something that can be done. Councilman Revenaugh said his parents, who live in Carriage Hill, have an underground stream, but it is not affecting their home to the extent that some water source is affecting Mr. Rupert's home. All the City can do is the best they can with the budget available, but the reality is that \$175,000 to do the entire project is a lot of money.

Mr. Rupert agreed that it is a lot of money, but it has been said in the past that the City should do things that need to be done now, and do things we would like to do later. Now the City is looking at building a Community Center, a swimming pool, and sidewalks. People do not use sidewalks, and very few people are walking outside. People do not even cut the tree limbs over the sidewalks. Mr. Rupert said a lot of people in Gladstone are older and will not be able to use the pool or Community Center.

Mayor Pro Tem Les Smith stated he understands Mr. Rupert's concerns; however, the City has dedicated revenue sources. In other words, certain money can only be spent on certain things.

Mr. Rupert replied that when the money comes in, it is not marked, City Council members make the decisions of where the money goes.

Mayor Pro Tem Smith stated that a group of citizens pushed for an initiative for a Community Center, and when the voters are told the money will be used for a Community Center, that is where the money will go. There are revenue sources that can only be used for certain expenditures, and there are sales taxes that are dedicated for capital improvements, of which storm drainage is one. Mayor Pro Tem Smith said what probably happened when the project being discussed was originally projected to be completed this year, it was placed on the City's five-year plan based on revenue projections. As the City Manager said, those revenue projections have not held true. It is similar to one's own home - when one has less money, one has to spend less money.

Mayor Pro Tem Smith stated that \$175,000 might help Mr. Rupert and one or two of his neighbors, but there might be another project where the \$175,000 could help 15 or 20 homes. The City has to reprioritize at that point and spend the money for the greater good. Mayor Pro Tem Smith said that is why City Council members are encouraging retail development and reinvestment in neighborhoods and commercial corridors, as that generates that sales tax that allows the City to do projects such as the one in Mr. Rupert's area. If Director Williams can find something that will help Mr. Rupert's problem in his meeting on Thursday, then that is all that can be done at this time. Mayor Pro Tem Smith said he does not like to say this, because he wants to help everyone - no matter how large or small the problem, he wants to be able to fix it. The reality is that the City cannot at this time, and especially with storm drainage funding.

Mayor Pro Tem Smith asked Mr. Rupert to wait to hear from Director Williams by the end of the week to see what the City can do to assist him. Mayor Pro Tem Smith informed Mr. Rupert that if anyone has told him that the City can fix his underground problem 100 percent, he has been misled, because the City cannot. The City can help give Mr. Rupert some relief, and Director Williams has offered to do what he can with the money available to him at this time.

Mr. Rupert asked what the City did with the \$856,000 received in 2004.

City Manager Davis replied he believed that was the fiscal year fund balance that was re-appropriated into the Capital Equipment Replacement Fund, and end of year expenditures. Approximately \$350,000 goes to the year-end costs such as labor and so forth that accrue into the following year. The City also tries to complete any unfinished projects, utilizing those year-end funds. Remaining funds go into the Capital Equipment Replacement Fund. City Manager Davis explained that Capital Equipment Replacement Fund is something the City is trying build up, and those funds have saved the City the last couple of years, due to the declining revenues. Capital Equipment Replacement Funds proposed in the 2007 Budget is paying for all the Capital Equipment that the City has budgeted, and includes trucks, squad cars, and things of that nature. None of the money that Mr. Rupert has mentioned are Transportation Sales Tax dollars.

Mayor Pro Tem Smith stated that there is documentation that shows where every penny of the money was spent - the expenses are documented. There is a certain percent of the City's sales tax revenue that is earmarked for capital projects, such as storm drainage projects and so forth. Expenditures of those funds are also documented.

Mr. Rupert stated there are four homes in his block that have problems with excessive ground water. If that water is diverted into Mill Creek, it will help the people south of Shady Lane, as well as help in his area. Mr. Rupert said after a good rain, the water is coming out of the drains and runs across North Wayne for two to three weeks at times.

Mayor Pro Tem Smith suggested that Mr. Rupert allow City staff to report back to him, and asked City staff to provide a report to City Council members. Mayor Pro Tem Smith explained that at this point it would be speculation, but more will be known after the Thursday meeting, and if Mr. Rupert is not satisfied, he is certainly welcome to attend a future City Council meeting.

Mr. Rupert stated that the water in his area is also hurting the City, as it is rusting out the City water line, and this last year the City put in a new section of pipe, because the City was tired of digging up his driveway. Mr. Rupert inquired into the time of the meeting on Thursday.

Director Williams replied the meeting is at 9:00 AM, and he expected to contact Mr. Rupert on Thursday, although he may not have a definitive answer on that day. Director Williams stated he believes that the amount of money that can be allocated to this project will need to be identified and then some survey work may need to be done to determine what the grades are going to be to see how effective an attempt would be in this area. Director Williams explained that this week he probably would not be able to tell Mr. Rupert what the City can do, but he can let Mr. Rupert know what funds have been earmarked, and what design work will need to be done to come up with a solution that can be presented to both Mr. Rupert and to City Council members.

Mayor Pro Tem Smith thanked Director Williams and encouraged him to communicate with Mr. Rupert during the course of addressing this concern, and if there is nothing that can be done for Mr. Rupert, he needs to be notified of that as well.

**Mary Abbott, 5905 North Broadway**, reported that Mr. Scharhag removed the rocks on his property and placed them around his fishpond. Mr. Scharhag also seeded and placed straw on top of the seed on his property, and cleaned up the mess. Ms. Abbott thanked Council members for their assistance in this matter. Ms. Abbott stated the finished parking lot at Priscilla's has eliminated the traffic congestion in that area on North Oak Trafficway and 61<sup>st</sup> Street. Ms. Abbott stated the northbound section from 59<sup>th</sup> Street to 64<sup>th</sup> Street of North Broadway is quite bad. There are potholes that have been filled, and the fill has eroded, and there are new potholes.

Mayor Pro Tem Smith stated when funding allows, one of the City's next major projects needs to be North Broadway.

Ms. Abbott stated the parkway from 68<sup>th</sup> Street to 70<sup>th</sup> and North Oak Trafficway has been discussed, and one of the vital entrances to the parkway will be North Broadway. It would be quite a difference between the road conditions of a new parkway and the road conditions of North Broadway.

City Manager Davis pointed out there has been discussion on a bond issue for roads, pending some relief from the constant reduction of the Transportation Sales Tax that the City has seen every year. There are City streets, North Broadway; 76<sup>th</sup> Street; old Antioch Road; and potentially the new Pleasant Valley Road alignment; that are major multi million dollar projects that would have to be funded with a bond. City Manager Davis said that will probably be the City's next big bond issue at some point in time. City Manager Davis said the question is that there has to be a tool with which to retire that debt, and he is uncomfortable with a tool that is declining every year as a resource in order to meet those long-term debt obligations. If these roads projects could be done, the City would be in good shape in terms of road reconstruction expansions on major roadways, and he would estimate this to cost in today's dollars between \$8 million to \$10 million. City Manager Davis continued by saying if the Road District were successful with the County funding issue, that would help. City Manager Davis said he agrees with Ms. Abbott that North Broadway is an issue, and will be an issue when the potential parkway is built in 10 years.

**Jaimee Wheat, 6306 North Park**, began by saying on May 13, 2006, it came to her attention from Animal Control that she was over the Gladstone animal limit. Ms. Wheat said she owns three neutered and declawed cats, and three neutered dogs, which have been in her family for over five years, since she has lived in Gladstone. Ms. Wheat said when she moved into Gladstone in 2000, she checked with the Gladstone Animal Control as to the limits of animals one could have, and she was told by an Animal Control officer that in Gladstone, there is a limit of three licensed animals. It also came to her attention that in Gladstone the only licensed animals were canines. Ms. Wheat said her family is devastated that they have to get rid of three of their animals. Ms. Wheat continued by

saying both she and her husband are public school teachers and believe in abiding by the law, and do not believe that ignorance of the law means that one does not have to abide by them. They believed they understood the laws as explained by a City official.

Ms. Wheat stated she researched the Animal Control laws on the City's website, and read through the first two pages, and did not find any mention on the amount of animals allowed in the City. There are many other Ordinances listed about other animal issues, but the number of allowed animals should be a top priority on the website, so people are adequately informed as to how many pets are allowed. Ms. Wheat said she did find the Ordinance regarding the allowed number of pets, which reads "uncaged" pet animals. Ms. Wheat stated she has four children and one of her daughters is autistic, so not only are their pets family pets, but they are also used as pet therapy. Ms. Wheat stated she brought information regarding this therapy for City Council members to review. Ms. Wheat also had records of her dogs' registrations and copies of vet bills for their pets. Ms. Wheat asked if City Council members would consider reviewing this issue. Ms. Wheat said she takes her pets to the Gladstone Animal Clinic, and they were not aware of the City Ordinance on the number of pets.

City Counselor David Ramsay stated the Ordinance is clear that there is a limit of three pets. The Ordinance, as it is currently written, does not have hardship exceptions or special exemptions. If the Council were interested in looking into this, possibly the use of pets for some type of therapy could fit a category of exemption.

Councilman Wayne Beer asked if Counselor Ramsay could investigate what is typically done in other localities.

Counselor Ramsay replied he could investigate to see if there are Ordinances in other municipalities that have that type of exception.

Councilman Beer stated if it is found that other municipalities commonly grant exceptions per Ordinance, perhaps our City could also look at that.

Mayor Pro Tem Smith asked City Manager Davis what people are told by Animal Control officers when they ask that question.

City Manager Davis replied it is impossible for him to quote what someone might have said six or seven years ago, and not one of our current Animal Control employees was an employee then. City Manager Davis said he would guess that what was stated and what was interpreted were all right. Not to say Ms. Wheat misunderstood or a City employee misstated. The confusion probably surrounded three animals being licensed and three pets, and what that means, and the unstated comment that there being six pets. City Manager Davis stated if a citation went to Municipal Court, he is confident that court would react according to the definite language of the Ordinance. City Manager Davis stated this issue has not come up in the last eight years, so this is new ground, and he does not know what other municipalities might have that allow for animal control type of exceptions. City

Manager asked for time for Staff to investigate Ordinances to see if there is something that addresses Ms. Wheat's particular exception that she has asked to be reviewed, and if there is some ability to amend our Ordinance, Staff would be happy to bring forward an amended Ordinance that might provide some relief in this case.

Mayor Pro Tem Smith asked why Animal Control officers came to Ms. Wheat's house.

Ms. Wheat replied her neighbors had been reported for having dangerous animals in their backyard and it was found they had three dogs and a cat, and their little girl who plays with her children, said the Wheat family had three dogs and three cats. Ms. Wheat said the number of pets allowed in Gladstone needs to be more openly addressed and in public places, such as at veterinary clinics and on the website. This should be the number one Ordinance listed, when people go to the web page to see the Animal Control laws. Ms. Wheat said her interpretation is that it is permissible to have only three uncaged animals but someone could have a multitude of smelly rabbits in cages.

City Manager Davis said this issue would be an item on the next City Council Open Study Session agenda. If there are questions, Staff will raise those with Council members. City Manager Davis said the City's veterinarians used to have copies of the City's Ordinances, if they don't now, they will receive updated codes.

Councilman Carol Rudi suggested that instead of giving veterinarians copies of the City code, they should be given a list of Animal Control laws that is very simple.

City Manager Davis replied Staff would do their best, as there are many pages to the Animal Control Ordinance.

Councilman Rudi suggested to Ms. Wheat to think in terms of not replacing any of her pets, if she should lose a pet.

Mayor Cross told Ms. Wheat that a member of the City staff would be getting in touch with her.

**Item 7, on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Mark Revenaugh** had no comments at this time.

**Councilman Wayne Beer** had no comments at this time.

**Councilman Carol Rudi** had no comments at this time.

**Mayor Pro Tem Les Smith** stated he attended the Home Builders Association tour in Portland this past week, and although for 20 some years he has attended events, this is the best money the City has spent. Mayor Pro Tem Smith said with the help of Sergeant King, he would like to put together a presentation with pictures and material he received for the City Council at, perhaps, the next Open Study Session. Mayor Pro Tem Smith said there

were some things he saw that he believes is being envisioned for the Gladstone Village Center, and would like the opportunity to share that information with City Council members and City staff.

**Mayor Bill Cross** asked City Manager Davis to put this item on the next City Council Open Study Session agenda.

**Item 9. on the Agenda.**      **PUBLIC HEARING:** on a request for a Site Plan Revision subject to certain conditions to Mancuso Construction for expansion of the parking area on property located at 305 Northwest Englewood Court. Applicant: Mancuso Construction. Owner: CPA Land Ventures, LLC. File No. 1274

Mayor Bill Cross opened the Public Hearing and explained the hearing process that the applicant would make their presentation, followed by a presentation by the Staff and finally comments from those in Favor and those Opposed.

**Applicant Presentation**

**Vic Mancuso, Mancuso Construction**, stated he is requesting a Site Variance to expand the parking at 305 Northwest Englewood Court.

**Staff Presentation**

Scott Wingerson, Assistant City Manager, stated this is a Site Plan revision at the corner of Englewood Court and North Broadway for the addition of 16 parking spaces to the east side of the building. It does encroach into the required 35-foot buffer, which is why it is a site plan revision. Mr. Wingerson asked City Council members to note the last exhibit in their packets, which is a clear description of the new parking area as well as the screening technique being used to accommodate or replace the horizontal dimension of the buffer, which is a four foot modular block retaining wall, topped by a six foot shadow box fence. Mr. Wingerson said he believes the applicant has done a good job in compensating for the 35 feet, reducing it to 10 feet and adding much needed parking. The Planning Commission has unanimously recommended 12-0 approval of the project.

Councilman Rudi inquired into the percentage of the building that is occupied.

Mr. Mancuso replied the building is 50 percent occupied.

**There was no one to speak in Favor or Opposition to the Application.**

Mayor Bill Cross closed the Public Hearing.

**Item 9a. on the Agenda.**      **FIRST READING BILL 06-15**, approving a Site Plan Revision at 305 Northwest Englewood Court. Applicant: Mancuso Construction. Owner: CPA Land Ventures, LLC. File No. 1274

Mayor Pro Tem Les Smith moved to place Bill 06-15 on First Reading. Councilman Wayne Beer seconded.

Councilman Rudi stated she visited this site today and noticed there were 11 cars parked on the street, and most of the existing parking lot was filled, which is why she asked the question regarding occupancy. Councilman Rudi said the business definitely needs this additional parking, they have a good agreement with their neighbors, and she feels this is a good idea.

The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 06-15, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and 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 06-15 and enact the Bill as Ordinance 3.994. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

**Item 10. on the Agenda.** **PUBLIC HEARING:** on a request for a Site Plan Revision subject to certain conditions to Van Chevrolet Cadillac, Incorporated for operation of Van Chevrolet Cadillac, Incorporated on property located at 100 NW Vivion Road. Applicant/Owner: Van Chevrolet Cadillac, Incorporated. File No. 1272

Mayor Cross opened the Public Hearing and explained the process would be the same with this Public Hearing as explained with the previous Public Hearing.

**Applicant Presentation**

**James Marshall, JRMA Architects, Parkville, Missouri,** began by saying he is an architect with JRMA Architects, and was present at this meeting to present the plans for Van Chevrolet improvements. This project is partially in Kansas City, Missouri and partially in Gladstone. His company has filed with the Planning Commissions in both cities, and the plans before City Council this evening have been approved by both cities. Mr. Marshall stated that in the Kansas City area, Van Chevrolet has purchased the outer road that runs east and west across the front of the property. This road intersects Old Pike Road at the stop light intersection, and Van Chevrolet will be closing the access point to the outer road. The parking in Kansas City will be pushed closer to Vivion Road. The



Kansas City Planning Commission has approved this and has recommended approval by their City Council. Mr. Marshall reported that in the Gladstone portion of the improvements there is included improvements to the parking area and there are three proposed building additions. On the north side of the large dealership building, there is a proposed expansion of the automobile service area. To the right of that area and to the east of an existing building, there is a proposed building addition for truck service. Mr. Marshall pointed out on the plans a T-shaped building that has a proposed addition to the north side that would be a car wash and detailing center to be used by the dealership only. Mr. Marshall continued by saying it is proposed to improve the customer parking in front of the dealership and providing better access through the dealership. Mr. Marshall stated the business has been before the Missouri Department of Transportation to ask for a right hand turning lane coming into the dealership off of Vivion Road from the east. The Missouri Department of Transportation has look favorably upon this request, and he has a meeting with them tomorrow. Mr. Marshall said all of the traffic studies the Missouri Department of Transportation has requested, and this improvement would take some of the traffic off of Old Pike Road coming into the dealership.

Mr. Marshall reported that he made a presentation to the Planning Commission last week, and Mr. And Mrs. Nelson expressed concern about the changes that had taken place around their residence in the past years with The Home Depot, the Chrysler dealership, the gas station, and the Steak N' Shake, with the light coming onto their property. Mr. Marshall said he met with them following the Planning Commission meeting and told them his company would look at their lighting situation at the dealership and if there was anything they could do to improve the environment at their home, they would do that. Mr. Marshall introduced Brent Talley, who is with the corporation who manages Van Chevrolet Cadillac, Incorporated. Both he and Mr. Talley visited the dealership after the Planning Commission Public Hearing and looked at the northeast corner of the lot. There are a tremendous lot of woods between the Nelson's home and the dealership. Mr. Marshall stated they saw one light fixture twisted the direction of the Nelson home, and it has been discussed to adjust that fixture so the light is more on the parking lot. The woods are very dense and the dealership is about 300 feet from the Nelson's home, and the dealership is about 50 feet higher in elevation than their home. Mr. Marshall said he is working with Mr. and Mrs. Nelson and will strive to work with them if the dealership is creating any problems.

Mr. Marshall continued by saying the business is improving the appearance of the exterior of the main dealership building and on the T-shape building where the drive-through car wash is proposed, and interior work will be done to bring the dealership up to the new 2007 Chevrolet standards. The work on this dealership will be a prototype for all the other dealerships in the nation in regard to the 2007 image. Mr. Marshall stated the dealership looks forward to moving forward with this and asks for City Council's approval.

**Faith Nelson**, stated she was not speaking in opposition to this application, but for clarification at the Planning Commission meeting, she and her husband were raising concerns about additional lighting if there is more building. There is a good buffer until

fall, and then there is more light from the car dealership. Ms. Nelson said her husband and she were concerned about the lighting and additional storm water run-off, which Assistant City Manager Wingerson has told them will not happen. Another concern was pollutants that might come off the car wash, and they have been assured that State regulations will be followed in this regard. Ms. Nelson said she and her husband were not finding fault with the lighting as it is now, but were concerned about additional lighting.

### **Staff Presentation**

Assistant City Manager Scott Wingerson began by saying that Mr. Marshall did a good job explaining the request. Regarding the storm water issue, all of the areas for building expansion are currently paved, so the net run-off effect is negligible. There will not be additional run-off at this site, which is consistent with what was discussed at the Planning Commission meeting. All of the new service areas and some of the existing service areas will have the appropriate filtering systems as required by the various construction codes and State law which addresses the pollutants. Mr. Wingerson stated that Staff recommends three conditions having to do with the location of fire protection and plan production moving forward. The Planning Commission requested two additional conditions noted in the draft Ordinance. Condition Number 4 requires that lighting shall be designed and installed to reduce the impact on adjoining residential property, and Condition Number 5 states additional landscaping in the northeast corner of the project shall be designed and submitted to the City Council for consideration.

Councilman Beer asked, in regard to the light spillage, although it may be intended for there to be no light spillage on the adjacent property, in the fall and winter the buffering will become greatly reduced. Often times lights are put on a building with the idea that they be directed down, but still there is a great deal of light spillage. Perhaps the lights could be placed at the edge of the property and directing them down and towards the building, so the lights do not spill as severely.

Mr. Marshall stated this was addressed last week, and he walked the site, and all the lighting is around the perimeter in that particular area, where the lighting is focused downward. It was agreed last week to not put lights on the building addition that shine outward. His company wants to have a good reputation with the neighborhood, and they respect the neighbors. There is some lighting that will be added to the south end of the dealership mainly in the new parking lot area that will be expanded toward Vivion Road, and a little in front of the business, near the customer service area. Mr. Marshall reported they are working with LSI Lighting, who manufactures lighting systems for car dealerships, and Kansas City, Missouri requires the dealership to have a zero foot-candle at the property line. There will be no new lighting to the back of the dealership where the additions are proposed.

Mayor Pro Tem Smith inquired into the Planning Commission's concern, which led to the condition regarding the landscaping.

Mr. Wingerson replied it had to do with the northeast corner of the property, and he felt in drafting this condition, which was read to the Planning Commission, that would be a building permit issue and really relates to filling in any bare spots as Staff does the permit review in the northeast corner.

Mayor Pro Tem Smith encouraged Mr. Wingerson to look at any way possible to soften the east side of the developed property at this site.

Councilman Rudi suggested planning evergreens that would grow fairly large on the northeast area to assist in screening the Nelson's home.

Mr. Wingerson agreed and stated when all the building documents are submitted, Staff would see what the impact will be in that area, and target additional landscaping if and where necessary.

**There were no further comments from those in Favor or Opposed to this application.**

**Mayor Cross closed the Public Hearing.**

**Item 10a. on the Agenda.** **FIRST READING BILL 06-16**, approving a Site Plan Revision for property at 100 Northwest Vivion Road. Applicant/Owner: Van Chevrolet Cadillac, Incorporated. File No. 1272

Councilman Wayne Beer moved to place Bill 06-16 on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 06-16, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 06-16 and enact the Bill as Ordinance 3.995. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

**Item 11. on the Agenda.** **PUBLIC HEARING** on the proposed 2006-2007 Annual Operating Budget for the City of Gladstone, Missouri.

Mayor Cross opened the Public Hearing and explained the process would be the same as the last two Public Hearings.

City Manager Davis thanked the Council for the opportunity to present the Fiscal Year 2007 proposed Operating Budget for the City of Gladstone, Missouri. Mr. Davis said this document has been the result of a comprehensive team effort from every level of the organization, with two Study Sessions with the City Council. The Fiscal Year 2007 Budget is conservative, yet fiscally responsible, representing a commitment to the citizens of Gladstone, as well as to the employees who provide those services.

City Manager Davis reported that while the budget for the General Fund is balanced with \$14,015,821 in expected revenue and expenditures totaling \$14,015,747, we must continue to be vigilant and aggressive in the economic development efforts that are underway. The future viability of our community is dependent upon these efforts and the services provided by these businesses. City Manager Davis stated we continue to be challenged by growth outside of our community. We continue to face revenue challenges from the telecommunications industry. We continue to see aging commercial structures on our commercial corridors. We continue to see neighborhoods age. We must encourage reinvestment in our community through economic development efforts, and some of the initiatives that are underway.

City Manager Davis stated the Enterprise Funds are also projected to show a positive balance. Revenues in the water fund are projected to be \$7,105,109 and expenses \$7,038,980.

City Manager Davis said the City has utilized a couple of initiatives in the past two years to serve as a primary foundation for decision making and Staff recommendations to the City Council. Those two issues are Council objectives and the Gladstone on the Move objectives. There is a continued focus towards meeting and implementing the objectives raised by the Council and Gladstone on the Move.

City Manager Davis continued by saying this budget also focuses on the City's employees. Personnel related expenditures comprise approximately 77 percent of our budget, and are the largest expenditure citywide. This budget proposes a 2 percent merit pay increase, implementation of the pay and compensation study that was completed this spring in the amount of \$276,000 in the General Fund, and an increase in the LAGERS (Missouri Local Government Employees Retirement System) program to the L6 level, which is primarily funded by employee contributions. These benefit improvements are coupled with moderate increases in insurance and health care costs and enhanced health care options. The General Fund budget does not recommend additional staffing, and represents a funding level for 170 full time employees. The budget does allow for one additional Water Plant operator in the Water Fund, and a Community Center Director in the Community Center/Municipal Pool Fund.

City Manager Davis reported that the capital and supplemental items in both the General Fund and the Combined Water and Sewerage System Fund is a little meager this year. It is proposed to fund in Public Safety two patrol cars, a gas detector, and two motorcycles. In

the Parks and Recreation Department, it is proposed to fund a new cargo van, a one-ton pick-up, goals and fencing for Happy Rock Park. An Ambulance Reserve Fund has been established in the amount of \$30,000 to help begin the process of funding the next new ambulance, which should be purchased in approximately four years. In the Combined Water and Sewerage System Fund, it is proposed a backhoe, a crew cab, security fencing at the Antioch water tower, valve replacement for a high service pump at the Water Plant, and funds to rebuild a service pump at the Water Plant.

City Manager Davis stated the proposed five-year Capital Improvement budget funds approximately \$18 million in projects. Highlighting the proposed Fiscal Year 2007 Capital Improvements Budget are the Street Maintenance Budget of \$750,000. Funds in the amount of \$150,000 are budgeted for the Kendallwood and Northeast Antioch Road project; and \$250,000 is budgeted for the design and to begin acquisition for the new Pleasant Valley Road alignment. Approximately \$250,000 will be spent on the sidewalk program. The stormwater program includes \$700,000 for 67<sup>th</sup> and Indiana and \$800,000 for the Rock Creek Phase 2 project. Park projects include an additional \$80,000 enhancement to Happy Rock Park, and \$75,000 for the reconstruction of the new Central Park playground.

City Manager Davis reported the Combined Water and Sewerage System budget proposes a \$.25 rate increase, effective October 1, 2006. Of the rate increase, \$.20 will be dedicated to major capital projects and infrastructure study updates. The most pressing capital project is the repair and re-stabilization of the water transmission main near 50<sup>th</sup> and North Central. The estimated cost of the project is \$175,000. Five cents of the rate increase will fund a reserve or sinking fund for major improvements at the Water Treatment Plant. Each year unbudgeted repairs arise and become priority expenditures which compromises the fund budget approved by the Council. Approximately \$700,000 in small water lines are scheduled for replacement this fiscal year.

City Manager Davis stated that effective July 1, 2006, the City will begin collecting a ¼ cent sales tax that will be dedicated to the Community Center/Municipal Pool Fund, which will be an Enterprise Fund in itself. This budget funds the Community Center Director position and will begin funding the Community Center operations and debt. No expenditures are currently budgeted in that fund, although the revenue will begin to be collected on July 1. Expenditures will be addressed at the mid-year budget when there is a better idea as to when the project will begin and what expenditures to expect that can be funded by the sales tax.

In summary, City Manager Davis thanked City staff, including Finance Director Debra Daily; Financial Analyst Beth Saluzzi; Public Works Director Chuck Williams, who was the Director on the Budget Team this year; Assistant City Manager Scott Wingerson; all of whom worked very hard on this year's budget. It was a difficult budget to put together. It is hopeful the City will see some economic development projects begin and there are some new businesses in our City, with the centers at 64<sup>th</sup> and North Prospect and 57<sup>th</sup> and Northeast Antioch Road. City Manager Davis said the City looks forward to the

downtown project beginning, as well as the Gladstone Plaza project. City Manager Davis said Staff did a good job, particularly Finance Director Debra Daily, who provided help and assistance and helped him through the process, which he very much appreciates. City Manager Davis thanked City Council members for their time as they reviewed the budget through two Study Sessions and all the input they provided during the budget process. Approval of the budget will be an item on the next City Council agenda.

There were no questions from City Council members at this time.

There was no communications from the audience.

**Mayor Bill Cross closed the Public Hearing.**

**Item 12. on the Agenda.      OTHER BUSINESS.**

Councilman Carol Rudi stated during the Planning Commission process on the parking lot expansion at 305 Northwest Englewood Road, one of the issues was whether or not the Credit Union was creating the parking issues in that area. Councilman Rudi said when she visited the area, there were 11 cars, and when a Planning Commission member visited the area, there were 11 cars. Councilman Rudi stated she thought perhaps the Credit Union employees were parking on the street in order to save the parking spaces for customers, and if that is so, could the City ask them not to do that.

Assistant City Manager Wingerson replied he does not believe the cars belong to Credit Union employees. City staff did speak with representatives from the Credit Union, and they indicated their employees were asked to park as far east in the Mazuma lot as possible, freeing up the middle section of the parking lot close to the bank for customers. Mr. Wingerson indicated Staff will investigate this further.

Mayor Pro Tem Smith pointed out that the City may ask that people not park on the street, but unless it is made illegal to do so, cars may not be prohibited from parking on the street. Mayor Pro Tem Smith stated some time ago when he had an ownership interest in the parcel where the building is now located, the Credit Union did approach him about buying his property because they wanted to use the entire site for a parking lot, because they did not have enough parking.

Councilman Beer asked if the existing parking at Mazuma Credit Union is in compliance with Code requirements.

Assistant City Manager Wingerson replied it is slightly higher than required by Code, so is in compliance.

**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 May 22, 2006, Gladstone Regular City Council Meeting, Mayor Bill Cross adjourned the meeting.

Councilman Wayne Beer made a motion to adjourn to Closed Executive Session pursuant to the Missouri Open Meeting Act exemptions 610.021(1) for Litigation and Confidential or Privileged Communications with Legal Counsel, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Mayor Pro Tem Les Smith seconded the motion.

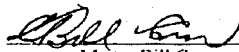
Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: X

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

  
Mayor Bill Cross



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JUNE 12, 2006**

**OPEN STUDY SESSION: 6:45 PM**

**REGULAR MEETING: 7:30 PM**

**AMENDED A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular May 22, 2006, City Council Meeting Minutes.
- 4a. **PROCLAMATION:** recognizing the 10<sup>th</sup> Annual Gladstone Summertime Bluesfest and congratulating the Gladstone Area Chamber of Commerce on this highly successful annual community event.
- 4b. **SPECIAL PRESENTATION: Public Works Project of the Year.**
5. **CONSENT AGENDA**

**RESOLUTION R-06-32**, authorizing execution of a contract with Vanum Construction Company, Incorporated, in the total amount not to exceed \$1,176,995.00 for the Gladstone Municipal Pool Improvements Project PO0654.

**RESOLUTION R-06-33**, adopting an Emergency Operations Plan for the City of Gladstone, Missouri.

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWAL:**

- Quik Trip #237, 6309 NE Antioch Road, 7 Day Package Liquor License
- Quik Trip #181: 2590 NE 72<sup>nd</sup> Street; 7 Day Package Liquor License
- Smokehouse BBQ, 6304 North Oak, Class A&B Liquor by the Drink License
- Price Chopper, 6475 N Prospect, 7 Day Package Liquor and Wine Tasting License
- Bubbles, 7407 North Oak Trafficway, 7 Day Package Liquor License



- Hy-Vee, Inc., dba Hy-Vee, 7117 North Prospect, 7 Day Package Liquor and Wine Tasting License.
- Hy-Vee, Inc. dba Hy-Vee Gas, 7121 North Prospect, 7 Day Package Liquor License.
- Trex Mart #7, 5810 NE Antioch Road, 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. **APPROVAL OF LIQUOR LICENSE RENEWAL** for Gladstone Bowl, Inc., 300 NW 72nd Street, Class A&B Liquor by the Drink License.
10. **PUBLIC HEARING:** for consideration of a Special Use Permit, subject to certain conditions, to Lisa Jo Sink for operation of a Child Care Center on residential property at 6822 North Charlotte Street. Applicant/Owner: Lisa Jo Sink. File No. 1273
- 10a. **FIRST READING BILL 06-17**, approving a Special Use Permit subject to certain conditions to Lisa Jo Sink for operation of a Child Care Center on residential property at 6822 North Charlotte Street. Applicant/Owner: Lisa Jo Sink. File No. 1273
11. **FIRST READING BILL 06-18**, approving Final Plat of "Brady Hills, Lot 37-38, Tract C", a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said plat for recording. Applicant: John G. Pileggi. Owner: John Pileggi and Alice M. Daniels. File #1275.
12. **FIRST READING BILL 06-19**, 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".
13. **RESOLUTION 06-34**, adopting the 2007 Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July 1, 2006 and ending June 30, 2007.
14. Other Business.
15. Questions from the News Media.
16. Adjournment.



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

**MONDAY JUNE 12, 2006**

**PRESENT:** Mayor Bill Cross  
Mayor Pro Tem Les Smith  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilman Mark Revenaugh

City Manager Kirk Davis  
City Counselor David Ramsay  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

Mayor Bill Cross opened the Regular June 12, 2006, 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 MAY 22, 2006,  
CITY COUNCIL MEETING MINUTES.**

Councilman Wayne Beer moved to approve the Regular May 22, 2006, City Council Meeting Minutes as presented. Councilman Carol Rudi seconded the motion.

The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0)

**Item 4a. on the Agenda.** **PROCLAMATION:** recognizing the 10<sup>th</sup> Annual Gladstone Summertime Bluesfest and congratulating the Gladstone Area Chamber of Commerce on this highly successful annual community event.

Mayor Bill Cross stated as Chamber staff members were not in attendance, he would present the proclamation at the next Chamber luncheon.

**Item 4b. on the Agenda.** **SPECIAL PRESENTATION:** Public Works Project of the Year Award.

Public Works Director Chuck Williams stated that each year during National Public Works Week, the Kansas City Metro Chapter of the American Public Works Association recognizes outstanding projects of the year. The projects vary in size and are in several different categories. This year the City of Gladstone won a "Transportation Project for less than \$2 million" Award. This award is for the 76<sup>th</sup> Street project that was recently completed. Director Williams stated he wished to recognize City Engineer/Assistant Director of Public Works Kirk Rome and Public Works Superintendent Tim Hermann for their efforts in seeing this project through to fruition. Mr. Hermann was the Construction Coordinator for this project and did a very good job in keeping in touch with the business owners and citizens who were affected by the project. Director Williams presented the award to Mayor Bill Cross.

Mayor Cross thanked Director Williams and stated Council members appreciate all the hard work of the Public Works Department, and are glad that others have taken notice of that hard work and outstanding effort. Mayor Cross asked that congratulations be extended to the Public Works Department on behalf of the entire City Council. Mayor Cross mentioned there was a nice article in the newspaper recently about Director Williams' good work.

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

Following the Clerk's reading, Councilman Wayne Beer moved to accept the Consent Agenda as presented, and noted that Item 9. on the Regular Agenda would normally have been a Consent Agenda issue, and as this item is on the Regular Agenda, Mayor Pro Tem Smith may be assured that he will not have to excuse himself from voting on the Consent Agenda due to a conflict of interest. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross.

Councilman Wayne Beer moved to adopt **RESOLUTION R-06-32**, authorizing execution of a contract with Vanum Construction Company, Incorporated, in the total amount not to exceed \$1,176,995.00 for the Gladstone Municipal Pool Improvements Project PO0654. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross.

Councilman Wayne Beer moved to adopt **RESOLUTION R-06-33**, adopting an Emergency Operations Plan for the City of Gladstone, Missouri. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross.

Councilman Wayne Beer moved to approve **ANNUAL LIQUOR LICENSE RENEWALS** for:

Quik Trip #237, 6309 NE Antioch Road, 7 Day Package Liquor License  
Quik Trip #181; 2590 NE 72<sup>nd</sup> Street; 7 Day Package Liquor License  
Smokehouse BBQ, 6304 North Oak, Class A&B Liquor by the Drink License  
Price Chopper, 6475 N Prospect, 7 Day Package Liquor and Wine Tasting License  
Bubbles, 7407 North Oak Trafficway, 7 Day Package Liquor License  
Hy-Vee, Inc., dba Hy-Vee, 7117 North Prospect, 7 Day Package Liquor and Wine Tasting License.  
Hy-Vee, Inc. dba Hy-Vee Gas, 7121 North Prospect, 7 Day Package Liquor License.  
Trex Mart #7, 5810 NE Antioch Road, 7 Day Package Liquor License

Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross.

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE.**

**Anne Alexander, 6767 North Askew Circle**, stated there lives in Gladstone a very well intentioned lady who is feeding the feral cats who are multiplying. Referring to a letter this lady wrote on April 5, Ms. Alexander stated there are already kittens that are two weeks old in three shelters, and asked if there are more. This woman is feeding feral cats, and there has to be more than 100 cats throughout Gladstone, so she is complicating the problem – not helping at all. Ms. Alexander suggested this lady needs to be contacted about the problem she is creating. None of the cats are immunized and some are in ill health.

Ms. Alexander continued by saying she lives in a two-story townhouse, and there are 66 townhomes in Meadowbrook Townhomes. At the end of her unit, a pit bull puppy chewed through the privacy fence and got into a house through a "doggy door". Ms. Alexander said her concern is that the dog is chewing through the outside fence, which means it could get loose. Ms. Alexander said she is frightened for the children playing in the area, the people who walk dogs, and for herself, and she is in agreement with Councilman Beer in that these dogs should be fenced and chained. If this dog had been chained, no matter how

much it chewed, it could not have escaped from the enclosure. Ms. Alexander stated she appreciates City Council members working on this issue.

City Manager Kirk Davis inquired into the address of the pit bull dog that got out of the fence.

Ms. Alexander stated she would phone Mr. Davis tomorrow with the address. Ms. Alexander said it is her understanding that the mother has taken the dog someplace else.

Anita Newsom, 7401 North Wabash, complimented City staff and City Council on the City's ratings for fiscal prudence, which was in the Kansas City Star last week. Ms. Newsom stated, in regard to our roads, she does not believe the budget is bloated, and believes the City services its roads very well. Ms. Newsom said as Council is looking at the Animal Control Ordinances and the licensing for pets, something that was brought to her attention by her personal veterinarian is the three-year rabies vaccination for dogs. This is something that has been in practice for years in other communities, where it is permissible for a dog to have a three-year rabies vaccination. Ms. Newsom said according to her veterinarian, and information she has found on the Internet, it is a health issue with the dogs. Excessive vaccinations increases a vaccine associated fibro sarcomas in cats, and in dogs it is an immune mediated disease. According to the lifestyle of a dog, a dog owner and their veterinarian are going to have to make their own decision as to what is best for the dog.

Ms. Newsom said she would like for the City to adopt a policy whereby if a pet owner wishes to use a 3 year rabies immunization for their dog, the 3 year certificate would be acceptable, and although the owner would still renew their license each year, they would not have to have unnecessary vaccinations that would cause physical problems for their pet. Ms. Newsom said she believes a lot of people have dogs that are very contained and are house dogs, and do not have the propensity to be involved with situations where they would be exposed to rabies. Ms. Newsom thanked City Council members for considering this policy.

Item 7. on the Agenda.

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Mark Revenaugh** stated he felt the Bluesfest was extremely well run and well received. A lot of people who attended had a great time. Councilman Revenaugh offered congratulations to all the volunteers, including the people who staffed the volunteers. It was a super job and a nice sense of community, that everyone seemed to enjoy. There were folks from all around the city in attendance to enjoy the Bluesfest last weekend.

**Councilman Carol Rudi** agreed with Councilman Revenaugh and said Bluesfest was just great, as always. Councilman Rudi asked Parks and Recreation Director Sheila Lillis to discuss future events at the park.

Parks and Recreation Director Sheila Lillis reported the first Movie in the Park, *Raiders of the Lost Ark*, would be Friday evening. This will be the first of three movies, which will be shown the third Friday of June, July and August, starting at 9:00 PM.

**Councilman Wayne Beer** stated, in his opinion, this year was the best Bluesfest. There are segments of the Bluesfest performances that appeal to all age levels of an audience. There are times over the event that the family atmosphere is excellent, and at other times, performances become more appealing to an adult level audience. There is entertainment for all age levels at both nights of Bluesfest, and it is a wonderful event. Councilman Beer stated there were audience members from all over the United States, and it is amazing the audience that follows the Blues music. One of the talents this year was from Europe. Our event is becoming very recognized, and he was told by an enthusiast of Blues that the line-up this year was the best in the United States. Councilman Beer congratulated the Gladstone Area Chamber of Commerce for a great event. Councilman Beer stated in regard to the cities' operational efficiency ratings, the Kansas City Star did not get it right regarding our City's streets, and did not get it right in regard to our City's sewer systems. If they had been right, our City would have been number one in the ratings.

**Mayor Pro Tem Les Smith** began by saying he agreed with the praise for Bluesfest, and it is not just the volunteers, but there is paid staff, and City staff, who volunteer their time without pay to do these festivals. Parks and Recreation Director Lillis and Public Works Director Williams and their staffs did a wonderful job this year. The City is very fortunate to have these folks. Mayor Pro Tem Smith said on Saturday it rained a little bit, and some folks were here from Lawrence, Kansas, and they did not want to return to Lawrence or sit out in the rain. They remembered passing a place at 72<sup>nd</sup> and North Broadway, where they thought they could get something to eat and drink, so they waited out the rain in the diner of Gladstone Bowl. This was revenue that would not have been made if it hadn't been for Bluesfest. The morale of the story is that Bluesfest attracts people from such a wide area, that it truly is an economic development tool. It is recognition for Gladstone, and that's how these events pay for themselves.

Mayor Pro Tem Smith thanked City Manager Davis and his staff for the 3<sup>rd</sup> highest efficiency rating in the metropolitan area. Mayor Pro Tem Smith stated from a business owner and a homeowner's perspective, he would like to thank Mr. Davis and his staff for the work they do. Mayor Pro Tem Smith said his colleagues on this Council and past Council members should be very proud, because they have made some wise policy decisions over the years, and that is how the City has gotten to where it is now.

**Mayor Bill Cross** stated he agrees with Mayor Pro Tem Smith in regard to the City's recent recognition. Last week he spent a lot of time at Mid America Regional Council (MARC) Board meetings and events involving the entire City, where many Mayors and administrators were present, and our recognition was noticed and discussed. Mayor Cross said our City Manager and Assistant City Manager do a great job, and surround themselves with very competent people.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis stated, in regard to the Kansas City Star rankings, there is a lot that goes into those numbers, and although he does not know or understand how they examined the cities' budgets, he appreciates the work that the Kansas City Star did and the results. City Manager Davis said the next time our City may be ranked 6<sup>th</sup> or 7<sup>th</sup> - there are a lot of ways to look at numbers. City Manager Davis said Staff appreciates the recognition, and most of all the recognition from City Council. City Manager Davis said he would not have been too disappointed if our City had been ranked 7<sup>th</sup> or 8<sup>th</sup>, as there are a lot of cities that are well run in our metropolitan area. From the International City/County Management Association (ICMA) standards, Gladstone is recognized throughout the country as a metropolitan area in a number of different ways, and a lot of cities do a lot of good work.

City Manager Davis thanked the City employees for everything they do that has been recognized by this measure. City Manager Davis congratulated the Gladstone Area Chamber of Commerce for another successful Bluesfest, which is his favorite event. The Chamber does a good job in running this event. City Manager Davis congratulated the Chamber on their construction ribbon cutting for their new office at 70<sup>th</sup> and North Cherry. The City looks forward to the Chamber staff moving into their new facility, and kicking off the downtown feel. City Manager Davis congratulated Public Works Director Williams on his favorable comments in the Kansas City Star, and stated Staff appreciates all the work the City does with the Kansas City Star in the many various facets.

**Item 9. on the Agenda.**

**APPROVAL OF LIQUOR LICENSE RENEWAL for**

Gladstone Bowl, Inc., 300 NW 72nd Street, Class A&B Liquor by the Drink License.

Councilman Wayne Beer moved to approve a Class A&B Liquor by the Drink License for Gladstone Bowl, Inc., 300 NW 72<sup>nd</sup> Street. Councilman Carol Rudi seconded.

Mayor Pro Tem Les Smith said he would be abstaining from the vote due to a conflict of interest in this matter.

The vote: "Aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Bill Cross. "Abstain" - Mayor Pro Tem Les Smith. (4-0-1)

**Item 10. on the Agenda.** **PUBLIC HEARING:** for consideration of a Special Use Permit, subject to certain conditions, to Lisa Jo Sink for operation of a Child Care Center on residential property at 6822 North Charlotte Street. Applicant/Owner: Lisa Jo Sink. File No. 1273.

Mayor Bill Cross opened the Public Hearing and explained the hearing process that the applicant would make their presentation, followed by a presentation by the Staff and finally comments from those in Favor and those Opposed.

**Staff Presentation**

Assistant City Manager Scott Wingerson stated Ms. Sink is the applicant, and has asked that he present a summary of her application, and began by saying Ms. Sink is applying for a Special Use Permit that would allow her to operate a Day Care for a period of five years. The maximum children proposed is 10, the hours of operation are 6:00 AM to 6:00 PM, with drop-off and pick-up times staggered a minimum of 15 minutes. Mr. Wingerson reported the Planning Commission conducted a site visit and found the driveway and the grounds on the site suitable and very well organized for this use. The Planning Commission asked to add one condition to the Ordinance, which is included in the attached Bill. The condition is Number 8, which says no signage shall be allowed on the property. Mr. Wingerson stated the applicant is agreeable to the eight proposed conditions, and the Planning Commission recommends approval unanimously to the City Council.

**There was no one to speak in Favor or Opposition to the application.**

Mayor Cross closed the Public Hearing.

**Item 10a. on the Agenda.**      **FIRST READING BILL 06-17**, approving a Special Use Permit subject to certain conditions to Lisa Jo Sink for operation of a Child Care Center on residential property at 6822 North Charlotte Street. Applicant/Owner: Lisa Jo Sink. File No. 1273

Mayor Pro Tem Les Smith moved to place Bill 06-17 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 06-17, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and 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 06-17 and enact the Bill as Ordinance 3.996. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

**Item 11. on the Agenda.**      **FIRST READING BILL 06-18**, approving Final Plat of "Brady Hills, Lot 37-38, Tract C", a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said plat for



recording. Applicant: John G. Pileggi. Owner: John Pileggi and Alice M. Daniels. File #1275.

Mayor Pro Tem Les Smith moved to place Bill 06-18 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 06-18, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and 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 06-18 and enact the Bill as Ordinance 3.997. Councilman Wayne Beer seconded.

Councilman Carol Rudi stated the Planning Commission asked that the shed on this property be removed, and she wished to stress this condition.

Mr. Wingerson stated Staff recommended removal of the shed, and the Planning Commission has recommended the shed be demolished. Staff will be certain that condition is met.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

**Item 12. on the Agenda.** **FIRST READING BILL 06-19**, 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 Wayne Beer moved to place Bill 06-19 on First Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 06-19, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 06-19 and enact the Bill as Ordinance 3.998. Mayor Pro Tem Les Smith seconded.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

**Item 13. on the Agenda.**      **RESOLUTION 06-34**, adopting the 2007 Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July 1, 2006 and ending June 30, 2007.

Councilman Carol Rudi moved to approve Resolution 06-34, adopting the 2007 Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July 1, 2006 and ending June 30, 2007. Councilman Mark Revenaugh seconded.

Mayor Pro Tem Smith stated he wished to speak to the time, effort and management that went into putting this budget together. Council members have been saying for the last three or four years that it is almost a Houdini act how the City manages to balance the budget and continue to provide the services to the residents and business owners. Mayor Pro Tem Smith asked City Manager Davis to pass on his regards to Staff for their hard work. Mayor Pro Tem Smith said Finance Director Debra Daily must now remove from her desk the name plaque that says "new guy". She has been through her first budget, and there has been a different format with the budget this year, and it was very well prepared.

The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0)

**Item 14. on the Agenda.**      **OTHER BUSINESS.**

City Manager Davis reported there would be a Household Hazardous Waste event at Happy Rock Park scheduled for June 24, from 8:00 AM to 12:00 Noon. This is the first such event held in our City for a couple of years. City Manager Davis encouraged residents to take advantage of the event.

Councilman Beer stated he recently visited the Deramus facility to dispose of items, and found the Staff to be very receptive to him and Gladstone, and they were very quick and efficient folks. Councilman Beer suggested if anyone is unable to take advantage of the mobile event, to please feel free to go to the Deramus site.

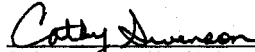
**Item 15. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

**Item 16. on the Agenda.**      **ADJOURNMENT**


There being no further business to come before the June 12, 2006, Gladstone Regular City Council Meeting, Mayor Bill Cross adjourned the meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

  
Mayor Bill Cross



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JUNE 26, 2006**

**OPEN STUDY SESSION: 6:15 PM**

**REGULAR MEETING: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular June 12, 2006, City Council Meeting Minutes.
5. **CONSENT AGENDA**

**RESOLUTION R-06-35**, authorizing execution of a contract with Bulk Storage, Incorporated for Design/Build services of a new Salt Storage/Covered Parking Building; Project 046087.

**RESOLUTION R-06-36**, authorizing a Cooperative Agreement between the City of Gladstone and the Mid-America Regional Council (MARC) for the implementation of "Operation Green Light".

**APPROVAL OF A NEW TAXI CAB PERMIT**, Northland Taxi, Incorporated, with a business office to be located at 305 NE 58<sup>th</sup> Street. Owner: Stewart Parkison.

**APPROVAL OF A NEW CLASS "D" AND "H" 7 DAY BEER/WINE LICENSE**, Georgeno's Pizza, 6024 North Antioch Road. Managing Officer: Ruben Gonzalez.

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWAL:**

- Margarita's, 7013 North Oak Trafficway, Class A&B Liquor by the Drink License
- Aldi #62, 7604 North Oak Trafficway, 7 Day Package Liquor License
- KC Northland Elks, 7010 North Cherry, Class A&B Liquor by the Drink License
- Kwik Shoppe, 7603 North Oak Trafficway, 6 Day Package Liquor License
- Kyle's Tap Room, 6825 North Oak Trafficway, Class A Liquor by the Drink License

**APPROVAL OF FINANCIAL REPORT FOR MAY 2005.**

## 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 T-Mobile for operation of a Communications Tower Facility on property located at 2013 NE 72<sup>nd</sup> Street. Applicant: Selective Site Consultants, Incorporated. Owner: Kansas City Power and Light Company. File No. 1278
- 9a. **FIRST READING BILL 06-20**, granting a Special Use Permit to T-Mobile to operate a Communications Tower facility at 2013 NE 72<sup>nd</sup> Street. Applicant: Selective Site Consultants, Incorporated. Owner: Kansas City Power and Light Company. File No. 1278
10. **PUBLIC HEARING:** on a request to rezone from C-1 (Local Business) to CP-3 (Commercial Planned) property located at 7100 North Antioch Road. Applicant: City of Gladstone. Owner: Merle W. and Mildred M. Croy. (File #1277)
- 10a. **FIRST READING BILL 06-21**, amending Ordinance No. 2.292 being an Ordinance relating to Zoning Ordinance Regulations and the establishment of Use Districts within the City of Gladstone, Missouri.
11. **FIRST READING BILL 06-22**, amending Ordinance Numbers 2.325, 2.767 and 2.956 relating to School Zone Speed Limits and Times under Schedule IX of the Model Traffic Ordinance (Gladstone Municipal Code Section 4.100.020).
12. **RESOLUTION 06-37**, authorizing execution of a contract by and between the City of Gladstone, Missouri, and the Kansas City Area Transportation Authority to provide Public Transportation for the period June 1, 2006 through June 30, 2007.
13. Other Business.
14. Questions from the News Media.
15. Adjournment.



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

**MONDAY JUNE 26, 2006**

**PRESENT:**

Mayor Bill Cross  
Mayor Pro Tem Les Smith  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilman Mark Revenaugh

City Manager Kirk Davis  
City Counselor David Ramsay  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

Mayor Bill Cross opened the Regular June 26, 2006, 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 JUNE 12, 2006,  
CITY COUNCIL MEETING MINUTES.**

Councilman Carol Rudi moved to approve the Regular June 12, 2006, City Council Meeting Minutes as presented. Councilman Mark Revenaugh seconded the motion.

The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross.

Item 5. on the Agenda.

**CONSENT AGENDA**

Following the Clerk's reading, Councilman Wayne Beer moved to approve the Consent Agenda as presented. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to approve **RESOLUTION R-06-35**, authorizing execution of a contract with Bulk Storage, Incorporated for Design/Build services of a new Salt Storage/Covered Parking Building; Project 046087. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve **RESOLUTION R-06-36**, authorizing a Cooperative Agreement between the City of Gladstone and the Mid-America Regional Council (MARC) for the implementation of "Operation Green Light". Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to **APPROVE A NEW TAXI CAB PERMIT**, for Northland Taxi, Incorporated, with a business office to be located at 305 NE 58<sup>th</sup> Street. Owner: Stewart Parkison. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to **APPROVE A NEW CLASS "D" AND "H" 7 DAY BEER/WINE LICENSE**, for Georgeno's Pizza, 6024 North Antioch Road. Managing Officer: Ruben Gonzalez. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve **ANNUAL LIQUOR LICENSE RENEWALS** for:

- Margarita's, 7013 North Oak Trafficway, Class A&B Liquor by the Drink License
- Aldi #62, 7604 North Oak Trafficway, 7 Day Package Liquor License
- KC Northland Elks, 7010 North Cherry, Class A&B Liquor by the Drink License
- Kwik Shoppe, 7603 North Oak Trafficway, 6 Day Package Liquor License
- Kyle's Tap Room, 6825 North Oak Trafficway, Class A Liquor by the Drink License

Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0)

Councilman Wayne Beer moved to approve the **FINANCIAL REPORT FOR MAY 2006**. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross.

## **REGULAR AGENDA**

### **Item 6. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE.**

**David Peironnet, 6204 North Park**, stated he had written a letter to the City about illegally placed advertising signs, and believes this is something the Gladstone City Council can address either formally or informally. Mr. Peironnet said that as he is a candidate for public office, he is concerned about people who claim to represent the public, and then break the law by placing their signs in the public right-of-way. Mr. Peironnet said Gladstone has a very good record of keeping these illegal signs down and he commended City staff for their excellent follow-up.

Mr. Peironnet said he is hoping the City Council will by formal action, or will informally encourage City staff to take action on this issue, by notifying each of the candidates, whose districts may include part of Clay County and/or the political central committees, of the laws inside the City of Gladstone, and request all candidates respect the laws of this community. If the signs are put up anyway, Mr. Peironnet suggested a friendly warning be issued saying the signs will be ripped down, ripped up, and thrown in the trash. Mr. Peironnet said by stopping the problem before it starts, the City will be able to maintain control, and speaking as someone that has bothered every City Council member about his concerns about advertisements for insurance scams, tattoo parlors, and so forth, he hopes Council will continue to give the usual support to keep Gladstone a nicer looking community.

Councilman Wayne Beer stated this issue is something that the Council and City staff deals with in every election cycle. It is an ongoing issue with which the City does a good job in monitoring, although, it is sometimes very difficult to keep up with all the signs placed illegally. There is a process that has to take place prior to removal of some of the signs, but if they are in the right-of-way, they are removed when they are found. Councilman Beer said Council members sympathize with Mr. Peironnet's concerns, and the City staff will try their best to stay on top of this issue.

Mr. Peironnet said he feels City staff should be recognized for doing a far better job with this issue than is done by other nearby areas. Mr. Peironnet said he wanted to encourage the City to continue to treat these signs as a high priority and to send letters



warning people not to place illegal signs. Mr. Peironnet stated he wished to offer to personally go out and rip down illegally placed signs and if anyone says their First Amendment rights are being violated, he would tell them he would meet them in court.

City Manager Kirk Davis informed Mr. Peironnet that candidates are notified of the sign rules and regulations relative to political signs. There are some restrictions in the law as to going on public property and dealing with illegal signs. The City has an improved process thanks to the Council's direction over the past year that hopefully will address most of the issues that Mr. Peironnet raised. City Manager Davis stated City staff would work diligently in enforcing the sign laws and he recognized Mr. Peironnet's suggestion in regard to notification.

Mayor Pro Tem Les Smith stated it is refreshing to have a candidate come forward and be on the record that he supports following the Ordinances of this City.

Mayor Cross stated Mr. Peironnet would be surprised if he went with Building Official Alan Napoli and saw the amount of signs that are removed.

Mr. Peironnet said although he harasses City staff, he also thanks them for some of the fastest follow-up on problems that can be found in this area.

**John Garner, 111 Heatherton Court**, suggested the Public Safety mobile speed monitoring trailer be placed at the schools in Gladstone, when the new Ordinance is passed regarding new school zone speeds and times.

Mr. Garner stated he met with Assistant City Manager Scott Wingerson approximately two weeks ago about the bank being able to do work in his area. Mr. Garner said later on that day there was work being done in his area by the bank, and he was informed by Mr. Wingerson that the stop work orders were in effect then. Since then, he and Mr. Wingerson have visited and they agreed to go ahead and let the bank do the work so two houses may be sold. Since then, the bank has been doing more work such as surveying, and Mr. Garner said he had a copy of a letter dated April 17, 2006, to Mr. Jim Campbell who works for NorthStar Bank, in which the City listed 7 to 8 items that need to be done in the area before the property can be sold. Mr. Garner stated that only one item has been partially done. The lots are being mowed, but the back of the area is not being weeded and the hill needs to be sodded and weeded, due to drainage problems. No trash has been removed, because they cannot find a place to dispose of it, or they do not want to pay to dispose of it.

Mr. Garner reported there was a meeting at his home on May 31, 2006, with Mr. Campbell and the area residents. Mr. Campbell informed them that the bank was not going to do anything more, and that it was up to the residents to sue Heatherton Custom Homes or go without. Mr. Garner said since that meeting, he has had a meeting with Mr. Wingerson to discuss arranging another meeting with Mr. Campbell

and one of the Board of Directors of the bank in order to get in writing that the bank will conform to the conditions set by the City. Mr. Garner said Mr. Campbell told him "at this time, we don't need to have another meeting with you people". Mr. Garner said he felt that in order to do work on the two houses, the bank needed to have the \$500 building permit, along with the \$50 fee per vacant lot that is there. Mr. Garner said he does know if this has been enforced, and wants to know how far the City intends to go in regard to the letter, and what the residents can expect in the near future. There have been a couple of potential buyers in the area, to whom Mr. Garner has spoken, and the bank seems to not be mentioning anything to them that was listed in the letter, other than the hill.

Mr. Wingerson said Staff has been working fairly closely with the bank in an effort to get this project moving. Council will remember the project had stopped. The bank has shown some reinvestment to complete punch list items in the two units that are near completion, so they can be sold to recoup some of the bank's loss towards making the improvements that are not yet done. Last Wednesday, the bank was taking to their Board an engineering plan to fix the biggest of the problems, which is uphill from the retaining wall that collapsed. The retaining wall has been repaired, but there is still a problem up the hill. Mr. Wingerson said he believed the bank was going to approve the engineering for that problem to be solved. That is important because then the bank can explain to buyers the cost associated with that repair.

Mr. Wingerson reported that he had spoken with Mr. Campbell at least twice since the last time he and Mr. Garner visited. Mr. Campbell is trying to facilitate with a Board of Directors member and the homeowners' association; however, the bank's desire is to have as much information and a plan in place to explain to the association, and right now they do not have enough information to do that. Mr. Wingerson said he believes the bank is working hard to move this project forward, and last week he had conversations with two potential buyers who are very interested and were aware of the letter with items to be addressed; in fact they were reading the letter back to Mr. Wingerson. Mr. Wingerson said the bank is trying; it is a very complex issue, and there is a lot of money involved. Mr. Wingerson stated that Staff will remain very vigilant with this project, and with patience, he believes there is "light at the end of the tunnel".

Mr. Wingerson explained the building permits were issued prior to the adoption of the erosion and sediment control Ordinance. Because the Ordinance was not in effect when those homes were built, it was not applied to the two specific homes Mr. Garner mentioned. The work being done was punch list items, such as plumbing and electrical, and physical construction. When there is a new developer of the property, then the City will apply the developer and subsequent builder permit fees for erosion control. Mr. Wingerson said as it rains, Staff would continue to monitor the subdivision and ask the bank to clean it up as necessary.

Councilman Wayne Beer asked if the provisions of the prior Ordinance regarding erosion control, that has been repealed and replaced with a new Ordinance, still applies to this project.

Mr. Wingerson replied the technical part still applies, but the permit fees do not apply.

Mr. Garner said he believed the new rules should go into effect because of the ownership change. Mr. Garner continued by saying another issue he is concerned about is that the home owners' association has gone defunct, and he is concerned the bank will allow another developer to build some other type of housing, and the home owners' association by laws would not remain in effect. Mr. Garner said the bank does not seem to be in a big hurry to reinstate the home owners' association, and he asked Mr. Wingerson to push this issue with the bank, and if there are changes, the bank would meet with the homeowners to address those changes.

Councilman Beer asked City Counselor Ramsay to what extent are some of the homeowner association restrictions actually deed restrictions.

Counselor Ramsay replied he believed they are all deed restrictions. The fact that the homes association may not be in good standing presently, would affect the homeowners association's ability to act, but would not affect the individual homeowner's right to enforce the restrictions.

Mr. Wingerson stated the bank is serving as the majority property owner and therefore can and may amend those covenants. City staff will watch for that and there are more steps for the City to go through in the permit process and the platting process, and hopefully Staff will see those. Mr. Wingerson said he believed there is a provision to advise all homeowners of an amendment, so the private homeowners should be apprised of any amendment.

Mayor Pro Tem Les Smith agreed with Mr. Wingerson and said generally a developer will retain a majority of votes until the last lot is sold, and asked if there are any provisions in the rezoning Ordinance for an active homes association.

Mr. Wingerson said he did not know if there is a provision in that specific Ordinance; if there was, it would refer to consistency in platting, use, setbacks, roofs and all City type requirements, so it would not govern the private part of the association or the physical characteristics.

Mayor Bill Cross inquired into the status of the Public Safety mobile traffic trailer.

Councilman Carol Rudi stated it was parked in front of her house. Councilman Rudi inquired into why it is parked at that location.

Public Safety Director Adamo replied he was not certain as to the answer to Councilman Rudi's question at this time.

Mayor Cross stated he thought it would be a good idea to have the mobile traffic trailer at each school a week before the new school zone Ordinance would go into effect.

Director Adamo stated this is already done each year.

**Item 7. on the Agenda. COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Mark Revenaugh** had no comments at this time.

**Councilman Wayne Beer** had no comments at this time.

**Councilman Carol Rudi** stated she was surprised to see the mobile traffic trailer in front of her house. She wondered if someone in the neighborhood had requested it, as it is in a strange location, as it is on a curve. It would seem that 67<sup>th</sup> Terrace would be a good place to place the trailer, as traffic goes quite fast on that street.

Councilman Rudi complimented Public Works Director Chuck Williams on the work on 68<sup>th</sup> Terrace, and said the street looks very nice. The work was done quickly and the barricades were not up long at all. Councilman Rudi thanked Director Williams.

**Mayor Pro Tem Les Smith** stated he received a call from a resident who was surprised to learn that our City will not be enforcing the fire works Ordinance on personal property this year. There is a rumor that the City has repealed or not going to enforce the fireworks Ordinance, and some folks have bought their fireworks. Mayor Pro Tem Smith suggested notice be made to the public that the City will be enforcing the ban on fireworks.

City Manager Davis said press releases were sent out twice in the past week to let citizens know that nothing has changed.

Mayor Pro Tem Smith said he noticed in a community in Oklahoma that there were small flashing signs stating that fireworks were not allowed in the community, which he thought is a good idea.

Councilman Rudi suggested there is a digital sign in Oak Grove Park that could display such a message.

**Mayor Bill Cross** encouraged everyone to join in the City sponsored July 4<sup>th</sup> festivities at Oak Grove Park. Mayor Cross reported that Assistant City Manager Scott Wingerson was quoted in Ingram's Magazine - they were outstanding quotes and a good picture of Mr. Wingerson.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis stated he looks forward to seeing everyone at Oak Grove Park at the July 4<sup>th</sup> celebration. There will be a fireworks display and a band concert included in the festivities. City Manager Davis reported last week was the Household Hazardous Waste collection event, and 205 cars took advantage of that event. The event was well received and went very well.

**Item 9. on the Agenda.**

**PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to T-Mobile for operation of a Communications Tower Facility on property located at 2013 NE 72<sup>nd</sup> Street. Applicant: Selective Site Consultants, Incorporated. Owner: Kansas City Power and Light Company. File No. 1278

Mayor Bill Cross opened the Public Hearing and explained the hearing process that the applicant would make their presentation, followed by a presentation by the Staff and finally comments from those in Favor and those Opposed.

**Applicant Presentation**

Bob Herlihy, Selective Site Consultants, 8500 W 110<sup>th</sup> Street, Overland Park, Kansas, stated his business has filed an application for a Special Use Permit to place a 120-foot monopole that will hold at least one additional carrier at the substation on 72<sup>nd</sup> Street. That location was chosen because the substation itself presently has some tall structures, plus it does have a 115-foot antenna on a pole at the present time. It is shielded from the surrounding neighbors by groves of mature trees. The standard for T-Mobile is to first try to find a place to co-locate, but once all the co-location opportunities have been explored, and there are still holes, then the company is forced to build a tower. Mr. Herlihy stated his company has worked in many areas of the metropolitan area with Kansas City Power and Light (KCPL), and one of the things that a lot of people worry about is what would happen in 15 to 25 years if some other technology takes over for the cell phones.

Mr. Herlihy stated his company is bound by contractual relationships with KCPL to make sure the towers are taken down and the property restored to at least as good of a condition as when his company came onto the property, and the affidavit included in the application packet states that T-Mobile has agreed that should the site be abandoned by all the carriers, they will remove the tower. Mr. Herlihy stated T-Mobile would be willing to place a performance bond or letter of credit with the City in an amount that the Zoning Administrator would deem sufficient. Mr. Herlihy said he believes his company has complied with all the provisions of the Ordinance and he

believes the proposed site is a good location, and he appreciates Mr. Wingerson's help in getting through the process.

Councilman Rudi asked if the tower being discussed is a platform type tower.

Mr. Herlihy replied that was correct. Another type is a flush mount, which is against the tower and the other is a flagpole style, where the actual antennas are inside the pole in a fiberglass tubing, which gives the impression of a single pole.

Councilman Rudi stated it is her understanding what is being proposed is a platform type tower because it has the potential of the addition of at least two other carriers.

Mr. Herlihy replied that is correct, and that type was chosen because of the inflexibility of the two other types of towers. They cannot be moved, and they do not have the special diversity required. This proposal would allow room for two additional carriers. The platform would have to be above the tree line, but that would allow for three carriers opposed to two or one carrier. Mr. Herlihy stated the Planning Commission unanimously approved going with the platform type tower, as they understood that sooner or later someone would need another tower in the same area, and the thought is to try to keep that from happening.

Councilman Rudi asked if the lowest platform would be approximately 90 feet high, and if there are carriers interested in this site at that level.

Mr. Herlihy replied yes to both questions.

Councilman Rudi asked what would happen if the trees grow higher than the 90 or 120 feet that is being considered.

Mr. Herlihy replied the trees are mature now and are 60 to 65 feet tall, and to grow another 25 feet might take 30 years.

Mayor Pro Tem Smith asked if this proposed tower would allow for the sale of space to another carrier.

Mr. Herlihy replied that was correct.

Mayor Pro Tem Smith asked if the tower could be retrofitted in the future if the opportunity arises - if the Council chose not to approve a platform tower and an antenna was constructed, and Mr. Herlihy's company wished to provide space for more users in the future, could that same antenna be retrofitted to a platform?

Mr. Herlihy replied he believed a platform tower could be retrofitted.

Mayor Pro Tem Smith, asked, for clarification, if he was correct that from the standpoint of providing a tower for T-Mobile, which is the issue at this point, a platform is not needed at this time.

Mr. Herlihy replied that was correct, however, having worked with towers all over the metropolitan area and several states for all of the carriers, there is probably not a single tower site that has been built in the last five years that doesn't have multiple carriers on it. This might work for six months, but if a Verizon, Cingular or Cricket came into the area and wanted to use the tower, there would only be room for one carrier at the bottom, because T-Mobile will take the top two.

Councilman Beer asked in regard to signal area coverage, is the platform tower a more efficient propagation of signal than the other two types of towers?

Mr. Herlihy replied yes.

Councilman Beer asked if he understood correctly that a platform tower is more likely to limit any requests for new towers in the future.

Mr. Herlihy replied that was correct; a platform tower adds another position, and if a carrier knows he will only get one location, he might opt for something else.

Mayor Pro Tem Smith inquired from Mr. Wingerson the justification for the recommended condition in the Staff report of a close mount antenna.

Mr. Wingerson replied that before the Planning Commission hearing, there is no public input, and the way he understands the issue, the most aesthetically neutral installation would be the canister type inside the flagpole type tower. The tower that has the most aesthetically impact is the platform type tower. The close mount type tower is in the middle – it provides some flexibility to the carrier and provides some relief from an aesthetic standpoint, so it is just a compromise position between the flexibility and aesthetics. Mr. Wingerson continued by saying given this installation adjacent to an electrical substation with existing towers nearly as high, he felt this was a secondary consideration from a Staff perspective.

Councilman Rudi asked when the tower is erected with a platform, would there be one platform in the beginning, and if the other two are needed, they are added later.

Mr. Herlihy replied the other carriers would buy their own platforms. Some platforms are ones that a person can stand on and others are just arms. Each carrier has its own style.

Councilman Rudi said her understanding is the type Mr. Herlihy is proposing is triangular and 12 feet on a side.

Mr. Herlihy replied yes, and said they would all be similar to that for the special diversity.

**Staff Presentation**

Assistant City Manager Scott Wingerson advised the Council that the proposed length of term for this Special Use Permit is 15 years, and the slate of 16 recommended recommendations, including a platform requirement for the antenna mount, was approved unanimously by the Planning Commission. Mr. Herlihy offered in the event of the abandonment of the facility, to provide a performance bond or letter of credit. If Council desires, a Condition Number 17 may be added to read "performance bond or letter of credit shall be provided to secure removal of improvements upon abandonment in accordance with Exhibit "E" of the submitted application". Mr. Wingerson stated this is the affidavit that Mr. Herlihy talked about.

Councilman Rudi stated she had seen three different addresses for this tower and asked if the address on the Ordinance is correct.

Mr. Wingerson replied the address on the Ordinance is correct.

Councilman Rudi stated she noticed in the proposal, there were references to Shawnee and Independence, and asked for clarification if those were supposed to read Gladstone, and wanted to be certain we are not providing services for other cities.

Mr. Wingerson replied that was correct, it should state the City of Gladstone.

**There was no one to speak in Favor or Opposition to the Application.**

Mayor Bill Cross closed the Public Hearing.

**Item 9a. on the Agenda.**      **FIRST READING BILL 06-20**, granting a Special Use Permit to T-Mobile to operate a Communications Tower facility at 2013 NE 72<sup>nd</sup> Street. Applicant: Selective Site Consultants, Incorporated. Owner: Kansas City Power and Light Company. File No. 1278.

Councilman Wayne Beer moved to place Bill 06-20 on First Reading, with the addition of Condition Number 17 to provide a performance bond in a sufficient amount as determined by Gladstone building officials to be satisfactory for removal of the tower should it be abandoned in the future. Councilman Carol Rudi seconded.

Councilman Beer stated one of the issues that this City has always had in regard to the placement of cell phone towers has been aesthetics, especially given the location where the tower is proposed to be built, and the impact upon neighborhoods. Councilman Beer said with this particular location, he could not think from a practicality standpoint and in meeting the goals of the City and preserving



neighborhoods, of another place in town that might be a better location, especially since the spaces on the existing water towers and other towers seem to be out of the question in this regard. Councilman Beer said given the immediate surroundings with Kansas City Power and Light equipment, the easements in place because of the placement of the equipment, and overhead lines, this is probably the best place in town. Councilman Beer stated from an aesthetics standpoint, he does not see much difference when one looks at all the other pieces of equipment that surrounds the area, that there is much difference in aesthetics between the platform, the post mount, and the flagpole. Councilman Beer continued by saying if the City is looking to prevent the construction or installation of any further towers that could be intrusions on neighborhoods, he believes the platform tower at this location makes good sense.

Mayor Pro Tem Smith inquired into the mile radius that this tower will serve.

Mr. Herlihy replied the coverage is based upon terrain, foliage, and quite a number of other things. If one is on an interstate highway, towers may be 14 miles apart, where the signals will stretch seven miles. In town, it might be two miles or three miles. The capacity of a tower is similar to a sponge. The more you use, it shrinks, so during different times of the day there are different coverages. The usage tends to make it shrink. The Wal-Mart store, the Hy-Vee store, and the traffic along 72<sup>nd</sup> Street, plus the fact that 11 years ago this was a novelty, and there are now 200 million cell phones in the United States, makes this a usage issue. The propagation studies are based on terrain data software that the engineers use to show basically how that coverage will plot out on any given situation.

Mayor Pro Tem Smith stated he agreed with Councilman Beer about the immediate area surrounding the tower; however, if this tower is intended to serve a wide area in the community, it is obviously taking the topography into consideration. Mayor Pro Tem Smith said sitting next to a substation, what is one more pole, but he has the sense that the platform will be seen perhaps as far away as 72<sup>nd</sup> Street and North Troost, so his concern is not just what it looks like at the base, or from the townhomes, it will be visible from some distance in order to cover some of the hills in the area, including the Wal-Mart and Hy-Vee area on the east, 72<sup>nd</sup> Street and Troost on the west, 76<sup>th</sup> Street to the north, and some of the Northaven neighborhood to the south. Mayor Pro Tem Smith said this is his concern; not what it looks like from the base, but what it looks like from a long area. The City has spent a long time trying to convince people that the tower at 64<sup>th</sup> and North Oak Trafficway did not belong to our city. Mayor Pro Tem Smith said he did not know that he wanted to vote to approve one of those designs here, because he felt the visibility would be a lot greater than just the immediate surrounding area.

Councilman Beer said his comment had to do with the computer-generated photographs, one of which Council was reviewing at the meeting. Councilman Beer stated when he looks at the towers in the three proposals, he does not see much

difference in terms of aesthetics degrade; however, Councilman Beer said he knows that Meadowlanc homes are in the backyard of this proposal.

Mayor Pro Tem Smith asked if another user came along, is there any guarantee they can come to an agreement to be included on the pole, or is there always an opportunity for them to propose to put a tower beside the existing tower.

Mr. Herlihy said all the carriers have master lease agreements between themselves, so if his business builds a tower, Verizon would come on the tower, and Cingular would come onto T-Mobile's tower. If T-Mobile needs a site in an area where there is a Verizon, Sprint or Cingular tower, they will go on that tower. T-Mobile would rather pay the carrier the rent than pay \$200,000 capital costs right out of their budget. You can co-locate on a lot of sites, before you build a tower.

Councilman Beer asked when Mr. Herlihy mentions co-locating, he is talking about co-locating on the same tower and not the same site, or piece of ground.

Mr. Mr. Herlihy agreed, he is talking about the same tower.

Mayor Pro Tem Smith asked if Council were to approve a certain type of tower at this location, and it maxed out its usage, and wanted to come back and build another one, has the City Council set a precedent in approving a platform type tower, and probably could not do otherwise with a second tower.

City Counselor David Ramsay replied it would depend on the specific facts of the second application. It would be difficult to turn down another tower on this site, because Council would be finding that this is an appropriate location with this application. Counselor Ramsay said he believed the design gives more flexibility if there is reason to say the City does not want that many towers with platforms on them. For the second tower, the City would not be necessarily bound to approve a platform tower. Counselor Ramsay said it is speculative at this point, but he thinks if the facts were appropriate, Council could limit a second tower.

Mayor Pro Tem Smith asked how the 12-foot arm on this proposed tower compares to the tower at 64<sup>th</sup> Street and North Oak Trafficway.

Mr. Wingerson replied he did not know.

Mr. Herlihy stated the platform may be 12 feet, but a company tries to normally get at least 10 feet across. The size looks different depending on the size of the tower.

Councilman Mark Revenaugh stated he felt the citizens would be more concerned with getting adequate cell phone coverage then they are worried about the aesthetics. People accept them just like the power towers. Councilman Revenaugh stated he felt that people are going to want to communicate, so that is the overriding public concern.

If there is some pressing need for a performance bond for removal of the tower, is it only going to be used if the tower is abandoned as a communications tower, or will it be used for removal in the event, as listed in Condition Number 16, "any violation of these conditions may result in the cancellation of this Special Use Permit", which would void the tower, and the City would want it removed. Councilman Revenaugh asked if the performance bond would be limited to just the abandonment of the tower, or extend to any infraction that triggers Condition Number 16, and the rejection of the Special Use Permit.

Councilman Beer stated he felt that would also precipitate abandonment, if the Special Use Permit were rescinded, the tower could not be used, and would have to be abandoned.

Mayor Pro Tem Smith suggested Council consider the application with the intent of being all encompassing, and allow Counselor Ramsay to work out the final language.

Councilman Beer said that would be the intent of his motion.

Mayor Pro Tem Smith stated he does not want to suggest he does not support a tower at this location, but he is concerned about aesthetics. The tower is unattractive and there is a reason why these companies have developed stealth technology, and that is because people are concerned about the aesthetics.

The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 06-20 as amended, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded. The vote: "Aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Bill Cross. "Nay" - Mayor Pro Tem Les Smith. (4-1).

City Counselor Ramsay explained that as there was not a unanimous vote to Waive the Rule, this matter would need to be taken up again at the next City Council meeting. An alternative would be to consider the waiver of the rule as a separate vote from the action.

It was decided by City Council members to place the second reading of this Bill as an item on the next City Council meeting agenda.

**Item 10. on the Agenda.** **PUBLIC HEARING:** on a request to rezone from C-1 (Local Business) to CP-3 (Commercial Planned) on property located at 7100 North

Antioch Road. Applicant: City of Gladstone. Owner: Merle W. and Mildred M. Croy. (File # 1277).

Mayor Cross opened the Public Hearing and explained the process would be the same with this Public Hearing as explained with the previous Public Hearing.

#### Applicant Presentation

Assistant City Manager Scott Wingerson stated in this application, the City of Gladstone is the applicant, so with the Mayor's approval, he would be conducting both the Applicant and the Staff Presentations. Mr. Wingerson stated this is a simple application, which is complicated in a couple of ways. The City Council, upon recommendation from the Planning Commission, adopted a new Zoning Map approximately six months ago. Mr. Wingerson stated that as part of that presentation to the Planning Commission and to the City Council, he explained Staff did exhaustive research into the zoning of every parcel of land in the City of Gladstone; however, it is likely that there could be a mistake, and when there would be a mistake, the City would sponsor an application for zoning change. In this particular case where Wayne Croy's auto repair business is located, it is currently zoned C-1 under the new zoning map.

Mr. Wingerson stated that part of the complication is that the draft Bill indicates that it is zoned C-2, and asked that Council members please make that correction in their notes for Bill Number 06-21 that it is currently zoned C-1. The request is to change the property to a C-3 zoning, which is based on documentation provided by Mr. Croy in the form of a Certificate of Occupancy. Mr. Wingerson stated that Staff could not find any contrary evidence, and the existing use indicates that it probably was zoned C-3. Staff added in the staff review process the "P" designation as part of the application request. The intent of adding the "P" designation, the Planned zoning, was to provide the property owner with flexibility in future use, redevelopment, and expansion of the existing business in terms of the normal things talked about in planned zoning - surface ratio, setbacks, heights, fencing, parking, and those sort of concerns. The Planning Commission discussed this at length, and Mr. Croy seemed in agreement.

Mr. Wingerson said last week he spent some time explaining the pro and cons of C-3 zoning and CP-3 zoning to Mr. Croy. Today Mr. Croy has asked that C-3 zoning be approved, which would put it back to its original condition before the change in the official Zoning Map of the City. Mr. Wingerson stated, with Mr. Croy's decision, he would defer to his judgment and would suggest that a straight C-3 zoning be approved.

Mr. Wingerson explained that the Planning Commission is recommending unanimously a CP-3 zoning; however, please note that was based on Mr. Croy's discussion in the Public Hearing format. Since then Mr. Wingerson has explained to

Mr. Croy in more detail the differences, and Mr. Croy's request is for the straight C-3 zoning. Mr. Wingerson pointed out that Mr. Croy provided a brief letter to Council indicating his preference.

Councilman Beer asked if Staff is in agreement with the C-3 zoning opposed to the CP-3 zoning.

Mr. Wingerson replied that Staff is in agreement as it puts the zoning back to where it was before the new official zoning map was approved a few short months ago. If this was an application today, that would not be the case, but in fairness to the property owner, to put it back to the way it was since the 1960's or early 1970's would be the appropriate thing to do.

**Comments from those in Favor of the application.**

Wayne Croy, 7505 North Baltimore, stated he is the property owner of the property at 7100 North Antioch Road. Mr. Croy stated it is his understanding that the C-1 zoning was just a clerical mistake. Mr. Croy stated he had in his hand the first Certificate of Occupancy, which shows the C-3 zoning, and it has been C-3 since December 19, 1977. Mr. Croy said he does not want anything to happen that would jeopardize any operation of his or anyone who is leasing from him, or for an owner down the road. Mr. Croy asked the zoning be left at a C-3 designation.

**There was no one to speak in Opposition to the application.**

**Mayor Cross closed the Public Hearing.**

**Item 10a, on the Agenda.**      **FIRST READING BILL 06-21**, amending Ordinance No. 2.292 being an Ordinance relating to Zoning Ordinance Regulations and the establishment of Use Districts within the City of Gladstone, Missouri.

Councilman Carol Rudi moved to place Bill 06-21 on First Reading, with the amendment that the property is rezoned from C-1 to C-3. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 06-21 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 Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of Bill 06-21, as amended, and enact the Bill as Ordinance 3.999. Mayor Pro Tem Les Smith seconded.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

**Item 11. on the Agenda.** **FIRST READING BILL 06-22**, amending Ordinance Numbers 2.325, 2.767 and 2.956 relating to School Zone Speed Limits and Times under Schedule IX of the Model Traffic Ordinance (Gladstone Municipal Code Section 4.100.020).

Mayor Pro Tem Les Smith moved to place Bill 06-22 on First Reading, with the amendment added that states that each sign designating the School Zones shall bear an additional notice stating "No Tolerance", indicating strict enforcement of the speed limit within the school zone. Councilman Wayne Beer seconded.

Mayor Pro Tem Smith stated the amendment to the Bill is the "No Tolerance" language, which should help the City to ensure the ability to enforce the 20 miles per hour speed limit in the School Zones.

The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 06-22 as amended, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and 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 06-22, as amended, and enact the Bill as Ordinance 4.000. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

**Item 12. on the Agenda.** **RESOLUTION 06-37**, authorizing execution of a contract by and between the City of Gladstone, Missouri, and the Kansas City Area Transportation Authority to provide Public Transportation for the period July 1, 2006 through June 30, 2007.

Mayor Pro Tem Les Smith moved to approve **RESOLUTION 06-37**, authorizing execution of a contract by and between the City of Gladstone, Missouri, and the

Kansas City Area Transportation Authority to provide Public Transportation for the period June 1, 2006 through June 30, 2007. Councilman Wayne Beer seconded.

Councilman Carol Rudi inquired into the publicity for ridership, and the number of people participating since last year. Councilman Rudi stated when she first began serving on the City Council, the City's cost was just over \$20,000, and this contract indicates the City's share is approximately \$77,000, which is a large increase in four years. Councilman Rudi inquired into the large increase in cost.

City Manager Davis reported that a big issue with this contract is the Metroflex program added to the contract, which is approximately \$50,000, and is a Gladstone on the Move objective. City Manager Davis explained with the Metroflex component removed, the cost is only approximately \$27,000.

Councilman Rudi stated City Council approved a new taxi cab permit this evening for Northland Taxi, and Metroflex is a little bit of a competition with the taxi cab service, so she would like some ridership information, if not tonight, in the future.

Assistant City Manager Scott Wingerson stated that Mark Swope from the Kansas City Area Transportation Authority (KCATA) was expected to be present at this meeting, but unfortunately, he was unable to attend. Mr. Wingerson stated that publicity for ridership has been a Council priority for the last couple of years in discussion of this contract. KCATA has pledged the \$50,000 Metroflex contribution from the City to promote that service throughout the metropolitan area, so a focus will be seen on publicity and public relations for the Metroflex program, which has been provided by KCATA since it started about seven months ago.

Mr. Wingerson stated that ridership has increased, and the \$27,000 cost City Manager Davis mentioned is slightly less than last year by approximately \$1,000, which is directly offset by fare revenue, so there is additional ridership on the fixed route lines throughout Gladstone. Mr. Wingerson reported there are four lines to which the City contributes, and there are two others that serve Gladstone that are paid for by Federal, State, and the City of Kansas City, Missouri funds. Mr. Wingerson stated he would provide the ridership numbers to Council members.

Councilman Rudi asked if fares have been increased. Councilman Rudi stated she observed a bus traveling on North Broadway at a speed much greater than the speed limit, and she would like that that type of activity to stop and for the busses to obey the City's speed limits.

Mayor Pro Tem Smith stated, in his opinion, in "comparing apples to apples" the level of service compared to the annual subsidy is about the same, and more importantly this is another recommendation and objective from Gladstone on the Move. Mayor Pro Tem Smith said it is always difficult each year to approve the subsidy when he sees busses with four or five people traveling on them, but he believes this is truly an

economic development tool, hoping that economic development will catch up to the tool. Mayor Pro Tem Smith said he would not want to see the City give up this service at this point, and for some people in our community it is a convenience and a cost savings, but for others it is a definite need. Mayor Pro Tem Smith said in weighing these factors, with the Gladstone on the Move objective being the overriding factor, he is prepared to support this issue tonight.

Mayor Cross agreed with Mayor Pro Tem Smith, and said when he attends the Mid-America Regional Council Board meetings, where this is discussed, it makes him feel good that Gladstone supports this service.

Mayor Pro Tem Smith stated with some of the potential development in the future, whether it be a larger than anticipated residential component to Gladstone Plaza or work with the Village Center, it might not only bring customers to the City, it might also bring more workers to the City. There may be a greater ridership in the future, which would reduce the City's costs. Mayor Pro Tem Smith suggested "staying the course" at least for a bit longer.

Councilman Rudi stated she had no problem approving this tonight; this is just information she usually requests each year.

The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross.

**Item 13. on the Agenda.      OTHER BUSINESS.**

Mayor Pro Tem Smith stated it was determined at the last City Council meeting that Council was awaiting Kansas City's recommendation from their ad hoc committee regarding the red light cameras. Mayor Pro Tem Smith said it was his understanding that today the committee did recommend to the City Council of Kansas City that they move forward with the red light cameras. Mayor Pro Tem Smith said he feels it is time to bring this forward in our community, as Council has discussed.

**Item 14. on the Agenda.      QUESTIONS FROM THE NEWS MEDIA.**

Jeff Strait introduced himself and said he was representing the The Kansas City Star at this meeting, as the regular reporter, Mike Rice, was on vacation.

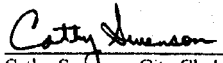
City Council members welcomed Mr. Strait to this meeting, and any future City Council meetings.



Item 15. on the Agenda.      **ADJOURNMENT**

There being no further business to come before the June 26, 2006, Gladstone Regular City Council Meeting, Mayor Bill Cross adjourned the meeting.

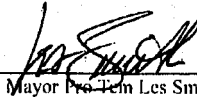
Respectfully submitted:



Cathy Swanson, City Clerk

Approved as submitted: ✓

Approved as corrected/amended:       



Mayor Pro Tem Les Smith



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JULY 10, 2006**

**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 June 26, 2006, City Council Meeting Minutes.
5. **CONSENT AGENDA**

**RESOLUTION R-06-38**, authorizing acceptance of a proposal from Cargill, Incorporated for the purchase of Snow Removal Salt.

**RESOLUTION R-06-39**, authorizing acceptance of work under contract with Larkin Excavating, Incorporated for the Northeast 76<sup>th</sup> Street Reconstruction, North Oak to North Troost, and authorizing final payment in the amount of \$54,285.83 for Project 985014.

**RESOLUTION R-06-40**, authorizing execution of a contract with Bohnert Construction Company in the total amount not to exceed \$554,720.00, which includes alternate Bid Items One and Three, for the Gladstone Public Works Improvements Project 046083.

**RESOLUTION R-06-41**, authorizing acceptance of a proposal from Vellar Consulting in the amount of \$25,000 for Neighborhood Development Consulting Services in the Bolling Heights Subdivision within the City of Gladstone, Missouri.

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWAL:**

- TEZ, Inc. dba The End Zone, 7632 North Oak Trafficway, Class A Liquor by the Drink License.
- Big Stones, Inc. dba Stone Canyon Pizza, 6433 North Prospect, Class A&B Liquor by the Drink License.

- Senor Tequila, 6502 North Oak Trafficway, Class A&B Liquor by the Drink License.
- GasMart, USA, Inc., 7303 North Oak Trafficway, 7 Day Package Liquor License.
- Wasahi, LLC, 328 NE 72 Street, Class A&B Liquor by the Drink License.
- Applebee's Neighborhood Grill & Bar, 6069 N. Antioch Road, Class A&B Liquor by the Drink License.
- Mark & Michelle's Bar & Grill, 7102 North Oak Trafficway, Class A Liquor by the Drink License.
- The Hide Out Bar & Grill, 6948 North Oak Trafficway, Class A 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. **SECOND READING BILL 06-20**, granting a Special Use Permit to T-Mobile to operate a Communications Tower facility at 2013 NE 72<sup>nd</sup> Street. Applicant: Selective Site Consultants, Incorporated. Owner: Kansas City Power and Light Company. File No. 1278.
10. Other Business.
11. Questions from the News Media.
12. Adjournment.



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

**MONDAY JULY 10, 2006**

**PRESENT:** Mayor Pro Tem Les Smith  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilman Mark Revenaugh  
  
City Manager Kirk Davis  
City Counselor David Ramsay  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

**ABSENT:** Mayor Bill Cross

Mayor Pro Tem Les Smith opened the Regular July 10, 2006, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

Mayor Pro Tem Les Smith led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda. APPROVAL OF THE REGULAR JUNE 26, 2006,  
CITY COUNCIL MEETING MINUTES.**

Councilman Carol Rudi moved to approve the Regular June 26, 2006, City Council Meeting Minutes as presented. Councilman Wayne Beer seconded the motion. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0)

**Item 5. on the Agenda.**

**CONSENT AGENDA**

Following the Clerk's reading, Councilman Wayne Beer moved to accept the Consent Agenda as presented. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-06-38**, authorizing acceptance of a proposal from Cargill, Incorporated for the purchase of Snow Removal Salt. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-06-39**, authorizing acceptance of work under contract with Larkin Excavating, Incorporated for the Northeast 76<sup>th</sup> Street Reconstruction, North Oak to North Troost, and authorizing final payment in the amount of \$54,285.83 for Project 985014. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-06-40**, authorizing execution of a contract with Bohnert Construction Company in the total amount not to exceed \$554,720.00, which includes alternate Bid Items One and Three, for the Gladstone Public Works Improvements Project 046083. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-06-41**, authorizing acceptance of a proposal from Vellar Consulting in the amount of \$25,000 for Neighborhood Development Consulting Services in the Bolling Heights Subdivision within the City of Gladstone, Missouri. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0)

Councilman Wayne Beer moved to approve **ANNUAL LIQUOR LICENSE RENEWALS** for:

- TEZ, Inc. dba The End Zone, 7632 North Oak Trafficway, Class A Liquor by the Drink License.
- Big Stones, Inc. dba Stone Canyon Pizza, 6433 North Prospect, Class A&B Liquor by the Drink License.
- Senor Tequila, 6502 North Oak Trafficway, Class A&B Liquor by the Drink License.
- GasMart, USA, Inc., 7303 North Oak Trafficway, 7 Day Package Liquor License.
- Wasahi, LLC, 328 NE 72 Street, Class A&B Liquor by the Drink License.

- Applebee's Neighborhood Grill & Bar, 6069 N. Antioch Road, Class A&B Liquor by the Drink License.
- Mark & Michelle's Bar & Grill, 7102 North Oak Trafficway, Class A Liquor by the Drink License.
- The Hide Out Bar & Grill, 6948 North Oak Trafficway, Class A Liquor by the Drink License.

Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE.**

Mayor Pro Tem Smith introduced Josh Johnson and his mother Connie Johnson. Mayor Pro Tem Smith invited Mr. Johnson to step forward and tell the audience about himself.

Mr. Johnson stated he is a Boy Scout in Troop 180, sponsored by St. Charles Borromeo Church. Mr. Johnson said he is home schooled and will be going into the 7<sup>th</sup> grade, and is 12 years old. He was present at this meeting to fulfill his Citizenship in the Community merit badge.

Mayor Pro Tem Smith thanked both Mr. Johnson and his mother for attending the meeting.

**James Pfaff, 1505 Northeast 58<sup>th</sup> Street**, began by thanking Council members for taking the time to listen to his concerns this evening. Mr. Pfaff stated he would like to address three points that have caused him to come forward to this Council meeting. Mr. Pfaff said he would first like to let Council know who is standing before them; secondly, he would like to explain the issues that he and his wife would like to discuss, and finally, he would like to hear from the Council, if anything, can be done to resolve this situation.

Mr. Pfaff said he has been a member of this community since 1962, when his parents moved here. His wife, Gloria Scott, has been a resident of the Northland since 1965. For the last three years they have been renovating an 1880's home in Liberty that they just recently sold. Mr. Pfaff said that has brought them back to their home at 1505 Northeast 58<sup>th</sup> Street where they have lived since 1991, and have owned since 1994.

Mr. Pfaff stated he was present at this meeting to present an issue that he has been unable to resolve in ten months. Mr. Pfaff said this issue is in regard to the property at 5711 North Flora, currently owned by J.C. and Christine Ellis, and Council may be familiar with the property; it is a beautiful white colonial on the hill, formerly owned by Art Piburn. Mr. Pfaff stated that in September 2005, his wife made an anonymous complaint in regards to code violations on Mr. Ellis's property. His wife explained that they wished to remain anonymous, and did not want to cause a rift with their neighbors. Mr. Pfaff said the

procedure that was explained was that this complaint would be kept confidential, and there would not be anyone on their land and if violations were found, then Mr. Ellis would be cited and required to conform. Mr. Pfaff said this was not the case, and after reporting the violation, Mr. Reyburn (Neighborhood Services Coordinator) was sent to observe if there were any codes violations at this residence. Mr. Pfaff said in a conversation with Mr. Reyburn, he discovered that he was very familiar with Mr. Ellis and his family, and he explained that Mr. Ellis had been cited at a different location for similar violations before purchasing this property. Mr. Pfaff said he was also informed that Mr. Reyburn lived next to Mrs. Ellis's father, which made him and his wife very uncomfortable, because this was supposed to be an anonymous complaint. Mr. Pfaff stated Mr. Reyburn then said he was going to speak to Mr. Ellis, and he apparently did speak to Mr. Ellis and also let him know where the complaint originated.

Mr. Pfaff said before the complaint was investigated, he explained to Mr. Ellis that he would have a survey taken and wanted to erect a privacy fence on the property line, which was and is in dispute. Mr. Pfaff stated that he and his wife were away from home for two weeks, and when they returned, Mr. Ellis was in the process of erecting a privacy fence. Mr. Pfaff said when he reiterated his position that he did not agree with Mr. Ellis's choice of boundaries, Mr. Ellis became very aggressive and combative towards his wife and him, which is when he became aware of his reasoning for erecting the fence and his anger towards him and wife.

Mr. Pfaff stated Mr. Ellis had been made aware of his complaint via Mr. Reyburn, and his anger was toward him and his wife for having to conform to the City codes and ordinances. Mr. Pfaff said that from that point on there has been animosity and aggression towards his wife and him from Mr. Ellis. Mr. Pfaff reported that Mr. Ellis was cited and fined for his ordinance violations and told to apply for a business, occupational and building permit. The building permit was for a building that he had already constructed without a permit. Mr. Pfaff said he knows that Mr. Ellis has now paid his fines and has applied for and been granted a business/occupational license, but still no building permit. Mr. Pfaff stated this is not a choice that he made when he moved into Gladstone and appropriately applied for and conformed to the codes and ordinances. This is what he has and continues to do is proceed to the point where he is caught and must do something and then do the least that is possible until the next time he is cited. All the while continuing to operate a business making profit and not conforming to any of the rules that are set before him.

Mr. Pfaff said he has not seen any changes to his operating style nor does he expect to. If anything, this has become worse. He now employs three people who do not live in the residence as required by code. His nightly maintenance of his equipment is ongoing, lasting 2 to 3 hours in the evening. The noise level is on a consistent with that of a commercial property, but this is not a commercially zoned area. Mr. Pfaff stated he does not want a garden service business in his neighborhood, and Mr. Ellis does not use a ½ ton pick-up truck with an 8-foot trailer with a lawnmower on the back that can be pulled into a driveway. Mr. Pfaff said Mr. Ellis has ¾ ton flatbed trucks with a fifth wheel trailer for hauling commercial mowers, commercial weed eaters, a motorized cart for hauling,

multiple commercial chainsaws, and various other pieces of commercial equipment. The hauling of cut limbs and over-hanging debris on his trailers and the wood chipper to dispose of these limbs are not that of a home business. Mr. Pfaff said he and his wife are protesting that Mr. Ellis was given a license to operate in a residential neighborhood and has operated illegally before actually receiving his license. Mr. Pfaff stated that Mr. Ellis has chosen to skirt the laws and ordinances of this community for over two years, and they believe and see on a daily basis that Mr. Ellis will continue to operate in an illegal manner.

Mr. Pfaff continued by saying this has gone on long enough – his wife and he have followed the procedures required by this city and its own municipal codes that the community has chosen to adopt. Simply being cited is not an option any longer. Mr. Pfaff said the City has observed Mr. Ellis's violations from his property and he has continued to provide photos of his ongoing illegal business. Mr. Pfaff said Mr. Ellis chooses to operate illegally and his property and well-being suffers because of inaction. Mr. Pfaff stated he is protesting that Mr. Ellis was given a license to operate a business in a residential neighborhood, and they do not think this should have been granted. This is a commercial business, not a home based residential business. Mr. Ellis has operated in Gladstone for a number of years, and a City employee is and has been aware of his business and occupation, and he continues to operate.

Mr. Pfaff continued by saying he was at the meeting to register a complaint, not only about the business at 5711 North Flora, but also with the City of Gladstone as a whole. Mr. Pfaff gave to Council packets of information with photos of Mr. Ellis's residence and business that is being operated on his property. Mr. Pfaff said that included in the packets were printed e-mails of his correspondence with Building Official Alan Napoli. Mr. Pfaff said his third point is what can and will be done about this situation, and said he is in the process of retaining bids and hiring a surveyor for what he feels was an illegally constructed fence. Mr. Pfaff stated the bids he has received so far have not been cheap, and it is his understanding that even after they do this, Mr. Ellis can choose to ignore the survey and they must then hire an attorney and take him to court in order to get action to have the fence removed. Mr. Pfaff concluded by saying he and his wife have placed their time, energy and money into this process, and now would like the City Council to enforce the laws of their land.

Mayor Pro Tem Smith asked City Manager Kirk Davis if he had any comments at this time.

City Manager Davis said he would need to review the matter, and would defer at this time to Assistant City Manager Scott Wingerson, who is also the Director of the Community Development Department, who handles these issues. City Manager Davis said he would like time to review the issues, read the document Mr. Pfaff provided, and learn more details about this concern.

Assistant City Manager Scott Wingerson agreed with City Manager Davis in that he would need some time to review these concerns, and would suggest as a first step that he and Mr.



Pfaff met this week to discuss some of the issues. There are some limitations as to what the City can and cannot do, especially with a history of citations. Mr. Wingerson said a meeting with Mr. Pfaff would allow him to better understand the issues and a course of action could then be determined.

Mr. Pfaff said he would appreciate meeting with Mr. Wingerson. Mr. Pfaff said he and his wife have been trying for 10 months to get these concerns resolved, and unfortunately had to bring it before the City Council.

Mayor Pro Tem Smith stated Council members appreciate Mr. Pfaff's approach in allowing Council members to communicate to him through proper channels. Mayor Pro Tem Smith said it is a resident's right to come before the City Council when they have concerns, and he respects the manner in which Mr. Pfaff approached the Council. Some people do not address the City Council in such a respectful manner. Mayor Pro Tem Smith said he felt that after Mr. Pfaff met with Mr. Wingerson, he would better understand the City process and the City will have a better understanding of Mr. Pfaff's concerns.

Councilman Mark Revenaugh asked that Council members receive a follow-up report regarding this matter.

**John Garner, 111 Heatherton Court**, began providing to Council members copies of a letter sent to Jim Campbell of NorthStar Bank on April 17, 2006, from the City of Gladstone. Mr. Garner asked for specific answers this evening to each one of the eight items contained in the letter, and if they are legally and binding in a court of law. Mr. Garner stated he wanted each item to be addressed specifically at this time.

City Counselor David Ramsay stated he would not be able to give a legal opinion immediately at the time of the meeting.

Mayor Pro Tem Smith asked Assistant City Manager Wingerson if there were any updates on Heatherton Court.

Mr. Wingerson replied the bank is working very hard to dispose of the property, but that was the only update he had at this time.

Mayor Pro Tem Smith stated to Mr. Garner he understood why Mr. Garner wanted answers to the items, but he believes it would be unfair to ask the City Counselor to respond to each item at this time, and asked if a written response would be agreeable.

Mr. Garner said his wife spoke to a lawyer who said the only item that the City can legally make the Bank adhere to is the application for building and land use, which is in the new ordinance with the \$500 for new houses under construction. Mr. Garner said he wanted to know at this time if this has been done and addressed with the bank. Mr. Garner asked if the letter doesn't mean anything, why did Mr. Wingerson write it? Mr. Garner said he has waited long enough for action to take place, and he has had no communication from Mr.

Wingerson since the last meeting, nor has he heard from the bank. Mr. Garner said he feels the City or the bank are dragging their feet, and the City has bent over backwards for the bank, and he is not seeing any response. Mr. Garner said his neighbors were present at the meeting, and they would like to see some action.

Mr. Wingerson stated, as Council is aware, this is a complicated issue. The very vast majority of the concerns at Heatherton Court are civil in nature, between individual property owners. Mr. Wingerson said in terms of an opinion another lawyer gave on whether these items are enforceable or not, he cannot answer, but he is certain that he and City Counselor Ramsay can work together and arrive at an opinion. Mr. Wingerson said he believes the letter is valid and believes that each of the items is administratively enforceable; in fact some of the items have already been completed. Mr. Wingerson stated, in terms of City staff or anyone in City Hall dragging their feet on this issue, that is simply not the case. Mr. Wingerson said Staff is working as diligently as they feel their role allows with the bank, as well as the property owners in Heatherton Court to achieve a reasonable solution. The gist of the matter is that it is a civil, private concern with which City staff is seeking to assist, and to that level of response, Staff is doing an "above the call of duty" level of effort.

Mayor Pro Tem Smith stated in this instance, the City has tried to assist with some issues that are probably civil issues, and has probably pressed those as far as possible. If the City has made a mistake, it is in giving the impression that the City could help with more than it can. Mayor Pro Tem Smith said we do need to continue to try to assist the residents with everything we can, and he does not have the impression that anyone is dragging their feet on this issue.

Mayor Pro Tem Smith said he visited with Mr. Garner after the last Council meeting, and he tried to get assistance from someone he knows at the bank, but the bank is also in an awkward position. Mayor Pro Tem Smith said the bank will lose money on this deal, and they are trying to mitigate their losses, which is their right to do. Mayor Pro Tem Smith said he believes this issue is on Assistant City Manager Wingerson's mind every day, but he does want Mr. Garner to feel the City is being responsive to his concerns and questions. Mayor Pro Tem Smith asked that Mr. Wingerson provide to Mr. Garner a brief written response to his questions, and to stay in contact with Mr. Garner.

Mr. Garner stated a building permit has been issued and the bank has paid the money to keep the area clean. There are still weeds in the outside area, and the hill needs to be re-sodded and the weeds removed in that area. Mr. Garner said someone did remove the hay bales that were in front of the sewer drains, but there is still mud on the street, and there needs to be more hay bales or put some plastic along the sides of the street.

Mayor Pro Tem Smith said the City has some ability to mow weeds and assess a lien against the property, and he does not know if those avenues have been exhausted.

Councilman Mark Revenaugh stated this is not the first time, in the short time he has been a member of the City Council, where a case came up where truly as much as the City and Council would like to be able to do something right away to make an issue better for the residents, there are legal limitations as to what can be done. Councilman Revenaugh stated he would like for City Counselor Ramsay to give some clarification to City Council members and the Heatherton Court residents as to where the City can assist the residents and where it cannot, so residents will have that clarification and know how to proceed with legal action or other action. Councilman Revenaugh suggested a letter from Counselor Ramsay would help everyone understand exactly where the City's legal ability to remedy this situation lies, and apparently this has not been done, as Mr. Garner keeps coming to the Council meetings asking for something to be done. Councilman Revenaugh said he would like to see the City clarify for Council members and the residents what can be done and cannot be done regarding the issues that have been brought before City Council.

Mayor Pro Tem Smith agreed and said if there are things we can do, we need to do them, such as mowing, erecting erosion control devices or assessing a lien against the property. Mayor Pro Tem Smith said it is time for clarification to be made, and then the residents can pursue whatever avenues are available to them, and the City can do what it can.

Mr. Garner pointed out that attached to the packet he distributed was a return letter to Mr. Wingerson from James Campbell, Senior Vice President of the bank. The letter states that the bank has contracted to have the debris removed from the bank property, which should be done when weather permits. Mr. Garner said this letter was dated May 1, 2006. The debris is still piled up, and with the weather being dry this work could have been done on any day. No work has been done on this issue. Mr. Garner stated in regard to the notes from the meeting with Jim Campbell that was included in his packet, he accidentally left off one page, and if Council members would like that page, he would provide it to them. Mr. Garner said these are his notes from a meeting that was held with some of the Heatherton Place homeowners and Mr. Campbell.

Mayor Pro Tem Smith asked if Mr. Garner would please provide that copy to City staff before Thursday, so it could be included in the City Council packets of information they receive each week.

Mr. Garner agreed to provide the information. Mr. Garner stated the play at the park Friday night was excellent, and he wished to thank everyone for their work on it, and he hopes more people will attend.

#### Item 7. on the Agenda.

#### COMMUNICATIONS FROM THE CITY COUNCIL.

Councilman Mark Revenaugh extended congratulations to the Parks and Recreation Department and the City staff involved with putting on another fabulous July 4<sup>th</sup> celebration. Councilman Revenaugh said many residents have told him how spectacular our City's fireworks were. Councilman Revenaugh said there was a complimentary letter in the Kansas City Star, and people are coming from out of town to see our fireworks.

Councilman Revenaugh congratulated Parks and Recreation Director Sheila Lillis and her staff for a great event.

**Councilman Wayne Beer** had no comments at this time.

**Councilman Carol Rudi** thanked Parks and Recreation Director Sheila Lillis for the great July 4<sup>th</sup> event. Every year she thinks the fireworks cannot get any better, and every year they are better. Councilman Rudi said she was at the Theatre in the Park presentation of Oklahoma on Sunday, and it was excellent and she hopes more people will attend the Theatre in the Park presentations. Councilman Rudi asked Director Lillis to talk about upcoming events in the park.

Parks and Recreation Director Sheila Lillis reported that the next event at the Gladstone Amphitheatre is the movie, Charlotte's Web, which is scheduled for 8:30 PM, on July 21<sup>st</sup>. Director Lillis stated it is hoped the young children will attend this movie. The next event will be the second Theatre in the Park production of Anything Goes. Director Lillis reported that the attendance estimate for the Oklahoma production was 12,400. There were huge crowds on Friday and Saturday.

**Mayor Les Smith** extended cudos and expressed appreciation to the Parks and Recreation Department and the Public Safety Department for the July 4<sup>th</sup> activities. Mayor Smith said he thought there were fewer renegade fireworks this year than have been in the past, and that is probably because the enforcement and education has increased. Mayor Smith said to Public Safety Director Bill Adamo that he may give his staff a hard time on occasion, but when they do a good job, he also want to express a "job well done", and they did do a good job over the July 4<sup>th</sup> holiday.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

**City Manager Kirk Davis** stated he wished to tell the Parks and Recreation Department what a nice job they did on the July 4<sup>th</sup> event. It was a great display and a great crowd. City Manager Davis said the Public Safety Department handled the crowd well, and to all "kudos" on a good job.

**Item 9. on the Agenda.**

**SECOND READING BILL 06-20**, granting a Special Use Permit to T-Mobile to operate a Communications Tower facility at 2013 NE 72<sup>nd</sup> Street. Applicant: Selective Site Consultants, Incorporated. Owner: Kansas City Power and Light Company. File No. 1278.

Councilman Wayne Beer moved to place Bill 06-20 on its second and final reading. Councilman Carol Rudi seconded.

Mayor Pro Tem Smith pointed out that at Council members places was an updated photograph of the cell tower that is proposed, and asked that Council notice that the platform antenna shown in the picture has all three platforms shown. The picture

presented to the Planning Commission and to the City Council did not show all three platforms, it only showed the top platform. Mayor Pro Tem Smith said he requested that some accurate photos be presented to show what the tower could look like when completely erected. Mayor Pro Tem Smith said he still feels very strongly that if the two pictures are compared side by side, one can see a definite difference between the platform type pole and the flush mount pole, a picture of which was also provided. The flush mount pole has three antennas mounted closer to the pole.

Mayor Pro Tem Smith stated he knows that Council members have seen the tower in the Village of Oakview at 64<sup>th</sup> and North Oak Trafficway, and while they may not think it looks too bad, he would disagree. Mayor Pro Tem Smith reported that Oakview is in the process of perhaps adding another 25 feet to the tower, which will make it a 150-foot tall tower with three platforms on it. Mayor Pro Tem Smith said he recalled when Oakview approved their tower, and our City did not take kindly to it, because we were criticized by our residents for allowing such an ugly structure in our City, to an extent that one of our Council members suggested writing an open letter to the editor explaining it was not our tower.

Mayor Pro Tem Smith said his mother has often said "don't curse the dark, when you can light a candle", and he felt there is an opportunity to light a candle in this instance, while after cursing Oakview, we now have it in the palm of our hands whether or not to approve a very similar structure. Mayor Pro Tem Smith said he does not know whether our City should turn its back on the aesthetic argument of the tower.

Councilman Wayne Beer said knowing that there is no tower that would be considered pleasing, and there is no location that is going to be ideal if it is visible to anyone, he understands that. In these particular cases, he does not find that the platform tower is any more objectionable than is the flush mount tower. Councilman Beer said neither one of the towers is pristine nor ideal; however, the location of this tower versus the Oakview tower is significantly different in that this is already an industrial location, as it is a Kansas City Power and Light site that has other towers and a substation. Councilman Beer said, in fact, the substation creates a great deal of noise, which he would find to be significantly more objectionable than the aesthetics of either of the two towers.

Councilman Beer said the tower at Oakview is placed in a location where it is impossible to be anything other than the eyesore that it is, as it is so close to Gladstone Plaza and North Oak Trafficway. The towers being proposed to our Council are a greater distance off of a major thoroughfare, and given that the platform tower is much more likely to result in someone not coming forward at a later date for another tower is something that has to be looked at very closely.

Councilman Beer said having to give consideration to another tower in this City, especially when one looks at the locations that have been suggested, with regard to signal propagation, that there is no other place in town that would be suitable for another tower.

Councilman Beer said given this tower's location and the fact that people expect cell phone reception and signal propagation, he thinks this has to be considered favorable.

Mayor Pro Tem Smith said he does not disagree, and from a land use standpoint he feels this is a very appropriate location for a cell tower, and may be the best in the City, and he definitely understands the cell phone reception issues. Mayor Pro Tem Smith said in the 1996 Federal Telecommunications Act, Section 704 states very significantly that no discrimination shall be made in preference for one carrier over another carrier, and one of his concerns is that if Council approves this platform tower, will the City be in a position where the next people who apply for a tower say a tower was granted before and the City cannot discriminate against them, and therefore the City must also give them a platform tower. Will the City be in a position of setting a precedent by the fact that the first tower the City approves would be a platform tower. Mayor Pro Tem Smith invited a representative from Selective Sites to step forward to answer some questions from Council members.

Councilman Revenaugh asked, for clarification, what the two pictures Council members were provided represent. Councilman Revenaugh said he knows there are three platforms on the proposed tower, and asked if there were three on the other one?

Mayor Pro Tem Smith replied the other picture is of a flush mount tower with three antennas on it, with only two carriers on it, as T-Mobile will take the top two.

**Jess Louk, of Selective Site Consultants, 8500 West 110<sup>th</sup> Street, Overland Park, Kansas,** said he was representing T-Mobile, USA and stated the next carrier will probably try to take the next two spots on the flush mount tower being discussed.

Mayor Pro Tem Smith said on the platform antenna T-Mobile will only take one site, so therefore there would be two spots available, so there would be a net gain in that location on that pole of one carrier. Mayor Pro Tem Smith asked Mr. Louk if the City granted approval for a flush mount pole, could that in the future be retrofitted to a platform antenna.

Mr. Louk replied the answer to that question is "it depends". It depends on if the City approved a flush mount antenna facility, his company typically would order a tower that is capable of holding flush mounts structurally, and what would probably be perceived as a business decision from T-Mobile USA is whether they would want to spend the extra capital dollars to order a "beefier" tower that is capable of holding the mounts, even though they are not approved to do so. So, effectively, they would be spending money for something they technically cannot use.

Mr. Louk stated regarding the 1996 Telecommunications Act, Mayor Pro Tem Smith pointed out that the site being discussed is an ideal location for a telecommunications tower - it is an industrial use, and he asked if this location is not right for a standard tower with platform antennas, then what is? Mr. Louk said what is being seen in the

telecommunications industry is that more and more people are demanding service in their homes. It is no longer just driving in the car or just being in the office at work. People want it in the basement while they are watching their big screen television, text messaging their friends about a game, or sending some sort of data.

Mr. Louk said more and more often they are finding themselves in residential neighborhoods looking for pieces of ground where they can get vertical real estate in the air, and service the network. What that means is, in a lot of cases, they are finding churches and other nonconforming uses and bringing them to the cities for their consideration. Mr. Louk said that is when they really pull out all "the bells and whistles" and do what they call stealth installation. Mr. Louk said the difference would be if he were here a month from now representing T-Mobile on a church, he would bring stealth installation with something that would make sense for the use. In this particular instance, the best use for this facility is a platform tower. Mr. Louk said this tower will be filled up pretty quickly. There is a coverage need in Gladstone across all the carriers. Mr. Louk said there was a radio frequency engineer in the audience, Luke Lowenbrink, who was present to answer any technical questions that do not involve the real estate acquisition.

Mayor Pro Tem Smith asked if there is such a need for this, then chances are a net gain of one space isn't necessarily enough. Other carriers are going to be looking for a place to come to town.

Mr. Louk replied what will most likely happen is that his company would build this as a three carrier monopole or, if approved, as a platform tower, and order a three or four carrier pole - probably a three carrier. It will hold three carriers with a full loading. A fourth will come along, and have to typically do some sort of structural modification in order to make the tower work. They would put something on the tower to make it work, using smaller lines and beefing it up.

Mayor Pro Tem Smith said he understood vertical stacking on a tower, but for example is it possible to locate another tower in this same area being discussed.

Mr. Louk replied it would be tight, and their main objective is to be off the road and away from the tennis courts, and stay in the industrial part. At the rear of the Kansas City Power and Light facility there is not a lot of room. Their first preference was to put it back even further, but what happens is it gets closer to housing, and the topography slides down a little bit, so they had to live with the front. Mr. Louk said he does not know if there is room. There is room for another tower, if Kansas City Power and Light would allow for a tower to be built within its fenced facility. They do not allow towers within their fenced facilities, unless they are owned by Kansas City Power and Light, and they do not allow carriers inside them.

Mayor Pro Tem Smith said he understands the aesthetic concern and placing the tower back off the road, and a limited number of residents around it, but the fact is his guess is there are probable 12,000 to 15,000 cars per day that traverse 72<sup>nd</sup> Street. Mayor Pro Tem Smith stated as Councilman Beer said at the last meeting, these tend to become invisible, and that might be right if one looks at them all the time, but he does not know that for people coming from out of town if it would become invisible to them. Mayor Pro Tem Smith asked if there might be room for another antenna on the property.

Mr. Louk replied there is not room for another tower - there is room, but he does not believe it is viable because the landlord, the person who owns the tower, will not lease space within the compound facility. If the City of Gladstone wants to bulldoze its tennis courts and erect a tower facility there, then, yes, but of course that is owned by Kansas City Power and Light, also.

Mayor Pro Tem Smith stated the reason for stealth technology is because communities are preferring not to have these types of towers in their community. Mayor Pro Tem Smith said he has heard of trees (telecommunication antenna tree masts that look like trees) and he understands as of today that they even come in different species.

Mr. Louk replied they do come in different species. They are significantly more expensive and cumbersome to build, and a tree in this location doesn't really make sense outside the substation. In some cases it is absolutely something that T-Mobile and some of the other carriers are willing to do. In this instance, it is something that would have to go to the corporate level to be approved, because the cost difference is so much, and it will not be approved within a substation. Mr. Louk asked if there was any neighborhood opposition to the tower. It is his understanding that to date, there has not been any neighborhood opposition, and the reality is no one comes out to support towers, unless there is a landlord that is receiving the revenue. Mr. Louk said the public has had an opportunity to provide feedback, and for a telecommunications tower near residential neighborhoods, there has been no opposition at all. Mr. Louk asked that be considered in Council's decision.

Mayor Pro Tem Smith asked if residents call after the tower is erected, they may be given Mr. Louk's home phone number.

Mr. Louk replied to please give them his office number and he would be happy to have a neighborhood meeting with residents to explain some of the benefits.

Mayor Pro Tem Smith stated by then it would be too late.

Mr. Louk stated it is an interesting economy, and it is true it is not the most beautiful structure in the world, but for everyone who comes in to explain, know that 90 percent of the population in the United States has a cell phone, and they use it in one way or another. The industry trend nationwide is for more towers. Mr. Louk said that is not something that as a City Council you want to hear, but when one makes a phone call, the voice takes up



room on the network, and when one sends a picture or a video stream, it takes up much more room, and there is only so much band width that each carrier has and can use.

Mayor Pro Tem Smith said he does not wish to give the misconception that he does not want a tower and a tower in this location, but this community does not allow someone to build an ugly building in the City, and this is the same thing. We are asked to grant a Special Use Permit to allow one to build a structure. Mayor Pro Tem Smith said we don't allow ugly buildings and he does not know that we should allow ugly cell phone towers, and that is his position. Mayor Pro Tem Smith asked if the primary user on the proposed antenna is T-Mobile?

Mr. Louk replied that was correct.

Mayor Pro Tem Smith said if they have a platform at the very top, that is what they want more than anything, and it allows some other spaces to lease.

Mr. Louk said that was correct.

Mayor Pro Tem Smith asked what is the practicality of a pole with a platform at the very top and flush mount below that, as a compromise position. Such towers do exist, as there is one in North Kansas City.

Mr. Louk stated, as a T-Mobile representative, they have no problem with that. Mr. Louk continued by saying the problem may be when a second carrier comes in to make a building application, the building permit department is going to have to review the Special Use Permit approval and see that they can only be flush mounted, because he guarantees when the next person comes along, sees the existing vertical real estate, he will say, "ah, no new tower needed, let's go to T-Mobile and do a lease with them". When they come in to file the building permit, most likely what will be seen is the full antenna rate proposed.

Mayor Pro Tem Smith asked if this will serve T-Mobile's need in our area, or will they need other locations in this immediate area.

Mr. Louk replied that is an interesting conversation that he and City staff could sit down "off line" and discuss the master plan for Gladstone. Mr. Louk said the Northland in general, and especially Gladstone and some of the neighboring communities are underserved compared to some of the other jurisdictions in the area, such as Kansas City, Missouri, the Johnson County metropolitan area, and some of the areas in Wyandotte County. There is a lot of building and money coming into this area right now from the cell phone industry to get it up to par. Mr. Louk said it is not something he would want to talk about on public record, but would like to sit down in a private meeting and discuss. Mr. Louk said it can be seen on the map where the holes are in the coverage.

Councilman Beer said his house sits in one of those holes. Mayor Pro Tem Smith said he does too. Councilman Beer said this tower will not help him one bit.

Mayor Pro Tem Smith said the tower would help him, and he still does not want it.

Councilman Rudi asked if this pole had a platform on top and it allowed the two flush mounts below, will those two flush mounts be usable by two other carriers?

Mr. Louk replied, probably, he is not a frequency engineer, but what will happen is there won't be a lot of flexibility or choice, and at the end of the day the engineers will have to accept the limited and reduced coverage because it is his only option. In reality, a second tower will not be approved by this body, so they will have to live with a second installation.

Mayor Pro Tem Smith said all the carriers have coverage in Gladstone, if nothing else they have them on our water towers, so these are secondary. It is not that the City is denying access to anyone, because they would have limited usage of that. Mayor Pro Tem Smith said Staff did recommend a flush mount antenna, and he does not care at all for the platform at all, but thinks it would help to have the platform on the top and flush mount under that. It can be seen by the picture provided today versus the picture provided last week, that this is three times as obnoxious as the picture Council members had previously seen. Anything to eliminate those halos would be aesthetically beneficial, and the users are getting the same thing, they will gain the two that are requested instead of just one.

Councilman Mark Revenaugh stated he had taken an informal poll since the last City Council meeting, and without exception, all the Gladstone residents he has asked if this is an aesthetics problem or a communications issue, have all said they want to communicate. Councilman Revenaugh said we don't want to be a community that people drive into and can't communicate. We have primary coverage, but like Mr. Louk said, people want to be able to talk in their homes and they want better coverage. We are going to get excellent coverage by having the three platform tower and without tying T-Mobile's hands. Councilman Revenaugh said they are going to look for other locations, because people want to be able to communicate, so he does not see a benefit in tying one hand behind their back and say we will only accept one platform and two flush mounts, because it will cause a reduced capacity. The other carriers that use the tower will be at a reduced capacity, so they will be looking elsewhere.

Councilman Revenaugh said aesthetically, they look a little like the ornaments at Bartle Hall. There were a lot of derogatory comments when they were first put up, but over time people have grown to like those pieces of art. Councilman Revenaugh said he was not comparing a cell phone tower with a piece of art, but there is a similarity.

Councilman Beer said telecommunication towers are becoming prevalent enough now that people, while they don't like having a tower in their back yard, accept the fact that the towers are there and that the towers are necessary for communication. Councilman Beer said he does not know how we can avoid them.

Mayor Pro Tem Smith stated the argument is not whether there should be a tower at this site, but what type of tower should be there and weighing the aesthetics, because there are people in our community who don't think we should have an antenna like the one at 64<sup>th</sup> Street and North Oak Trafficway, and believes there are people that think they are nothing less than hideous. Mayor Pro Tem Smith said if we can get three carriers total, what is the downside of at least addressing the aesthetics of this.

Councilman Revenaugh replied he believed the aesthetics have been addressed, and he thinks the majority like the platform tower.

Councilman Rudi stated both poles are ugly, and neither one is less ugly than the other, and she would rather see one ugly pole that has full coverage, so we don't have three carriers that apply for another location. Therefore, until they come up with the technology that allows for the removal of the poles altogether, she is in favor of this particular location, and this particular tower with the platforms.

There being no further discussion, Mayor Pro Tem Smith called for a vote.

"Aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi.  
"Nay" – Mayor Pro Tem Les Smith. (3-1) The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 06-20, and enact the Bill as Ordinance 4.001. Councilman Carol Rudi seconded.

Roll Call Vote: "Aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi. "Nay" – Mayor Pro Tem Les Smith (3-1).

**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.

Item 12. on the Agenda.      **ADJOURNMENT**

There being no further business to come before the July 10, 2006, Gladstone Regular City Council Meeting, Mayor Pro Tem Les Smith adjourned the meeting.

Respectfully submitted:

Cathy Swenson  
Cathy Swenson, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

Bill Cross  
Mayor Bill Cross



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JULY 24, 2006**

**OPEN STUDY SESSION: 6:45 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will hold a Closed Executive Session immediately following 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 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(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 10, 2006, City Council Meeting Minutes.
- 4a. **PROCLAMATION:** recognizing **STATE REPRESENTATIVE JERRY NOLTE**, recent recipient of the **2006 Legislator of the Year Award** from the Missouri Majority Caucus.
- 4b. **SPECIAL PRESENTATION:** of a **Tree Resource Improvement and Maintenance (TRIM)** matching grant from Helen Miller, Department of Conservation Urban Forester.
- 4c. **PROCLAMATION:** designating the month of July 2006, as **"NATIONAL PARKS AND RECREATION MONTH"**.

5. **CONSENT AGENDA**

**RESOLUTION R-06-42**, authorizing the City Manager of the City of Gladstone, Missouri to execute an agreement with Hi-Gene's for Janitorial Services at City Hall, the Public Works building, and the Water Treatment Plant for an initial one year period with three optional one year extensions in the amount of \$41,426 per year.

**RESOLUTION R-06-43**, authorizing the Economic Development Administrator to execute an application with the Missouri Department of Economic Development to establish a partnership with the Downtown Revitalization Economic Assistance for Missouri initiative (Dream) for further development of downtown Gladstone, Missouri.

**RESOLUTION R-06-44**, authorizing execution of a Transportation Enhancement Funds Program Agreement with the Missouri Highways and Transportation Commission.

**RESOLUTION R-06-45**, authorizing acceptance of work under contract with Ace Pipe Cleaning, Incorporated for the 2003 Sanitary Sewer Cleaning and Televising; and authorizing final payment in the amount of \$9,932.15 for Project 034005.

**APPROVAL OF A BUILDING PERMIT:** for the remodel of a canopy around the front of the main sales building at Van Chevrolet/Cadillac located at 100 NW Vivion Road. Applicant: Miller Stauch Construction Company, Inc. Owner: Van Chevrolet/Cadillac Inc. (BP 0610000531)

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:**

- Snappy Store #4901, 4901 Old Pike Road, 7 Day Package Liquor License.
- Kesar Petroleum, Inc., dba Gladstone Mart & Liquor, 7020 North Oak Trafficway, 7 Day Package Liquor License.
- Tommy's, 6221 North Chestnut, Class A&B Liquor by the Drink License.
- CVS EGL dba CVS Pharmacy #5698, 7107 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. **APPROVAL OF A BUILDING PERMIT:** for construction of an 8-foot cedar fence on the south side of the existing building at 7409 North Oak Trafficway. Applicant: Peppers Hot Tubs. Owner: Kryger Properties, Inc.
10. **RESOLUTION R-06-46**, authorizing the City Manager to execute an agreement for Depository and Banking Services for the City of Gladstone, Missouri with Commerce Bank.

11. **RESOLUTION R-06-47**, authorizing execution of a Water Tower Antenna Site Lease with Cricket Communications, a Delaware Corporation, for the Antioch Water Tower location.
12. **FIRST READING BILL 06-23**, approving the Final Plat of Santerra at Shady Lane, 3<sup>rd</sup> Plat, (Buildings 1-6 and 14-17) a replat of portions of Blocks 1 & 2, Santerra At Shady Lane, 1<sup>st</sup> Plat, a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said plat for recording.
13. Other Business.
14. Questions from the News Media.
15. Adjournment.



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

**MONDAY JULY 24, 2006**

**PRESENT:** Mayor Bill Cross  
Mayor Pro Tem Les Smith  
Councilman Carol Rudi  
Councilman Wayne Beer  
  
City Manager Kirk Davis  
City Counselor David Ramsay  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

**ABSENT:** Councilman Mark Revenaugh

Mayor Bill Cross opened the Regular July 24, 2006, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and asked that it be noted that Councilman Mark Revenaugh was out of town and unable to attend this meeting.

**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 JULY 10, 2006,  
CITY COUNCIL MEETING MINUTES.**

Councilman Carol Rudi stated she asked City Clerk Cathy Swenson to underline the words "...this particular location and this particular tower..." in the City Council Minutes, where she talks about being in favor of a cell tower with the platforms. This remark can be found on the next to the last page of the Minutes.



Councilman Rudi said she wished to again stress that when she voted in favor of this issue, it was not to give anyone the impression that in the future she would be in favor of platform towers at just any location. Councilman Rudi said this does not require a formal correction to the Minutes.

Mayor Cross asked if the City Clerk had underlined the words, as requested.

Councilman Rudi replied yes, the City Clerk had underlined the words as requested.

Councilman Carol Rudi moved to approve the Regular July 10, 2006, City Council Meeting Minutes as presented. Councilman Wayne Beer seconded the motion. Mayor Bill Cross said he would abstain from voting, as he was not in attendance at the meeting. The vote: "Aye" – Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. "Abstain" – Mayor Bill Cross. (4-0-1)

**Item 4a. on the Agenda.**      **PROCLAMATION:** recognizing STATE REPRESENTATIVE JERRY NOLTE, recent recipient of the 2006 Legislator of the Year Award from the Missouri Majority Caucus.

Mayor Cross read and presented the Proclamation to State Representative Jerry Nolte.

Mayor Cross stated Representative Nolte serves most of Gladstone and does a good job for our City.

Representative Nolte thanked Mayor Cross and City Council members.

**Item 4b. on the Agenda.**      **SPECIAL PRESENTATION:** of a Tree Resource Improvement and Maintenance (TRIM) matching grant from Helene Miller, Department of Conservation Urban Forester.

Mayor Cross invited Helene Miller, Missouri Department of Conservation Urban Forester, to please step forward to make her presentation.

Ms. Miller stated Gladstone applied for and did receive a Tree Resource and Maintenance (TRIM) matching grant from the Missouri Department of Conservation. A consulting firm was hired that looked at four different sections of streets and two parks, and did an end report of the existing trees in these areas, as well as recommended some plantings. Ms. Miller said she hopes the City will follow these recommendations when the weather allows. Ms. Miller said it was her pleasure to present a check for \$10,000 from the Department of Conservation, which is their part of the matching grant. Ms. Miller stated Parks and Recreation Administrative Assistant Rise McGarvey was key in obtaining the grant, as was Parks and Recreation Director Sheila Lillis. The City has good people doing good things.

Mayor Cross thanked Ms. Miller.

Councilman Wayne Beer stated City Council members always like to see Helene Miller attend the City Council meetings, as she is always very positive. Councilman Beer stated, jokingly, that Ms. Miller frequently brings money to the City, which is very much appreciated, and suggested that Representative Nolte might make note of that, which would also be appreciated!

**Item 4c. on the Agenda.**      **PROCLAMATION:** designating the month of July 2006, as "**NATIONAL PARKS AND RECREATION MONTH**".

Mayor Cross read and presented the Proclamation to Parks and Recreation Director Sheila Lillis.

Mayor Cross reported that Director Lillis reminded him that this is the 28<sup>th</sup> anniversary of the Municipal Swimming Pool, and within the next couple of weeks the City will reach the milestone of one million people who have swam at the pool. Over 30,000 young people have participated in swimming lessons. Mayor Cross said our Parks and Recreation facilities are definitely being used.

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

Following the Clerk's reading, Councilman Carol Rudi moved to accept the Consent Agenda as presented. Councilman Wayne Beer seconded.

Councilman Beer stated in regard to Resolution 06-42, the low bid was not accepted for Janitorial Services, as the low bidder was asked to send in names of the employees who would be working at City sites, and during the background checks, it was discovered that of nine employees, eight were unacceptable by reason of undesirable criminal records. Six of the employees were found to be in this country illegally. Councilman Beer said in comparing the low bid and the bid that was accepted, it is difficult to guess how much this employee concern could have cost the City. The background checks are very effective and important, and low bid does not always end up being low in cost.

The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0)

Councilman Carol Rudi moved to adopt **RESOLUTION R-06-42**, authorizing the City Manager of the City of Gladstone, Missouri to execute an agreement with Hi-Gene's for Janitorial Services at City Hall, the Public Works building, and the Water Treatment Plant for an initial one year period with three optional one year extensions in the amount of \$41,426 per year. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0)

Councilman Carol Rudi moved to adopt **RESOLUTION R-06-43**, authorizing the Economic Development Administrator to execute an application with the Missouri Department of Economic Development to establish a partnership with the Downtown

Revitalization Economic Assistance for Missouri initiative (Dream) for further development of downtown Gladstone, Missouri. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0)

Councilman Carol Rudi moved to adopt **RESOLUTION R-06-44**, authorizing execution of a Transportation Enhancement Funds Program Agreement with the Missouri Highways and Transportation Commission. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0)

Councilman Carol Rudi moved to adopt **RESOLUTION R-06-45**, authorizing acceptance of work under contract with Ace Pipe Cleaning, Incorporated for the 2003 Sanitary Sewer Cleaning and Televising; and authorizing final payment in the amount of \$9,932.15 for Project 034005. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0)

Councilman Carol Rudi moved to approve a **BUILDING PERMIT** for the remodel of a canopy around the front of the main sales building at Van Chevrolet/Cadillac located at 100 NW Vivion Road. Applicant: Miller Stauch Construction Company, Inc. Owner: Van Chevrolet/Cadillac Inc. (BP 0610000531). Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0)

Councilman Carol Rudi moved to approve **ANNUAL LIQUOR LICENSE RENEWALS** for:

- Snappy Store #4901, 4901 Old Pike Road, 7 Day Package Liquor License.
- Kesar Petroleum, Inc., dba Gladstone Mart & Liquor, 7020 North Oak Trafficway, 7 Day Package Liquor License.
- Tommy's, 6221 North Chestnut, Class A&B Liquor by the Drink License.
- CVS EGL dba CVS Pharmacy #5698, 7107 North Oak Trafficway, 7 Day Package Liquor License.

Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (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 Wayne Beer** had no comments at this time.

**Councilman Carol Rudi** thanked the Parks and Recreation Department and the Parks and Recreation Advisory Board for all the good work they have been doing. Councilman Rudi thanked Director Sheila Lillis for the very nice letter of thanks she wrote to Mrs. Ikey Harris for the lighted sign at Oak Grove Park. It was a very nice letter, and Mrs. Harris gave a wonderful contribution to the City. Councilman Rudi thanked Van Chevrolet and Cadillac for their building permit that was on the Consent Agenda. They did a nice job in bringing to the City Council their landscaping plan and their lighting plan. Their lighting plan went beyond what City Council members expected, and this is the kind of business with whom the City likes to work. Councilman Rudi asked Director Lillis to talk about upcoming events in Oak Grove Park.

Parks and Recreation Director Sheila Lillis began by saying, for clarification, that Mrs. Harris's family paid for one half of the cost of the lighted sign in Oak Grove Park, and the other half of the cost was paid through the Amphitheatre Committee. Director Lillis said a "Crime Night" event would be held in Oak Grove Park at 5:00 PM, on Saturday. The Northland Coalition of Police and different agencies will be at this event to provide crime prevention information to the community. The second production of Theatre in the Park, Anything Goes, will be held August 4, 5, and 6, in Oak Grove Park. There were about 300 children in attendance at the "Movie in the Park" presentation of Charlotte's Web. Director Lillis reported that the movies are starting to have better attendance, with an average of 300 people attending these events.

**Mayor Pro Tem Les Smith** had no comments at this time.

**Mayor Bill Cross** had no comments at this time.

**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.**

**APPROVAL OF A BUILDING PERMIT:** for construction of an 8-foot cedar fence on the south side of the existing building at 7409 North Oak Trafficway. Applicant: Peppers Hot Tubs. Owner: Kryger Properties, Inc.

Councilman Wayne Beer moved to approve a **BUILDING PERMIT** for construction of an 8-foot cedar fence on the south side of the existing building at 7409 North Oak Trafficway. Applicant: Peppers Hot Tubs. Owner: Kryger Properties, Inc. Councilman Carol Rudi seconded.

Councilman Rudi stated she would like to encourage the business owner to add as much landscaping as possible at this location.

The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0)

**Item 10. on the Agenda.** **RESOLUTION R-06-46**, authorizing the City Manager to execute an agreement for Depository and Banking Services for the City of Gladstone, Missouri with Commerce Bank.

Councilman Carol Rudi moved to approve **RESOLUTION R-06-46**, authorizing the City Manager to execute an agreement for Depository and Banking Services for the City of Gladstone, Missouri with Commerce Bank. Councilman Wayne Beer seconded.

Councilman Rudi stated she served on the committee that reviewed the banking proposals, and there were a number of good businesses that made proposals. It was not an easy choice, but she feels the committee made a good selection.

Mayor Cross inquired into the length of the banking services contract.

City Manager Davis replied the contract is for five years.

The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0)

**Item 11. on the Agenda.** **RESOLUTION R-06-47**, authorizing execution of a Water Tower Antenna Site Lease with Cricket Communications, a Delaware Corporation, for the Antioch Water Tower location.

Councilman Wayne Beer moved to approve **RESOLUTION R-06-47**, authorizing execution of a Water Tower Antenna Site Lease with Cricket Communications, a Delaware Corporation, for the Antioch Water Tower location. Mayor Pro Tem Les Smith seconded.

City Counselor David Ramsay pointed out there was an error in the Resolution. The rental fee should read \$25,235.00 per year not \$225,235.00 per year.

Councilman Wayne Beer said he would like to amend his motion to include the correction to the Resolution. Mayor Pro Tem Les Smith agreed.

The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0)

**Item 12. on the Agenda.** **FIRST READING BILL 06-23**, approving the Final Plat of Santerra at Shady Lane, 3<sup>rd</sup> Plat, (Buildings 1-6 and 14-17) a replat of portions of Blocks 1 & 2, Santerra At Shady Lane, 1<sup>st</sup> Plat, a subdivision in the County of Clay, City of

Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said plat for recording.

Mayor Pro Tem Les Smith moved to place Bill 06-23 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (4-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 06-23, 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, Mayor Pro Tem Les Smith and 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 06-23 and enact the Bill as **Ordinance 4.002**. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (4-0).

**Item 13. on the Agenda.**

**OTHER BUSINESS.**

Mayor Pro Tem Smith said it is his understanding that during the City's banking services review process, two banking institutions were the finalists for consideration. There was some question by one of the banks as to the importance of community involvement in the contract. Mayor Pro Tem Smith said he wanted to be very clear with the staff from Commerce Bank in that commitment to the community is extremely important to the City Council, and it is an extraordinarily heavily weighted part of the contract, with all things being equal on the technical side. Mayor Pro Tem Smith said the City has had a very good relationship with Commerce Bank, and they have participated in the community. It is not just a matter of money, but Commerce Bank's manpower in City events, their participation with the Chamber, and their help with various ad hoc committees is appreciated by the City Council, and City Council members want that to continue. Mayor Pro Tem Smith said anyone who might question whether or not that is an important factor to this Council, needs to know that it definitely is an important factor.

Councilman Wayne Beer said service to the community is incredibly important. There are a lot of individuals who contribute to the community for no compensation other than selfless acts. City Council members like to see the businesses, with which the City contracts for services, to feel the same as City Council members in regard to contributing to the community.

Mayor Bill Cross said the entire City Council feels very strongly about the decision made.

**Item 14. on the Agenda.**

**QUESTIONS FROM THE NEWS MEDIA.**

**Item 14. on the Agenda.**

**QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

**Item 15. on the Agenda.**


**ADJOURNMENT**

There being no further business to come before the July 24, 2006, Gladstone Regular City Council Meeting, Mayor Bill Cross adjourned the regular meeting.

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, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Councilman Wayne Beer seconded the motion.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (4-0).

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: \_\_\_\_

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

  
Mayor Bill Cross



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, AUGUST 14, 2006**

**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 July 24, 2006, City Council Meeting Minutes.
- 4a. **PROCLAMATION:** Designating September 17-23, 2006, as "**CONSTITUTION WEEK**" in Gladstone, Missouri. Sponsor: William Boydston Chapter of the Daughters of the American Revolution.
5. **CONSENT AGENDA**

**RESOLUTION R-06-48**, authorizing the City Manager to accept a Bill of Sale from Aly-Beck, LLC. And A&E Builders, Incorporated, conveying to the City one water line and one fire hydrant built in conjunction with construction of the Advanced Hospital Staffing Office Building at 6051 North Chestnut.

**APPROVAL OF A NEW CLASS "A" LIQUOR BY THE DRINK LICENSE**, for **WRM, ENTERPRISES, INC., dba SCOTTIES**, 316 NE 72<sup>nd</sup> Street. Managing Officer: James R. Gibson, Jr.

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWAL:**

- Tortilla Flats, 5716 North Antioch Road, Class A Liquor by the Drink License.

**APPROVAL OF FINANCIAL REPORTS FOR JUNE 2006.**



6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **FIRST READING BILL 06-24**, amending Ordinance Number 3.947 by adding one new chapter concerning "Detached Accessory Structures" to the "Building and Construction Ordinance" of the City of Gladstone, Missouri.
10. **FIRST READING BILL 06-25**, authorizing the City of Gladstone, Missouri, to enter into a First Amendment to Base Lease with First Bank of Missouri, as Trustee, a First Amendment to Lease with said Trustee, and approving a First Amendment to Declaration of Trust by said Trustee, all in connection with Certificates of Participation, Series 2002.
11. Other Business.
12. Questions from the News Media.
13. Adjournment.



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

**MONDAY AUGUST 14, 2006**

**PRESENT:** Mayor Bill Cross  
Mayor Pro Tem Les Smith  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilman Mark Revenaugh  
  
City Manager Kirk Davis  
City Counselor David Ramsay  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

Mayor Bill Cross opened the Regular August 14, 2006, 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 JULY 24, 2006,  
CITY COUNCIL MEETING MINUTES.**

Councilman Wayne Beer stated he would like to make a slight modification to the Minutes, on Page 3, where he made a comment about how much City Council members like to see Helene Miller of the Department of Conservation attend the City Council meetings, because she is such a positive person and she brings money with her. Councilman Beer said he would like the record to show that the comments he made were "tongue in cheek", and not only that, but that his comments went further, in a "tongue in cheek" manner, to suggest that Representative Nolte make note of the fact that Ms. Miller brings money.

Councilman Wayne Beer moved to approve the Regular July 24, 2006, City Council Meeting Minutes as amended. Councilman Mark Revenaugh seconded.

The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

**Item 4a. on the Agenda.**      **PROCLAMATION:** Designating September 17-23, 2006, as "CONSTITUTION WEEK" in Gladstone, Missouri. Sponsor: William Boydston Chapter of the Daughters of the American Revolution.

Mayor Pro Tem Les Smith read and presented the proclamation to Freddie Nichols, Regent of the William Boydston Chapter of the Daughters of the American Revolution.

Ms. Nichols thanked Mayor Pro Tem Smith, Mayor Cross and the City Council members, and said having returned from Washington, D.C. about five weeks ago, she feels enthused about preservation of historic places and documents. Ms. Nichols commented that William Boydston is buried in Faubion Cemetery, and is a Gladstonian, although he died hundreds of years ago.

Mayor Pro Tem Smith said he wished everyone would visit Washington, D.C. and come back feeling so patriotic.

Mayor Cross thanked Mayor Pro Tem Smith and Ms. Nichols.

Councilman Wayne Beer stated as everyone knows from their history classes years ago, and from what was learned tonight as part of this proclamation, the Constitution was signed in the month of September of 1787. It was not adopted by the states until 1789. It was not an easy process getting the Constitution finally accepted by the majority of the states, but that was only a portion of the difficulties that occurred with regards to the Constitution and the continuation of the Constitution. Councilman Beer said he would like to mention a few things that have occurred with regards to timelines, and asked for the audience's indulgence, because his numbers will not be sequential.

Councilman Beer shared the following information:

The United States Air Force was formed in September 1947.

The United States Marine Corps celebrates its 232<sup>nd</sup> birthday in November of this year.

The United States Navy celebrates its 237<sup>th</sup> birthday in October of this year.

The United States Army celebrated its 232<sup>nd</sup> anniversary in June of this year.

Councilman Beer explained for those who might not know about the Gold Star Mothers, that this is a group of mothers who have lost a child in combat in defense of the United States. The Gold Star Mothers' Day is commemorated in September.

The United States Coast Guard formed this month in 1790.

The United States Army Reserve is 100 years old next year.

The Army National Guard will be 370 years old in December of this year.

The Civil War ended 140 years ago this month.

Councilman Beer stated a lot of things have happened in our country's history in support of this Constitution. There has been a lot suffering and a lot of sacrifices made in defense of our Constitution. Mayor Beer thanked everyone for their indulgence and their time.

Mayor Cross thanked Councilman Beer for providing this in-depth information of important historical events in our American history.

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

Following the Clerk's reading, Councilman Wayne Beer moved to accept the Consent Agenda as presented. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-06-48**, authorizing the City Manager to accept a Bill of Sale from Aly-Beck, LLC. and A&E Builders, Incorporated, conveying to the City one water line and one fire hydrant built in conjunction with construction of the Advanced Hospital Staffing Office Building at 6051 North Chestnut. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to approve a **NEW CLASS "A" LIQUOR BY THE DRINK LICENSE**, for **WRM, ENTERPRISES, INC., dba SCOTTIES**, 316 NE 72<sup>nd</sup> Street. Managing Officer: James R. Gibson, Jr. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to approve the **ANNUAL LIQUOR LICENSE RENEWAL for Tortilla Flats**, 5716 North Antioch Road, Class A Liquor by the Drink License. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to approve the **FINANCIAL REPORTS FOR JUNE 2006**. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and 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** asked Parks and Recreation Director Sheila Lillis to provide an update of activities in Oak Grove Park.

Parks and Recreation Director Lillis said the next performance in Oak Grove Park will be a movie, "Field of Dreams", and will be shown Friday night at 9:00 PM. Director Lillis said she understood there was a large group of Gladstone Emergency Management Agency (GEMA) folks who will be attending this event. The Theatre in the Park production of "Anything Goes" was performed August 4, 5, and 6, and there was a nice crowd, with an attendance of a little over 4,000 people. The performance was very well done, and the set compared to no other past performance set – it was huge and beautiful. Director Lillis said the "striking of the set" (the removal of the set) is complete, and the performances have finished, and the only other event this year is the Halloween party with the Northland Optimists and the Gladstone Area Chamber of Commerce, which will be held October 27<sup>th</sup>. Director Lillis said the Relay for Life was held this past Friday night at Oak Grove Park, and there was about one-half of the crowd that is typically there. Director Lillis said Doctor Cross was there as a spokesperson and represented the City.

Mayor Cross stated that Larry Moore was at the Relay for Life event, where he talked about his survival of cancer, and walked with the group. The company and food was good, and it was amazing how many people had t-shirts on indicating they were cancer survivors. Many of them were retired teachers.

**Councilman Wayne Beer** stated he and City Manager Kirk Davis had a rather involved conversation about City purchases, and he would like to see with City purchases of vehicles in the future, that the City give serious consideration to the purchase of hybrid vehicles and/or electric vehicles, depending upon the need for the vehicle. Given that the gas prices are changing as they are, and given the increased awareness of environmental responsibility becoming more prevalent, now is probably the time for the City to give serious consideration to the purchase of hybrid and/or electric vehicles. Councilman Beer said as an example, Public Works Director Chuck Williams just purchased a vehicle himself, that is a hybrid, and he believes that if anyone would talk with Mr. Williams, he could really talk up the hybrid's benefits pretty highly.

Councilman Beer said he and Councilman Rudi looked at hybrid vehicles at a conference City Council members attended that he felt were ugly, but nevertheless, the purchase price was reasonable. Councilman Beer said he believes the price was approximately \$15,000. The vehicles were small, and were being marketed to people, organizations, or cities whose main area of transportation is within the cities – reasonably close and short-range vehicles. Councilman Beer said he believed the range of these vehicles may have been 40 miles on a charge, and 40 miles would probably take care of most of the vehicles needed in this City for strictly general transportation in the city use, but not Public Safety use.

Councilman Beer said, however, he does believe the hybrid vehicle for a city such as Gladstone certainly could be a viable form of transportation for Public Safety. Councilman Beer said we may find very little real need for the requirement of high-speed chases now, as we do not have open roads to deal with, nor open spaces we once had several years ago, and also due to the use of radios and the fact that Kansas City, who neighbors us on all sides of our City, can provide mutual aid calls for us. A hybrid vehicle could very well satisfy the needs for our Police Department as well. Councilman Beer said he realizes there is a premium for a hybrid vehicle at this time, but given the fuel costs that are going up, purchasing the right vehicle, such as a Toyota may be advisable. Councilman Beer continued by saying he believes there are Ford hybrid vehicles that are also of a good economic operating base, and Ford, being a local manufacturer, could probably make good sense as well, especially for a City purchase. Councilman Beer said he believes that given all the conditions that are coming to the fore, and all the efficiencies, this is probably the right thing to do, and at the right time to be doing it.

**Councilman Mark Revenaugh** had no comments at this time.

**Mayor Pro Tem Les Smith** had no comments at this time.

**Mayor Bill Cross** stated that Fire Chief Chuck Duddy was at the Relay for Life event with his color guard, who did an excellent job and were very well synchronized. It was quite a treat to watch them. Mayor Cross said many people missed the opportunity of a lifetime by not attending the City of Gladstone Work Improvement Team's (CogWit) recent breakfast. Mayor Cross said for him and some of the folks present, it is a good thing no one was weighing them after the breakfast, because they ate a lot. Sergeant Richard King made the best biscuits and gravy. Mayor Cross said those present at the breakfast enjoyed it very much and he appreciated very much Richard King bringing his group out, and making such a wonderful breakfast.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

**City Manager Kirk Davis** reported the municipal pool closes this weekend. There will be some exciting improvements happening at the pool, and Staff is pleased to be moving in that direction. City Manager Davis stated the Theatre in the Park Golf Tournament is August 30<sup>th</sup>, and invited everyone to participate in this event.

**Item 9. on the Agenda.**

**FIRST READING BILL 06-24**, amending Ordinance Number 3.947 by adding one new chapter concerning "Detached Accessory Structures" to the "Building and Construction Ordinance" of the City of Gladstone, Missouri.

Mayor Pro Tem Les Smith moved to place Bill 06-24 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 06-24, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded.

Mayor Pro Tem Smith drew Council's attention to the attachment to the Bill, entitled "Chapter 2300 Detached Accessory Structures", Page 2300-5, Section "A", Numbers 6 and 7, where it says the detached accessory structures shall: "be no closer to the primary structure than 10 feet"; and "be no closer to adjoining properties primary structure than 20 feet". Mayor Pro Tem Smith asked City Council members if this seemed close to a primary structure, and especially to an adjoining property.

Councilman Wayne Beer replied that perhaps being no closer to the primary structure than 10 feet might be a bit close. The 20 feet to adjoining properties is in fact two feet further than the City's side yard setback requirement. Councilman Beer said he did not have a problem with the 20 feet distance, but the 10 feet distance could be a little close.

Mayor Pro Tem Smith asked Assistant City Manager Scott Wingerson if there had been discussion with the Planning Commission regarding the 10-foot distance.

Assistant City Manager Wingerson replied there has not been any discussion with the Planning Commission, as he does not believe they raised this point, and believes the 10 feet requirement between buildings is a standard of the Building Code, and applied across the country. It is really a fire provision between two exterior walls, so any expanded distance of that would be Council policy outside of the Building Code.

Mayor Pro Tem Smith stated the distance from him to Councilman Rudi sitting at the Council dais is approximately 10 feet, and he is thinking aesthetically for people who have a view of the building from other yards might not like that. Mayor Pro Tem Smith said it is just a thought on his part.

Councilman Carol Rudi said her concern with changing the distance is that the City does have some very small homes and lots, specifically in Bolling Heights, and if this is changed, she does not want to take a chance that they could not put a detached building on their lot.

Councilman Beer said, to expand on that thought a bit, the rear yard setbacks could be such that it would preclude the construction of anything, if the 10-foot spacing were changed.

Councilman Rudi said this is a question she asked Mr. Napoli earlier, as to whether or not any of these recommendations would cause a problem for some of those places.

Mayor Pro Tem Smith said he was good with that; he just wanted to raise the issue as it seemed a little close.

Building Official Alan Napoli stated Assistant City Manager Wingerson is correct. The 10-foot distance has been in the City's Ordinance for approximately 20 years, and is the closest the City allows, due to fire prevention and so forth. It could be further away, but Staff would not want it any closer. Typically, one does not see a building this close to structures, but from time to time they are.

Mayor Pro Tem Smith referred to the same page of the document being discussed; Section C, Number 1, "the maximum square footage shall not exceed 10% of the primary structure". Mayor Pro Tem Smith inquired into the definition of the square footage of primary structure - is that above ground?

Mr. Napoli replied typically that would be the finished square footage of the house - if there were two stories to the house, one would figure the square footage of both stories.

Mayor Pro Tem Smith asked if this is above ground, or could someone make the argument for a 1,500 square foot finished basement counting as part of the square footage. That could lend to some fairly big structures.

Mr. Napoli suggested it could be proposed to include that the maximum square footage should not exceed 10 percent of the primary structure above ground.

Mayor Pro Tem Smith said that is his intent. Mayor Pro Tem Smith continued by pointing out Number 4 in the same section, "exterior materials, colors and roof pitch must match the primary structure or be closely similar thereto". Mayor Pro Tem Smith said he feels this should read "in perpetuity". In other words if one builds a shed today, and their house is red and the shed is red, and the next day the house is painted green, the shed needs to be painted green. The intent is to keep the colors matched forever.

Mr. Napoli said in some cases, some of the metal structures cannot be painted, but the color of house may vary down the road. As a general point, Staff had to come up with something, so that in some of those situations where there is a set color to the material, such as a metal shed, it would give some leeway.

Mayor Pro Tem Smith inquired how to define in those structures that have wood siding, the requirement that they have a match to the primary structure 5 or 10 years from now, which is the intent. This is not much different from when the City requires a commercial applicant to build a fence, we say it must be maintained in perpetuity.

Assistant City Manager Wingerson suggested adding "and will be compatible in perpetuity".

Mayor Pro Tem Smith agreed that would be acceptable.



Councilman Beer stated there is a section that deals with the fact that the owner or proposed owner must provide to Community Development shop drawings, so at the beginning of the process, the owner must show some form of compatibility.

Mr. Napoli agreed and said the owner would need to provide product data and specification sheets and pictures.

Mayor Pro Tem Smith suggested the City has been working on this for years, and it would be advisable to address these issues as best as possible for the years to come.

Mayor Pro Tem Les Smith moved to amend Bill No. 06-24 to reflect the items discussed, which is defining the square footage of the primary structure to be above ground square footage, and for the compatibility to the primary structure to remain so in perpetuity. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and 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 06-24 and enact the Bill as **Ordinance 4.003**. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

**Item 10. on the Agenda.** **FIRST READING BILL 06-25**, authorizing the City of Gladstone, Missouri, to enter into a First Amendment to Base Lease with First Bank of Missouri, as Trustee, a First Amendment to Lease with said Trustee, and approving a First Amendment to Declaration of Trust by said Trustee, all in connection with Certificates of Participation, Series 2002.

Councilman Carol Rudi moved to place Bill 06-25 on First Reading. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 06-25, Waive the Rule and place the Bill on Second and Final Reading. Councilman Mark Revenaugh seconded. The vote: The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of Bill 06-25 and enact the Bill as **Ordinance 4.004**. Councilman Mark Revenaugh seconded.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and 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.**

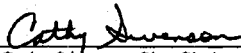
There were no questions from the News Media.


**Item 13. on the Agenda.**

**ADJOURNMENT**

There being no further business to come before the August 14, 2006, Gladstone Regular City Council Meeting, Mayor Bill Cross adjourned the regular meeting.

Respectfully submitted:

  
Cathy Svendsen, City Clerk

Approved as submitted:  \_\_\_\_\_

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

  
Mayor Bill Cross



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, AUGUST 28, 2006**

**OPEN STUDY SESSION: 6:00 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will hold a Closed Executive Session immediately following 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 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(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, 2006, City Council Meeting Minutes.
- 4a. **Special Presentation to Richard (Dick) Wagner**, retiring member of the Board of Zoning Adjustment, following 40 years of service.
- 4b. **PROCLAMATION:** designating Tuesday, August 29, 2006, as "**Richard Wagner Recognition Day**" in Gladstone, Missouri, in tribute to retiring Board of Zoning Adjustment member **Richard Wagner**, following 40 years of service to the City of Gladstone.
5. **CONSENT AGENDA**

**RESOLUTION R-06-49**, 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.
8. Communications from the City Manager.
9. **RESOLUTION R-06-50**, A Resolution pertaining to the financing of certain improvements and refinancing certain outstanding Certificates of Participation, authorizing the offering for sale of an issue of approximately \$31,500,000 Certificates of Participation, Series 2006, evidencing a proportionate interest in basic rent payments to be made by the City of Gladstone, Missouri, pursuant to an annually renewable purchase agreement.
10. **PUBLIC HEARING**: on setting the annual rate of levy for the 2006 Real Estate and Personal Property Taxes within the corporate limits of the City of Gladstone, Missouri at \$.9291/\$100.00 valuation.
- 10a. **FIRST READING BILL 06-26**, setting the annual rate of levy for the 2006 Real Estate and Personal Property Taxes within the corporate limits of Gladstone, Missouri at \$.9291/\$100.00 valuation.
11. **FIRST READING BILL 06-27**, an Ordinance enacted under House Bill 1149 to increase the Water Primacy Fee previously established by Ordinance Number 3.123 under House bill 1393 and extending the fee through September 1, 2012.
12. **FIRST READING BILL NO. 06-28**, repealing Ordinance Number 3.988, except for Section 2 thereof, to comport with the determination by the Missouri Supreme Court that the "Municipal Telecommunications Business License Tax Simplification Act" is unconstitutional.
13. Other business.
14. Questions from the News Media.
15. Adjournment.



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

**MONDAY AUGUST 28, 2006**

**PRESENT:** Mayor Bill Cross  
Mayor Pro Tem Les Smith  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilman Mark Revenaugh  
  
City Manager Kirk Davis  
City Counselor David Ramsay  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

Mayor Bill Cross opened the Regular August 28, 2006, 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 AUGUST 14, 2006, CITY COUNCIL MEETING MINUTES.**

Councilman Carol Rudi moved to approve the Regular August 14, 2006, City Council Meeting Minutes as presented. Councilman Mark Revenaugh seconded. The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

**Item 4a. on the Agenda. SPECIAL PRESENTATION TO RICHARD (DICK) WAGNER,** retiring member of the Board of Zoning Adjustment, following 40 years of service.

Mayor Cross invited Richard and Joan Wagner to join him at the podium, and stated that Staff has found through their research that Mr. and Mrs. Wagner have lived in Gladstone since 1958, and raised five children in Gladstone. Mayor Cross stated that both Mr. and Mrs. Wagner have served on many City committees in support of positive initiatives, such as the committee to form the 3<sup>rd</sup> Class, City Manager form of government, which was approved by the voters on March 3, 1961. Mrs. Wagner served on the Parks and Recreation Advisory Board, where she was instrumental in the naming of Oak Grove Park, Happy Rock Park, and Little Gulley Park. Mayor Cross reported that Joan Wagner was never afraid to speak her mind in support of anything that was for the good of the City. Mr. Wagner has been on the Board of Zoning Adjustment for 40 years, and was very instrumental in positively affecting the growth of the City. Mayor Cross said both Joan and Richard Wagner have been very active Gladstone citizens and they have always been willing to serve the City when the need would arise, and he hopes they continue their good work.

Mayor Cross presented to Mr. and Mrs. Wagner framed copies of pictures that were printed in a 1972 City calendar, which showed the Parks and Recreation Advisory Board and the Board of Zoning Adjustment members, including Mr. and Mrs. Wagner. Mayor Cross read and presented an engraved plaque to Richard Wagner, recognizing his retirement following 40 years of outstanding service on the Board of Zoning Adjustment. Mayor Cross pointed out that Mr. Wagner is the longest serving Board member in the history of Gladstone. Mayor Cross thanked Mr. and Mrs. Wagner for 40 years of dedicated service to the City. Following a standing ovation from the audience, Mayor Cross asked Mr. and Mrs. Wagner to remain with him for another presentation.

**Item 4b. on the Agenda.**     **PROCLAMATION:** designating Tuesday, August 29, 2006, as "**Richard Wagner Recognition Day**" in Gladstone, Missouri, in tribute to retiring Board of Zoning Adjustment member **Richard Wagner**, following 40 years of service to the City of Gladstone.

Mayor Cross read and presented to Richard Wagner a Proclamation designating Tuesday, August 29, 2006, as "**Richard Wagner Recognition Day**" in Gladstone, Missouri, in tribute to retiring Board of Zoning Adjustment member **Richard Wagner**, following 40 years of service to the City of Gladstone. Mayor Cross told Mr. Wagner that he, and current and past City Council members very much appreciate the time, effort and thoughtfulness that he has given to our City.

Following a standing ovation, Mr. Wagner said it has been his great pleasure to serve this wonderful City. When he and his wife decided to reside in Gladstone, they found that our City is very personable, and very nice, and it has always been so. Mr. Wagner thanked Mayor Cross, City Council members, and all present.

Mayor Cross stated that Mr. and Mrs. Wagner should be placed on a committee named "How to Raise Children", because so many of their children have gone through the North Kansas City School District, and have done so well. They have enjoyed the City's

municipal pool, they have continued their education, and it has been his and Councilman Beer's privilege to teach some of them. Mayor Cross thanked the Wagner family for attending this meeting, and said the entire City appreciates what Joan and Richard have done for the City, and appreciates all the family members' efforts.

**Item 5. on the Agenda.**

**CONSENT AGENDA**

Councilman Wayne Beer stated as there is only one item on the Consent Agenda, he moved that Resolution R-06-49, be considered under the Regular Agenda, as Item 9a. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

**REGULAR AGENDA**

**Item 6. on the Agenda.**

**COMMUNICATIONS FROM THE AUDIENCE.**

**Marilyn Ahnefeld, 7325 North Bellefontaine**, congratulated the City Manager, City staff, and the City Council on the wonderful new magazine, "*Coming Home to Gladstone*", that arrived at her home last week. Ms. Ahnefeld said she looks forward to subsequent issues, and stated "job well done". Ms. Ahnefeld offered her love and appreciation to the Wagner family for 50+ years of love and service to the City of Gladstone. Every community needs residents like the Wagners.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Mark Revenaugh**, congratulated the Wagner family, and said he has known the Wagners since he was in 6<sup>th</sup> Grade. Councilman Revenaugh said he did not realize that Mr. Wagner had been serving the City for so many years, but that is like him, because he is not one to brag about what he is doing for the community. Councilman Revenaugh said he is very happy that the City is giving Mr. Wagner the recognition that both he and Mrs. Wagner are due today. Councilman Revenaugh congratulated Mr. and Mrs. Wagner and their children.

**Councilman Carol Rudi** expressed her appreciation and congratulated the Wagner family. Councilman Rudi said Mr. Wagner has done a great job on the Board of Zoning Adjustment, and he will be missed. Councilman Rudi said the new "*Coming Home to Gladstone*" is great, and she has heard many positive comments about it; people really like it.

**Councilman Wayne Beer** congratulated the Wagner family, and said it is certainly nice to see people who are as involved as they are in their community. Councilman Beer said it is these kinds of people that make a great community - it doesn't happen just because there is a City Council or a City staff; it takes many volunteers, and the Wagners are supreme examples of the validity of volunteers. Councilman Beer said the new "*Coming Home to*

*Gladstone* magazine is exceptional, and congratulated Economic Development Administrator Melinda Mehaffy and Public Information Coordinator Richard King for putting together such a fine magazine. Councilman Beer said it is his understanding that the postage for the magazine was \$1,000 less in cost than what would have been spent for the City's regular publications.

Public Information Coordinator Richard King and Economic Administrator Melinda Mehaffy replied the postage cost for the new magazine was the same cost as for one mailing of the City's former informational piece "*The Gladstone Reporter*".

Councilman Beer stated he would like to see updated information in regards to the MBW business and their issue. Councilman Beer stated the weeds are atrocious on the Santerra development, and it appears there has never been any weed eradication on that property. Dirt piles are everywhere without any kind of maintenance, and it appears that the erosion control measures put into place are not being maintained and are not now effective.

Mayor Pro Tem Les Smith thanked Mr. Wagner, and stated as he has lived in Gladstone as long as Mr. Wagner, he and his family have known Mr. Wagner for many years. Mayor Pro Tem Smith thanked Mr. Wagner for all he has done for the City. It is a culmination of folks like Mr. and Mrs. Wagner who have given their time to the community, that has allowed the City to grow and do things like a new Community Center/Natorium, and government cooperation with the School District. Mayor Pro Tem Smith said, jokingly, that Mr. Wagner was paid even less than City Council members to serve on the Board of Zoning Adjustment Board. Mayor Pro Tem Smith congratulated Mr. Wagner, offered his thanks, and said he hopes the City can call on him and his expertise as the need arises.

Mayor Pro Tem Smith congratulated Ms. Mehaffy and Sergeant King on the phenomenal success of the "*Coming Home to Gladstone*" magazine, and said they are probably looking at ways to make the next issue even better. Mayor Pro Tem Smith said the magazine is a great concept with a great result. Mayor Pro Tem Smith said he noticed that the new School Speed Zone signs are up; there is quite a bit of reading on the signs, and he hopes Public Safety will enforce the "no tolerance" message on the signs. Mayor Pro Tem Smith welcomed Justin Merkey, Community Center Administrator, and said Mr. Merkey and his wife are delightful people, and he looks forward to good things from Mr. Merkey. Mayor Pro Tem Smith said he drove through Heatherton Place today, and the debris has been moved, there is silt fencing in place, but there is still weeds and some mud on the road. Mayor Pro Tem Smith said, perhaps, some progress is being made there. Mayor Pro Tem Smith noted there are some tall sunflowers on the commercial project at Northeast 64<sup>th</sup> Street and Antioch Road, and the City needs to ensure that area looks better for the surrounding neighborhoods. Mayor Pro Tem Smith inquired into the status of the road construction project on Northeast 64<sup>th</sup> Street.

Assistant City Manager Wingerson stated the Transportation Development District (TDD) has been formed, which is the tool that will be used to fund these improvements. Plans have been developed and approved by the City. Bids have been offered, and a contractor



has been selected, so the work on Missouri-1 (M-1) Highway should begin very quickly. The Northeast 64<sup>th</sup> Street work will lag behind for some period of time.

Mayor Pro Tem Smith asked if there are still some right-of-way issues in this area.

Mr. Wingerson replied, yes, there are acquisition concerns in this area.

**Mayor Bill Cross** said he would like to reinforce what his colleagues have said about the Wagner family. Mayor Cross said he has lived in this area a little over 40 years, and has been in education the entire time and has kept in touch with the Wagner family. Mayor Cross said one notices what families do for Gladstone for that length of time, and he and City Council members appreciate the many years Mr. Wagner spent serving the community on the Board of Zoning Adjustment.

Mayor Cross said he experienced a bit of nostalgia today and last week when the Senior Citizens and the American Association of Retired People (AARP) met for the last time in the Community Building. There was a good turnout, and he and others talked about how things used to be. Mayor Cross encouraged all to attend a coffee on September 23<sup>rd</sup> for the final event at the Community Building. Mayor Cross said 30 years ago he made a proposal to the City Council about building a swimming pool in the City, and it was said a swimming pool would never work.

Mayor Cross stated, as many are aware, our pool is the first City pool to make money, and for years it has been very lucrative for the City, and we continue to make money from the pool. The City was always behind the pool, and things were adjusted to make the pool a very productive place for young people to enjoy themselves, and feel very safe while enjoying the pool and learning how to swim. Mayor Cross said he is happy to see the North Kansas City School District partner with Gladstone in building a new Natatorium. Mayor Cross thanked all involved with the new Community Center/Natatorium project, including the Citizens on the Move Committee, the City Manager and City staff. City Council members feel confident that with the administrative staff, this will be an economically productive venture, and with the financing being implemented, will pay for itself.

Mayor Cross stated he was in Jefferson City on Thursday, and he heard favorable comments about the City's new magazine. Mayor Cross said he will soon meet with the Mid-America Regional Council Board, and will be bragging about all the good work Gladstone has recently done.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

**City Manager Kirk Davis** reported that City Hall is closed on Labor Day. City Manager invited everyone to attend the new Community Center/Natatorium groundbreaking on September 21<sup>st</sup>, and the decommissioning of the existing Community Building will be held September 23<sup>rd</sup>.

Councilman Wayne Beer pointed out in attendance at tonight's City Council meeting were three individuals who are members of the leadership group of the newly formed Bolling Heights Neighborhood Association, which is another fine example of community leadership through community volunteerism. Councilman Beer thanked these individuals for being in attendance at this meeting. (Note: The three members of the Bolling Heights Neighborhood Association in attendance were: Carolyn Meyer, President; Winnie Estep, Vice President; and Chris Reeves, Secretary.)

**Item 9. on the Agenda.**      **RESOLUTION R-06-50**, a Resolution pertaining to the financing of certain improvements and refinancing certain outstanding Certificates of Participation, authorizing the offering for sale of an issue of approximately \$31,500,000 Certificates of Participation, Series 2006, evidencing a proportionate interest in basic rent payments to be made by the City of Gladstone, Missouri, pursuant to an annually renewable purchase agreement.

Mayor Pro Tem Les Smith moved to adopt **RESOLUTION R-06-50**, a Resolution pertaining to the financing of certain improvements and refinancing certain outstanding Certificates of Participation, authorizing the offering for sale of an issue of approximately \$31,500,000 Certificates of Participation, Series 2006, evidencing a proportionate interest in basic rent payments to be made by the City of Gladstone, Missouri, pursuant to an annually renewable purchase agreement. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

**Item 9a. on the Agenda.**      **RESOLUTION R-06-49**, 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 Wayne Beer moved to adopt **RESOLUTION R-06-49**, 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 Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

**Item 10. on the Agenda.**      **PUBLIC HEARING:** on setting the annual rate of levy for the 2006 Real Estate and Personal Property Taxes within the corporate limits of the City of Gladstone, Missouri at \$.9291/\$100.00 valuation.

Mayor Cross opened the Public Hearing and explained the hearing process that City Staff would make their presentation, followed by comments from those in Favor and those Opposed.

Finance Director Debra Daily stated this Public Hearing was scheduled for discussion of the Property Tax Levy to be levied for 2006. On receipt of the City of Gladstone's

assessed property valuation from Clay County, the 2006 Tax Levy was calculated pursuant to State guidelines. Following State guidelines, the Property Tax Levy for 2006 calculated to be \$.9291 per \$100.00 assessed property valuation. The City's 2006 valuation for total assessed property is \$365,234,667, which includes a \$1,613,510 in new construction and an increase of \$1,188,934 in personal property. The 2006 assessed valuation represents a .0819 percent increase over the previous year, or \$296,635. Due to State Article X, Section 22 and Section 137.073, the City is limited to the lesser of actual growth (.0819 percent) the Consumer Price Index (3.5 percent), or 5 percent. As a result, the maximum property tax rate permitted for Tax Year 2006 (fiscal year 2007) is projected to once again be \$.9291 based on the .0819 percent actual growth. In essence, the City's property tax revenue will remain relatively the same as fiscal year 2006, factoring in uncollectibles, or an estimated \$3,130,000.

Finance Director Daily said Bill 06-26 would set the property tax levy at \$.9291 per \$100 assessed valuation, and is recommended for Council's approval, following this Public Hearing.

Mayor Cross asked if City Council members had any questions or comments.

Councilman Beer said the proposal is very clear, and he had no questions at this time.

As there were no further comments from City Council members or from City staff, Mayor Cross asked if anyone in the audience would like to speak in favor or in opposition to this issue.

There being no one to speak in favor or in opposition, Mayor Cross closed the Public Hearing.

**Item 10a. on the Agenda.** **FIRST READING BILL 06-26**, setting the annual rate of levy for the 2006 Real Estate and Personal Property Taxes within the corporate limits of Gladstone, Missouri at \$.9291/\$100.00 valuation.

Councilman Wayne Beer moved to place Bill 06-26 on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 06-26, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded. The vote: The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 06-26 and enact the Bill as **Ordinance 4.005**. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

**Item 11. on the Agenda.** **FIRST READING BILL 06-27**, an Ordinance enacted under House Bill 1149 to increase the Water Primacy Fee previously established by Ordinance Number 3.123 under House bill 1393 and extending the fee through September 1, 2012.

Mayor Pro Tem Les Smith moved to place Bill 06-27 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 06-27, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded. The vote: The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and 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 06-27 and enact the Bill as **Ordinance 4.006**. Councilman Wayne Beer seconded.

Councilman Carol Rudi pointed out that this is a fee that is being passed on and mandated by the State. This is not a City initiated fee.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

**Item 12. on the Agenda.** **FIRST READING BILL NO. 06-28**, repealing Ordinance Number 3.988, except for Section 2 thereof, to comport with the determination by the Missouri Supreme Court that the "Municipal Telecommunications Business License Tax Simplification Act" is unconstitutional.

Councilman Carol Rudi moved to place Bill 06-28 on First Reading. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 06-28, Waive the Rule and place the Bill on Second and Final Reading. Councilman Mark Revenaugh seconded. The vote: The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of Bill 06-28 and enact the Bill as **Ordinance 4.007**. Councilman Mark Revenaugh seconded.

Councilman Wayne Beer said he would like to make note for the record that the reason City Council members are dealing with this issue tonight is the result of our State legislature meddling in local affairs.

Mayor Pro Tem Les Smith said he would like to add somewhat "tongue in cheek" that it gives him great pleasure to vote on this Bill, because it is representative of the fact that our State legislature, in their infinite wisdom, and in the haste of trying to placate the Telecom industry, passed a piece of legislation that has been deemed to be unconstitutional.

Mayor Cross said he wished to echo what his colleagues have said.

Councilman Carol Rudi said she is thrilled about voting in favor of this, because it gives the City the possibility of being able to maintain control of its own Telecom rates and assessments.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

**Item 13. on the Agenda.**      **OTHER BUSINESS.**

Mayor Pro Tem Les Smith said there was an Open Study Session item this evening about the new Community Center and Natatorium, at which time City Council members extolled the virtues of inter-governmental cooperation and complimented City staff and the North Kansas City School District staff on the way they worked together in putting this proposal together. Mayor Pro Tem Smith said, as these comments were made during the Open Study Session, he would like the minutes of the Regular meeting to reflect the Council's discussion.

Councilman Wayne Beer agreed that perhaps some of the City Council members' comments could be incorporated into the minutes of the Regular meeting. While they are not an official part of the record, perhaps they could be incorporated as unofficial statements.

Note: Following is a summary of comments made by the City Council members and the City Manager during the August 28, 2006, Open Study Session Agenda Item: **"Community Center/Natatorium Presentation and Debt Issues Discussion"**:

*Councilman Beer said the North Kansas City School District and the City of Gladstone have had a good cooperative relationship over a long period of time. One of the initiatives put forth to the City Council by "Gladstone on the Move", a 100+ citizen group, was to foster an even closer relationship with the North Kansas City School District, and there are at least three past and current members of the North Kansas City School District who*

have served or are serving on this Council who have had that same goal as "Gladstone on the Move". Councilman Beer said he believes those initiatives and the Community Center/Natatorium project couldn't have come at a better time, in that we have seen the merits of this partnership realized to a much greater extent and more quickly than anyone anticipated. Councilman Beer said this is a first step in forging and putting together a much stronger relationship that most certainly will make a much stronger community in the future. We do appreciate the school district and its willingness to come together at a time that we were able to put together this partnership.

Mayor Bill Cross said to Mr. John Spotts, North Kansas City School District Director of Activities, (who spoke on behalf of the School District regarding the very positive relationship between the School District and the City of Gladstone) that as a teacher, he was nearly fired for making this same proposal to the North Kansas City School District Superintendent over 40 years ago when Mr. Spotts was still a student. Mayor Cross said he thought there should be a swimming program in the School District, and said, jokingly, that he was told to shut up or he fired - he did shut up and hung in there a few more years. (Note: Mayor Cross has been an educator for 51+ years!)

Mayor Pro Tem Smith said what many people may not realize is that from the time that the City decided to move forward on this initiative and passed a tax to pay for it, construction costs have increased an estimated 20 to 25 percent. The Computer Aided Dispatch System (CAD) that was promised to the voters became a little difficult to envision with the sales tax revenues. There were a lot of hurdles that most of the people in this audience did not see. Mayor Pro Tem Smith said City staff, under the direction of City Manager Kirk Davis, the folks at the School District, the design team, Parks and Recreation, and others came together as is typical with our City. We could have easily skipped a few beats, and we didn't, and have managed to put this together. Everyone, from City Manager Kirk Davis, Assistant City Manager Scott Wingerson, Parks and Recreation Director Sheila Lillis, on down, and the folks at the School District are to be commended.

Mayor Pro Tem Smith said this is the way that government needs to operate to be successful in the future. We are all competing for sales tax revenues; we are competing for development; we are competing for everything. It is very easy for the First Tier Suburbs and the little guys to be left behind. The two entities have done something that is so incredibly responsible that everyone should take notice of the cooperation that has been shown on both sides of this to make this happen - it really is phenomenal. Mayor Pro Tem Smith said he could not be more proud to be part of something than this. Mayor Pro Tem Smith stated that from the City's standpoint, and the School District's standpoint, the constituents have been served well, and it should not go unnoticed. Good job to all. Obviously we still have to get it in the ground, but to this point and with the financing package just presented, it is very commendable how everyone was able to put this all together and make it work. If the revenues hold true to form, we should be in good shape 25 years from now.

*City Manager Kirk Davis thanked Mayor Pro Tem Smith, and said he could not be more proud of his staff, especially Assistant City Manager Wingerson and his team. They have worked hours on this and have done a really good job.*

*Councilman Wayne Beer said Councilman Smith touched on something important, which is the inter-governmental cooperation issue. This is very important, and in the past, this has not been something that is common. Councilman Beer said he believes that Gladstone and the North Kansas City School District are forging some fairly new iron, in that we are providing some role modeling that he believes could become something terribly important to the future of this whole Northland community or even beyond that. Councilman Beer said he hoped as these relationships become more and more common, that people would look back at Gladstone and the North Kansas City School District and say, "they were our model". Councilman Beer said he is very proud to be a part of this effort.*

**Item 14. on the Agenda.**

**QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

**Item 15. on the Agenda.**

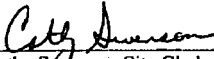
**ADJOURNMENT**


There being no further business to come before the August 28, 2006, Gladstone Regular City Council Meeting, Mayor Bill Cross adjourned the regular meeting.

Councilman Carol Rudi moved to adjourn to Closed Executive Session pursuant to the Missouri Open Meeting Act exemptions 610.021(1) for Litigation and Confidential or Privileged Communications with Legal Counsel, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Councilman Wayne Beer seconded the motion.

Roll Call Vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Bill Cross



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, September 11, 2006**

**OPEN STUDY SESSION: 7:00 PM**

**REGULAR MEETING: 7:30 PM**

**AMENDED AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular August 28, 2006, City Council Meeting Minutes.
5. Approval of Amended Agenda [adding Resolution No. 06-55, below]
6. **CONSENT AGENDA**

**RESOLUTION R-06-51**, authorizing acceptance of work under contract with Miller Paving & Construction, Limited Liability Company, for the 2006 Curb & Sidewalk Program – North Bales Sidewalk; and authorizing final payment in the amount of \$2,762.24 for project TP0604-055011.

**RESOLUTION R-06-52**, authorizing acceptance of work under contract with Superior Electrical Construction Company, Incorporated, for the Well Pump Electrical Replacement; and authorizing final payment in the amount of \$5,167.89 for Project 044093.

**RESOLUTION R-06-53**, authorizing execution of a contract with American Marking and Paving Company, Incorporated, in the total amount not to exceed \$85,952.00 for the Municipal Pool North Parking Lot; Project IN0614.

**APPROVAL OF A BUILDING PERMIT:** for the demolition of the existing showroom and the out building on property located at 5900 North Oak Trafficway; the reconstruction of a new showroom; re-grading and paving of the existing parking lot; and remodeling of the interior and exterior portion of an additional building that is not



being demolished. Applicant: Bob DeGeorge Associates, Inc. Owner: K. L. Lefever (Building Permit 06-10000724).

**APPROVAL OF A NEW CLASS "C&H" LIQUOR LICENSE for ARCHA, LLC dba GLADSTONE MART & LIQUOR, 7020 North Oak Trafficway. Managing Officer: Stephanie Gail Hazelton.**

**APPROVAL OF FINANCIAL REPORTS FOR JULY 2006.**

**REGULAR AGENDA**

7. Communications from the Audience.
8. Communications from the City Council.
9. Communications from the City Manager.
10. **RESOLUTION R-06-54**, authorizing the City Manager to establish a Retirement Health Savings Plan Trust through ICMA Retirement Corporation.
11. **FIRST READING BILL 06-29**, electing the L-6 Contributory Benefit Program under the Missouri Local Government Employees Retirement System (LAGERS) for the City of Gladstone, Missouri, pursuant to RSMo 70.655.
12. **RESOLUTION R-06-55**, amending Resolution R-06-49, adopted on August 25, 2006, by adding further items of City property declared to be surplus and sold at auction or by sealed bid.
13. Other business.
14. Questions from the News Media.
15. Adjournment.



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

**MONDAY SEPTEMBER 11, 2006**

**PRESENT:** Mayor Bill Cross  
Mayor Pro Tem Les Smith  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilman Mark Revenaugh

Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** City Manager Kirk Davis

Mayor Bill Cross opened the Regular September 11, 2006, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 3. on the Agenda.**

**PLEDGE OF ALLEGIANCE.**

Robert Box, Commander of the Third District of the American Legion Department of Missouri and Post Finance Officer of the American Legion Bennett and Dennis Herrick Memorial Post 626, led the Pledge of Allegiance, in which all joined.

Mayor Cross thanked Mr. Box and said it is an honor for the City to have someone with so much experience and history of service to his county to lead the Pledge of Allegiance at this meeting.

**Item 4. on the Agenda.**

**APPROVAL OF THE REGULAR AUGUST 28, 2006,  
CITY COUNCIL MEETING MINUTES.**

Councilman Wayne Beer moved to approve the Regular August 28, 2006, City Council Meeting Minutes as presented. Councilman Mark Revenaugh seconded. The vote: All

"aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

**Item 5. on the Agenda.**      **APPROVAL OF THE AMENDED AGENDA.**

Councilman Wayne Beer moved to approve the Amended Agenda, which includes the addition of Resolution R-06-55. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

**Item 6. on the Agenda.**      **CONSENT AGENDA**

Councilman Wayne Beer moved to approve the Consent Agenda as presented. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-06-51**, authorizing acceptance of work under contract with Miller Paving & Construction, Limited Liability Company, for the 2006 Curb & Sidewalk Program – North Bales Sidewalk; and authorizing final payment in the amount of \$2,762.24 for project TP0604-055011. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-06-52**, authorizing acceptance of work under contract with Superior Electrical Construction Company, Incorporated, for the Well Pump Electrical Replacement; and authorizing final payment in the amount of \$5,167.89 for Project 044093. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-06-53**, authorizing execution of a contract with American Marking and Paving Company, Incorporated, in the total amount not to exceed \$85,952.00 for the Municipal Pool North Parking Lot; Project IN0614. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to approve a **BUILDING PERMIT** for the demolition of the existing showroom and the out building on property located at 5900 North Oak Trafficway; the reconstruction of a new showroom; re-grading and paving of the existing parking lot; and remodeling of the interior and exterior portion of an additional building that is not being demolished. Applicant: Bob DeGeorge Associates, Inc. Owner: K. L. Lefever (Building Permit 06-10000724). Councilman Carol Rudi seconded. The vote:

All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to approve a **NEW CLASS "C&H" LIQUOR LICENSE** for **ARCHA, LLC dba GLADSTONE MART & LIQUOR**, 7020 North Oak Trafficway. Managing Officer: Stephanie Gail Hazelton. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to approve the **FINANCIAL REPORTS FOR JULY 2006**. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

## **REGULAR AGENDA**

### **Item 7. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE.**

**Robert Box, 2002 NE 52<sup>nd</sup> Terrace**, stated it has been his privilege and the privilege of American Legion Post 626 to be part of the Gladstone community. Mr. Box said from time to time Post 626 has recognized individuals or organizations within the Gladstone community for their work in the community. Mr. Box said tonight, with City Council's permission, he would like to make a presentation in recognition of an individual's contribution to the Nation, the State, and to the community. Mr. Box said he felt it was appropriate to make this presentation on this day, as it was Patriot's Day. Mr. Box presented to Councilman Wayne Beer, on behalf of American Legion Post 626, a Commander's Appreciation Award plaque in recognition of outstanding and devoted service.

Mr. Box also presented a Certificate of Appreciation to Councilman Beer, which read, *"This Certificate of Appreciation is gratefully presented to Wayne E. Beer in recognition and sincere appreciation of outstanding service which contributed to the advancement of The American Legion programs and activities dedicated to God and Country"*. The Certificate was presented on behalf of The American Legion Bennett and Dennis Herrick Memorial Post 626.

Following applause from the audience, Councilman Wayne Beer said this presentation caught him by surprise. Councilman Beer said the Commander's Appreciation Award in recognition of service is something that anybody who does any type of community service would most certainly appreciate. Councilman Beer said that most of his adult life has been devoted to some type of service, either through serving until retirement in the United States Army, or serving as a City Councilman, as a member of the Planning Commission, and as an educator. Councilman Beer said it is most gratifying to have someone say "thanks". Councilman Beer thanked Mr. Box for the presentations.

**John Garner, 111 Heatherton Court**, stated there are still some issues in his area that need to be addressed. The grass has been mowed, some hay bales have been removed, but there is a problem with bees under some of the hay bales. The lawn service cannot remove the hay bales because of the bees. The fence still has not been fixed and the cul-de-sac still has gravel and mud in it. Mr. Garner said he has discussed his concerns with Building Official Alan Napoli about six weeks ago, and he is sure phone calls have been made. Mr. Garner said someone is not checking to be sure this work is being done, and the area residents would like to see the work done. Mr. Garner said he does not believe just another phone call will help, and he does not know what else to do.

Assistant City Manager Scott Wingerson stated the grass has been mowed, and after it was mowed, in his opinion, all of Heatherton Court looked as good as it has in a very long time. Most of the hay bales have been picked up, but there are a few that need to be removed. Mr. Wingerson said it is his understanding that some of the erosion control has been put back in place, but he has not seen that, so cannot confirm that for certain. The City has been considering hiring a consulting Geo Technical Engineer to determine if there is a public safety hazard in regard to the fence. If the City moves forward with that, and a report comes back that there is a public safety hazard, then the City would have another host of options available to pursue with the property owner. Mr. Wingerson said he believes the City has done a fairly good job in the areas that have been defined as the City's responsibility. The City staff will continue to pursue this matter, and if it is necessary to hire a consultant to help make an objective review of the parking lot at the apartment complex near Heatherton Court, he will be glad to do that and move forward.

Mayor Pro Tem Les Smith said, as he understands this issue, there is an agreement between the developer/bank and the apartment complex owners, because it is a kind of "chicken and egg" discussion. This issue may need to go to litigation. This doesn't fix the problem and there may be a safety issue if someone goes over the embankment from up above, they may end up in someone's back yard. Mayor Pro Tem Smith said perhaps the City should pursue that angle. Mayor Pro Smith inquired into the hay bale problem.

Mr. Garner said bees have built some nests under four or five of the hay bales. The same lawn service has been hired to remove the bales that mows the rest of the property. A man was stung last week trying to remove the bales. Mr. Garner said they need to get something to kill the bees. Mr. Garner said he and his wife noticed last week that in the parking lot on the hill, a car did get its rear wheels off of the parking lot, and ten men from the lot above came out, and after 15 or 20 minutes were able to lift the car back up into the parking lot. The car came very close to coming on down the hill, where it could have hit a house.

Mayor Pro Tem Smith suggested City staff could mandate at least a temporary solution so this is not a public hazard. Mayor Pro Tem Smith said the bees do not absolve the owner from removing the hay bales, so they need to go the next step.

Mr. Garner asked when work would be done on North Oak Trafficway – it is so rough.

Mr. Wingerson replied that is a City of Kansas City project, and they have nearly completed the project. There is a lot going on - there is Missouri Gas Energy gas work going on around 69<sup>th</sup> Street, and there is some private water taps just north of 65<sup>th</sup> Street. Kansas City is almost out of Gladstone at this point, and hopefully in the next week or two, the work will be complete.

Councilman Beer said the plates on North Oak Trafficway and the work being done on North Oak Trafficway is not being done by the City of Gladstone.

Mr. Wingerson replied that was correct, the plates in the street were not the work of the City of Gladstone.

Mr. Garner asked if North Oak Trafficway will be repaved, once the work is complete.

Mr. Wingerson replied the current plan is to install a City of Gladstone water main on the west side of North Oak Trafficway, between 72<sup>nd</sup> Street and 77<sup>th</sup> Street, during the first part of the next construction season, which is in the spring. This will be followed by a first phase overlay for all of North Oak Trafficway from roughly 66<sup>th</sup> Street north through the 72<sup>nd</sup> Street intersection. If there is any way possible, Staff will be bringing to City Council a scenario that would allow for the continuation of the overlay from just north of 72<sup>nd</sup> Street to the City's north limits. Mr. Wingerson said Staff is going to try to get all of the North Oak Trafficway work done next year. Funding may not allow for overlay of the portion between 72<sup>nd</sup> Street and 77<sup>th</sup> Street; however, a good portion of that will be reconstructed through the widening of North Oak Trafficway at 76<sup>th</sup> Street, which is planned for next summer.

Mayor Pro Tem Smith stated our City is trying to encourage the completion of all of the work, before doing an overlay on North Oak Trafficway. It seems that underground work most often needs to happen after the street has been paved, so we are trying to stay ahead of that.

Mr. Garner said he understood and offered his thanks for the information.

**Harold Stanley, 6014 North Garfield**, stated he wished to make inquiry into the discussion regarding Pit Bulls in Gladstone. Mr. Stanley said he believes the City Council has discussed this issue.

Mayor Pro Tem Smith said that Kansas City had a task force that was working on this issue. They have recommended some Ordinances, as has some other communities. Mayor Pro Tem Smith said our City's position is to wait for everyone to get through their task force process, their public hearings, the adoption of their Ordinances, so we can take them all and review them, to see what survived the challenges, and pick the best of all to put together some overall animal control Ordinance. Mayor Pro Tem Smith said our Ordinance is planned to encompass all animal control issues. Mayor Pro Tem Smith said

he believes this will be a subject at an upcoming City Council goal-setting session in October. Something may be seen coming from City Council by the end of the year. Our City has not dropped this issue at all, but rather than "reinventing the wheel", it is planned to let others "invent the wheel" and our City will pick the best components from other Cities' Ordinances, and come up with some things that are important to this Council and this community by the end of the year.

Mr. Stanley said he and his wife live next door to a Pit Bull, and last winter when he went outside to pick up the morning paper in the dark, the dog came after him. About a month later, the dog came after the mailman as he delivered the mail to Mr. Stanley's mailbox. Mr. Stanley said he was hoping for some action before something happens in our City like what happened in Kansas City, Kansas and Independence.

Mayor Pro Tem Smith said City Council members share that concern, but they want to be certain they handle the safety issues in the appropriate manner to solve all the problems. There are many interests on both sides of this issue. Mayor Pro Tem Smith asked Mr. Stanley if the Gladstone Public Safety Department is aware of his problem.

Mr. Stanley replied that Animal Control is aware of his concern. Mr. Stanley said he has lived in Gladstone for 43 years, and always felt secure and safe, knowing we had a good City, but whenever he goes out to get the paper before daylight, there is a fear for him to be sure the Pit Bull is not outside. Sometimes the dog is loose in the front of the house.

Councilman Mark Revenaugh suggested that perhaps this is something that Animal Control staff could investigate, and report back to City Council members.

Mayor Pro Tem Smith agreed, and said that is why he asked if Animal Control had been contacted. Mayor Pro Tem Smith said he is afraid of dogs, and understands Mr. Stanley's concerns. Mayor Pro Tem Smith said, in fact, there is a leash law in this City, because when his father was Mayor, his sister was tackled by a large dog, which scared her and his mother, which meant his father was going to do something about it, and before very long, there was a leash law in the City. Mayor Pro Tem Smith said all City Council members agree with Mr. Stanley that something needs to be done before there is a tragedy. The City Council goal setting session is within 30 days, and he believes something will come out of that. Mayor Pro Tem Smith said Mr. Stanley's concern will be passed on to Animal Control officers so they can be sure there is no violation of the City's current Ordinance, which might be of some help.

Councilman Beer said the City has a dangerous animal Ordinance that is fairly effective, and in his opinion needs to be more effective, and City Council members are looking at that possibility. The Ordinance cannot work unless Animal Control officers know that there are dangerous animals located within the City. Whether they are dangerous or not, the City has an Ordinance that states that animals have to be registered with the City, which means they have to have immunizations and a City issued tag. If there is an incident, that incident needs to be reported. Many people know of a dangerous animal, or

have been approached by what they consider a dangerous animal, but it is never reported. The City cannot take any action if it does not know a problem exists. Councilman Beer said he knows this is not the case with Mr. Stanley, but if there are others with similar concerns, it would be well for the City to be made aware of those concerns. Councilman Beer said it sounds as if Mr. Stanley has advised the City of his concerns, and he is making this statement as a generalization.

Mr. Stanley said he has nothing against a Pit Bull breed of dog, but they have a reputation of sometimes being killers. Mr. Stanley said when he goes out the door in the morning to get his paper, there is a fear of the dog. Mr. Stanley said Animal Control officers have said if he signs a complaint, the City will go to court with it, and it would be up to the Judge as to whether he wants to fine the violator \$5 up to \$500. Mr. Stanley said it is a good rule, but he hates to be the man who initiates the court action. Mr. Stanley thanked City Council members for considering his concerns.

Mayor Pro Tem Smith asked Mr. Stanley if City staff may contact him to get his input as how to proceed with this issue as he is someone who lives next door to a Pit Bull.

Mr. Stanley said he would appreciate that.

**Larry Newport, 2002 Northeast 69 Terrace**, asked if the City has the resources to acquire the land by Wal-Mart that is for sale. It would be nice land for the City to own.

Councilman Beer said that is something that was studied some time back, and right at this point, the City is not in a position to purchase the land.

Mayor Pro Tem Smith said there was some discussion with the Conservation Department regarding the land on the other side of the highway that was for sale. About the time the discussion became serious, the Conservation Department came out with a moratorium on buying new properties. The City did not get very far with that property, but it would be nice if the City could acquire both pieces of property near the highway, but probably the money is not available.

#### **Item 8. on the Agenda.**

#### **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Mayor Bill Cross** stated that five years ago on September 13<sup>th</sup>, he flew into New York and he could not believe the changes that had taken place following the events of September 11, 2001. Mayor Cross said the events of September 11, 2001, will always be a fixed point in the life of America. We continue to honor those lives that were lost due to the attack on our Country, and those who displayed selfless acts of heroism. Mayor Cross said, as a Nation, we remember the members of our military for their sacrifice and service far from home, who are helping to build the most enduring monument we can build; a world of liberty and security made possible by the way American leads and by the way Americans lead our lives.



Mayor Cross encouraged everyone to take a moment to pause and remember the events that took place just five years ago, and be reminded that life should be filled with things that last and matter – love for our families, and love for our neighbors and our Country. Mayor Cross said the remembrances shown on the television today certainly brought back memories of five years ago.

Mayor Cross asked Finance Director Debra Daily if it is correct that our City's sales tax is up 12 percent from one year ago.

Finance Director Daily said the figures are based on the number of days that are being reported, and it is really not a good indicator of any trend at this point.

Mayor Cross stated he noticed the increase in the Electric Franchise revenue, and asked if the hot summer had an effect on this.

Finance Director Daily replied the summer weather did help, but this again is not indicative of a trend at this point.

Mayor Cross said he noticed the City's sale of water was up about 20 percent, which looked good also.

Mayor Cross said he visited with the owner of the North Oak Nursery who said they are no longer having problems with feral cats. The cats are no longer a problem at their location, and seem to have moved on to another location. The owner of the nursery wanted to attend a City Council meeting to express her appreciation for the assistance from the City, but was unable to do so at this time.

Mayor Cross asked Parks and Recreation Director Sheila Lillis how work is progressing at the municipal pool.

Director Lillis replied work is moving right along, and it is amazing how much work has already been done.

**Mayor Pro Tem Les Smith** suggested, as the City has a lot of exciting things going on, starting with the outdoor pool and it will continue with the demolition of the old Community Building and the construction of the new Community Center, if it would be possible to schedule possibly every two to four weeks, at a set time such as Friday morning at 9:00 AM, a "hard hat tour" of the Community Center-Natorium project.

Assistant City Manager Scott Wingerson said he would prefer not to set a specific date and time, because access will be dependent on what is going on at the time. Staff would certainly commit to making certain that City Council members are fully updated on site.

Mayor Pro Tem Smith said what he is trying to avoid is the temptation that some City Council members might have to ask for a tour across the street to see the new

developments. If by chance the site were not available on a set date, say bi-weekly, then the tour would not take place. If there were access available the next week, then the tour would take place. Mayor Pro Tem Smith said he is trying to minimize, for Staff's benefit, the need to take tours of the construction site. Staff members would be welcome to attend also. Mayor Pro Tem Smith asked Mr. Wingerson to give this some thought and see if it would make sense.

Assistant City Manager Wingerson agreed that he would certainly look into this.

**Councilman Wayne Beer** stated Mr. Garner had some concerns regarding erosion control, and he noticed yesterday during the rain that the erosion control at 64<sup>th</sup> and Prospect appears to be ineffective especially on the temporary road at North Prospect. There are no erosion control measures there at all, and there was a huge amount of uncontrolled water going down into the creek and eroding the road.

Mr. Wingerson replied that Staff, due to the anticipated storms, worked with the Developer from the middle through the end of last week. The primary focus was on the north side of that development. There is a sediment basin there and some erosion control. Mr. Wingerson said he is fairly certain the Developer took care of that issue late Friday or early Saturday, but to his knowledge they did not address 65<sup>th</sup> Street, which is the temporary drive location.

Councilman Beer said the temporary drive seems to be the flow point for the water.

**Councilman Mark Revenaugh** had no comments at this time.

**Councilman Carol Rudi** asked if the issues that were a concern during a recent hard rain were addressed in the Maple Woods Preserve.

Mr. Wingerson replied two weeks ago, those issues were addressed, but he had no information today as to how the preserve fared over the weekend.

Councilman Rudi reported that Gladfest is coming up, and a lot of volunteers are needed, so please call the Gladstone Area Chamber of Commerce office to sign-up.

**Item 9. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

Assistant City Manager Scott Wingerson stated that City Manager Kirk Davis sends his regrets for not being able to attend tonight's meeting. Mr. Davis is at the International City/County Management Association (ICMA) Conference in San Antonio, Texas.

**Item 10. on the Agenda.**

**RESOLUTION R-06-54**, authorizing the City Manager to establish a Retirement Health Savings Plan Trust through ICMA Retirement Corporation.

Councilman Carol Rudi moved to approve **RESOLUTION R-06-54**, authorizing the City Manager to establish a Retirement Health Savings Plan Trust through ICMA Retirement Corporation. Mayor Bill Cross seconded. All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

**Item 11. on the Agenda.** **FIRST READING BILL 06-29**, electing the L-6 Contributory Benefit Program under the Missouri Local Government Employees Retirement System (LAGERS) for the City of Gladstone, Missouri, pursuant to RSMo 70.655.

Councilman Wayne Beer moved to place Bill 06-29 on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 06-29, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded. The vote: The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 06-29 and enact the Bill as **Ordinance 4.008**. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

**Item 12. on the Agenda.** **RESOLUTION R-06-55**, amending Resolution R-06-49, adopted on August 25, 2006, by adding further items of City property declared to be surplus and sold at auction or by sealed bid.

Councilman Carol Rudi moved to approve **RESOLUTION R-06-55**, amending Resolution R-06-49, adopted on August 25, 2006, by adding further items of City property declared to be surplus and sold at auction or by sealed bid. Mayor Bill Cross seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

**Item 13. on the Agenda.** **OTHER BUSINESS.**

Assistant City Manager Scott Wingerson reminded City Council members that City staff and the Design Team will be presenting information on the Community Center-Natorium at the Board of Education meeting tomorrow night at 7:00 PM.

Mayor Pro Tem Smith said all are encouraged to attend.

tem 14. on the Agenda.

**QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

Item 15. on the Agenda.

**ADJOURNMENT.**

There being no further business to come before the September 11, 2006, Gladstone Regular City Council Meeting, Mayor Bill Cross adjourned the regular meeting.

Respectfully submitted:

Cathy Swenson  
Cathy Swenson, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

Bill Cross  
Mayor Bill Cross



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, September 25, 2006**

**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 11, 2006, City Council Meeting Minutes.
- 4a. **PROCLAMATION:** designating October 2006, as **NATIONAL CODE COMPLIANCE MONTH** in Gladstone, Missouri, in recognition of the many contributions Code Compliance Officers have made to improve communities throughout the United States.

5. **CONSENT AGENDA**

**RESOLUTION R-06-56**, authorizing acceptance of work under contract with Musselman & Hall Contractors, LLC, for the 2006 Intermediate Maintenance Program, and authorizing final payment in the amount of \$108,425.08 for Project TP0603.

**RESOLUTION R-06-57**, authorizing execution of a contract with Automated Lifestyles, in the total amount not to exceed \$224,763.80 for the Community Center-Natorium Audio-Visual and Security Systems; Project CB0664.

**RESOLUTION R-06-58**, authorizing the City Manager to execute an agreement for Telephone Services for the City of Gladstone, Missouri with AT&T Global Services.

**RESOLUTION R-06-59**, authorizing execution of contracts with each of the four contractors selected, in the total amount not to exceed \$6,516,538.00 for the Gladstone Community Center-Natatorium Project CB0662.

**APPROVAL OF FINANCIAL REPORTS FOR AUGUST 2006.**

**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 Terry R. Day for operation of a Montessori School on residential property at 405 Northeast 73 Terrace. Applicant: Laura Gerdes and Terry R. Day. Owner: Terry Day. (File No. 1284).
- 9a. **FIRST READING BILL NO. 06-30**, approving a Special Use Permit subject to certain conditions to Terry R. Day for operation of a Montessori School on Residential property at 405 Northeast 73 Terrace. Applicant: Laura Gerdes and Terry R. Day. Owner: Terry Day. (File No. 1284).
10. **FIRST READING BILL NO. 06-31**, 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; approving a Declaration of Trust made by the Trustee pursuant to which certain Certificates of Participation will be executed and delivered; and approving certain other documents necessary to deliver the Certificates of Participation.
11. **FIRST READING BILL NO. 06-32**, repealing Ordinance No. 3.984 (Section 6.110.100 of the City Code) and enacting a new Ordinance establishing Water Service Rates for the City of Gladstone, Missouri.
12. **FIRST READING BILL NO. 06-33**, prohibiting dogs on the grounds of the Gladfest Festival in the City of Gladstone, Missouri, and establishing the inclusive dates during which the Ordinance will be in effect.
13. Other business.
14. Questions from the News Media.
15. Adjournment.



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

**MONDAY SEPTEMBER 25, 2006**

**PRESENT:** Mayor Bill Cross  
Mayor Pro Tem Les Smith  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilman Mark Revenaugh  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Bill Cross opened the Regular September 25, 2006, 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 SEPTEMBER 11, 2006, CITY COUNCIL MEETING MINUTES.**

Councilman Wayne Beer moved to approve the Regular September 11, 2006, City Council Meeting Minutes as presented. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

**Item 4a. on the Agenda. PROCLAMATION:** designating October 2006, as **NATIONAL CODE COMPLIANCE MONTH** in Gladstone, Missouri, in recognition of the many contributions Code Compliance Officers have made to improve communities throughout the United States.

Mayor Bill Cross read and presented the Proclamation to Building Official Alan Napoli. Mayor Cross thanked Mr. Napoli and his staff for the excellent work they do for the City.

Mr. Napoli thanked Mayor Cross and City Council members.

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

Councilman Wayne Beer moved to approve the Consent Agenda as presented. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-06-56**, authorizing acceptance of work under contract with Musselman & Hall Contractors, LLC, for the 2006 Intermediate Maintenance Program, and authorizing final payment in the amount of \$108,425.08 for Project TP0603. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-06-57**, authorizing execution of a contract with Automated Lifestyles, in the total amount not to exceed \$224,763.80 for the Community Center-Natorium Audio-Visual and Security Systems; Project CB0664. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-06-58**, authorizing the City Manager to execute an agreement for Telephone Services for the City of Gladstone, Missouri with AT&T Global Services. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-06-59**, authorizing execution of contracts with each of the four contractors selected, in the total amount not to exceed \$6,516,538.00 for the Gladstone Community Center-Natorium Project CB0662. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to approve the **FINANCIAL REPORTS FOR AUGUST 2006**. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).



## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE.**

**Mr. Charles Carmack, 1505 Northeast 77<sup>th</sup> Street**, stated on behalf of Linden Baptist Church, he wished to thank the City for the playground equipment and the shelter house that was donated to the church. The church is planning to set up a playground on the south side of the church, which will be an improvement for church activities. Mr. Carmack said that during the construction of the Community Center-Natatorium, if there is any way the church may provide assistance to the City by providing a meeting location, all the City has to do is call the church, and church staff will schedule it on the church's calendar.

Mayor Cross thanked Mr. Carmack and the church for the kind offer, and the kind remarks.

### **Item 7. on the Agenda.**

### **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Mark Revenaugh** had no comments at this time.

**Councilman Wayne Beer** reminded everyone of the Gladfest festival the weekend of September 29, 30 and October 1, and encouraged all to attend.

**Councilman Carol Rudi** had no comments at this time.

**Mayor Pro Tem Les Smith** offered his and fellow City Council members' condolences to the family of Jim Corum, who was employed by the City for 25 years and served as the Superintendent of the Water Treatment Plant.

Mayor Pro Tem Smith stated he read an article in the San Antonio Express News regarding red light cameras. Mayor Pro Tem Smith reminded the audience that our City Council has decided to move forward with red light cameras, and stated he heard a statistic that was enlightening that said Sugar Creek installed a red light camera at one intersection. In the first 24 hours of operation, there were 150 violations. The City of Sugar Creek is issuing warnings only for the first 30 days of installation of the red light camera. Mayor Pro Tem Smith encouraged City staff to bring documentation forward for installation of red light cameras in our City.

Mayor Pro Tem Smith thanked City staff for all the work they did for the Community Center-Natatorium groundbreaking, and also for the farewell to an old friend, the old Community Building. Mayor Pro Tem Smith said it was possible to say thank you to a lot of people who deserved to be thanked for the progress made so far with the new Community Center-Natatorium, and despite the weather, it was a very nice event. Mayor Pro Tem Smith asked Parks and Recreation Director Sheila Lillis and City Manager Kirk Davis to pass along his thanks.

**Mayor Bill Cross** stated that even though there was rain, there was a large group of people who participated in the Community Center-Natorium groundbreaking. Most people got out of the rain under the shelter that Director Lillis and her staff provided. Mayor Cross said he appreciates all the efforts of Director Lillis in making this event so nice. There was a good response from the entire Northland community. The North Kansas City Board of Education members were present.

Mayor Cross said there was also a great turnout for the farewell coffee for the old Community Building. There were a lot of people who shared their memories of the Community Building, and a lot was learned about its history. Many people have very fond memories associated with the Community Building.

Mayor Cross invited all to attend the Scarecrow 5K Walk/Run event on Sunday, October 1, with a starting time of 7:30 AM. Mayor Cross said HyVee does an excellent job in sponsoring this event. Mayor Cross reminded past Gladfest Parade Marshals and City Council members of the reception at First Bank of Missouri on Friday evening. This event will kick-off Gladfest. Mayor Cross said he hoped the weather will be wonderful for Gladfest, and according to the weather forecast, it should be a nice weekend. Mayor Cross encouraged everyone to attend the Gladfest parade on September 30<sup>th</sup>, and all the events over Gladfest weekend.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis invited everyone to attend Gladfest the upcoming Friday, Saturday and Sunday, and said there are a lot of activities for everyone. City Manager Davis said the grounds are going to change a little bit, due to construction being under way in Central Park. Events will be staged around City Hall, and the stage will be behind City Hall in the Public Safety entrance, as will be the Beer Garden. The carnival will be in its usual location, and vendors will be along Northeast 70<sup>th</sup> Street, North Cherry, and North Holmes for everyone to enjoy.

City Manager Davis said the City has recently lost two people who have been involved with the City. City Manager Davis said Jim Corum, who operated the Water Treatment Plant for 25 years, passed away recently, and he will be missed an awfully lot. He was a very active retiree and a great guy, as many people know. City Manager Davis said Ken Karns recently passed away. Mr. Karns served on the City Council in the early 1980's and has been involved with the City off and on for the past 25 to 30 years, and he too will be missed.

Mayor Cross said these two people dedicated a lot of their lives to the City of Gladstone.

**Item 9. on the Agenda.** **PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to Terry R. Day for operation of a Montessori School on residential property at 405 Northeast 73 Terrace. Applicant: Laura Gerdes and Terry R. Day. Owner: Terry Day. (File No. 1284).

Mayor Bill Cross opened the Public Hearing and explained the hearing process that the applicant would make their presentation, followed by a presentation by the Staff and finally comments from those in Favor and those Opposed.

**Applicant Presentation**

**Laura Gerdes, 6402 North Wayne**, stated she is requesting a Special Use Permit for a five-year period. Ms. Gerdes said she had a very successful first year at her school, and she did everything that was asked of her last year by City Council. Ms. Gerdes said she had a full enrollment last year with 18 students. Six students were in Kindergarten/First Grade over the summer, so more students were added. Ms. Gerdes said operation of the school is going very well, and offered to answer any questions City Council members might have.

**There was no one to speak in Favor or Opposition to the application.**

**Staff Presentation**

**Assistant City Manager Scott Wingerson** reported that the applicant has applied for a renewal for a Special Use Permit to operate a Montessori School. In 2005, a Special Use Permit was granted by the City Council for a period of one year, expiring in August 2006. Mr. Wingerson stated since that time, the applicant has improved the parking area as directed in the conditions of the Special Use Permit, as well as installed a fence around the perimeter of the play areas. Mr. Wingerson reported that to date, there have been no concerns registered with the City about the school. Staff recommended approval to the Planning Commission of the renewal for a period of five years. The Planning Commission held their Public Hearing, and on September 5, 2006, voted to recommend approval to the City Council by a vote of 9 to 1.

Mayor Bill Cross asked for clarification if the term for this application is five years.

Mr. Wingerson replied that was correct – a term of five years for this application, and there was a one year term for the first application, presented last year. This is typically what Staff recommends, and City Council has approved in the past – a one year term the first year, followed by a five year term the second term.

Mayor Cross closed the Public Hearing.

**Item 9a. on the Agenda.** **FIRST READING BILL NO. 06-30**, approving a Special Use Permit subject to certain conditions to Terry R. Day for operation of a Montessori School on Residential property at 405 Northeast 73 Terrace. Applicant: Laura Gerdes and Terry R. Day. Owner: Terry Day. (File No. 1284).

Mayor Pro Tem Les Smith moved to place Bill 06-30 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman

Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 06-30, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded.

Councilman Mark Revenaugh stated he noticed that the one Planning Commission member who voted against the renewal of this application did so based on the fact that the applicant does not reside in the home. Councilman Revenaugh asked why the applicant does not reside in the home, and is the City in the habit of granting Special Use Permits to people who don't live in the homes for which they are requesting the Special Use Permit.

Assistant City Manager Wingerson replied although it is not a habit, there are approximately one half dozen instances where the business owner operates a business from a single family home without a resident. Mr. Wingerson said there are not many instances, and he may be overestimating the number, but there are a few instances. This particular Special Use Permit was discussed at length last year, and it has done very well, and has had no neighborhood impact, based on what the neighborhood has explained to Staff.

The vote: The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and 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 06-30 and enact the Bill as **Ordinance 4.009**. Councilman Wayne Beer seconded.

Mayor Pro Tem Smith said when this application came before Council a year ago, he was somewhat skeptical and wanted to only approve a one year Special Use Permit, and hoped that they would prove themselves. Mayor Pro Tem Smith said, apparently, they have done very well.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

**Item 10, on the Agenda.** **FIRST READING BILL NO. 06-31**, 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; approving a Declaration of Trust made by the Trustee pursuant to which certain Certificates of Participation will be executed and delivered; and approving certain other documents necessary to deliver the Certificates of Participation.

City Manager Kirk Davis invited Greg Bricker of George K. Baum, the City's financial advisor and underwriter, to provide to City Council members an update on the final sale of the bonds and report how the City did financially.

Mr. Bricker stated at the August 25<sup>th</sup> City Council meeting the Council adopted a "Go to Market" Resolution, authorizing George K. Baum and Company, the City's investment banking firm, and Gilmore and Bell, the City's Bond counsel firm, to proceed forward with the necessary paperwork to bring a financing into the market place to provide approximately \$22 million dollars for certain improvements related to the Community Center-Natatorium, and to provide approximately \$800,000 for a Computer Aided Dispatch system. Mr. Bricker said since that point in time, several steps have been completed. Mr. Bricker paused in his report to introduce Randy Irey, of Gilmore and Bell, and Michael Short, with the investment banking firm of Oppenheimer and Company, who worked in conjunction with George K. Baum and Company in the marketing of the Certificates of Participation.

Mr. Bricker reported that since the August meeting, they have completed the preparation of a preliminary official statement that City Council members received in their Council packets. This statement is basically the prospectus that is used to market the Certificates. Mr. Bricker said they made application to a bond insurance company. These Certificates are Triple A rated by virtue of the bond insurance premium. Mr. Bricker said they made application to the Moody's Investors Service for a bond rating, and they were successful in getting an A-2 rating on this Certificate of Participation financing. Mr. Bricker said they began marketing the Certificates last Wednesday afternoon, and completed the marketing of the Certificates on Thursday morning. All of the Certificates are sold. The final average interest rate on this financing is 4.48 percent. There is a closing schedule for October 13<sup>th</sup>, where the proceeds of this financing will be deposited into an account at First Bank of Missouri that can be drawn upon by the City to reimburse those funds that have been advanced to date on this project. Mr. Bricker said there are some invoices that will be forthcoming in the near future for this project; there were two expenditures approved in tonight's Consent Agenda. The money is arriving just in time.

Mr. Bricker reported the bond market over the last month has been going in our direction, the price of oil has come down, and there have been certain inflationary data on a national level that has been favorable to the bond market. Mr. Bricker said, overall, this financing has come together exceptionally well. The action item tonight is to basically approve the final interest rates to this transaction, and to authorize the Mayor to execute certain documents in connection therewith.

Mr. Bricker stated as part of this financing is a re-financing of the Certificate of Participation the City entered into in 2000. That financing was primarily to fund certain stormwater improvements, but it also refinanced a portion of the improvements that were made to this building in 1997. Mr. Bricker said the net effect of that refinancing was to save about \$450,000 on the remaining payments on that Series 2000 Certificates of Participation financing. Mr. Bricker continued by saying this overall financing is in the

amount of \$27.8 million dollars, of which \$21.7 million will be going to the Community Center-Natatorium, and roughly \$800,000 will be going to the Computer Aided Dispatch system, and about \$5.2 million dollars to refinance the Series 2000 financing.

Mayor Cross asked Mr. Bricker if the success of bringing this all together at the correct time is due to the very worthwhile planning of the City Manager and Assistant City Manager.

Mr. Bricker replied, "Yes, without a doubt".

Mayor Cross commended City Manager Davis and Assistant City Manager Wingerson on a "job well done".

Mr. Bricker said this project has been complicated from the beginning, and all of the lines are beginning to intersect now.

Mayor Cross thanked Mr. Bricker, Mr. Short, and Mr. Irey for their efforts on behalf of the City.

Councilman Wayne Beer moved to place Bill 06-31 on First Reading. Councilman Mark Revenaugh seconded. The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 06-31, Waive the Rule and place the Bill on Second and Final Reading. Councilman Mark Revenaugh seconded. The vote: The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 06-31 and enact the Bill as **Ordinance 4.010**. Mark Revenaugh seconded.

Councilman Wayne Beer said he was anxious to go to work, and said, "Let's get it done"!

Roll Call Vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

**Item 11. on the Agenda.** **FIRST READING BILL NO. 06-32**, repealing Ordinance No. 3.984 (Section 6.110.100 of the City Code) and enacting a new Ordinance establishing Water Service Rates for the City of Gladstone, Missouri.

Councilman Carol Rudi moved to place Bill 06-32 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 06-32, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded. The vote: The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of Bill 06-32 and enact the Bill as **Ordinance 4.011**. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

**Item 12. on the Agenda.**      **FIRST READING BILL NO. 06-33**, prohibiting dogs on the grounds of the Gladfest Festival in the City of Gladstone, Missouri, and establishing the inclusive dates during which the Ordinance will be in effect.

Councilman Wayne Beer moved to place Bill 06-33 on First Reading. Councilman Mark Revenaugh seconded.

Councilman Mark Revenaugh inquired into why this action is being considered.

City Manager Davis said this was a request from the Gladstone Area Chamber of Commerce, and said it is his understanding that in the past some dogs have nipped people, and with 25,000 people attending Gladfest, and with recent dangerous animal concerns, there is belief there could be a public safety problem with potentially dangerous animals and people congregating in the same area. City Manager Davis invited Anita Newsom, Vice President of Education for the Gladstone Area Chamber of Commerce to provide some historical insight into this request.

Anita Newsom reported that for many years signs were posted at Gladfest, which read "No Dogs". There were no tools to enforce the signs, other than to ask people to leave with their dogs. Ms. Newsom said the Chamber does not want dogs on the festival grounds for the reasons Mr. Davis stated. Ms. Newsom said if you watch interaction of people, they will bring their dogs to the festival as an outing with their dog. People with dogs may be conversing with other people, with the dog on a leash, as required by City Ordinance, but young children, with candy or other treats may approach the dog and suddenly there is a dog trying to get the child's food, and the owner of the pet is not being vigilant. This can cause nips and bites by the dog.

Ms. Newsom said if people are not going to be prudent in looking after their dog or children, there needs to be a system in place by which that can be managed. In the past, posting the signs had "no teethe" in it. By having an Ordinance, Public Safety personnel can provide enforcement. The signs will have the Ordinance number on them to help reference this action, and to help make for a safer and happier festival for everyone. Ms. Newsom said, regretfully, someone may have to take their dog home, but it will be safer and more pleasant for everyone in the long run. The festival is for families and children, and there are other events for dogs like the City's Walk and Wag event.

Mayor Cross asked if Animal Control Officers will be present at the festival.

City Manager Davis replied law enforcement officers will be present at the festival and will enforce the Ordinance.

The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 06-33, Waive the Rule and place the Bill on Second and Final Reading. Councilman Mark Revenaugh seconded. The vote: The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 06-33 and enact the Bill as **Ordinance 4.012**. Councilman Mark Revenaugh seconded.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and 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.**

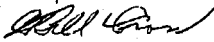
There being no further business to come before the September 25, 2006, Gladstone Regular City Council Meeting, Mayor Bill Cross adjourned the regular meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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



Mayor Bill Cross



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, October 9, 2006**

**OPEN STUDY SESSION: 5:30 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will hold a Closed Executive Session immediately following 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 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 September 25, 2006, City Council Meeting Minutes.
5. CONSENT AGENDA

**RESOLUTION R-06-60**, authorizing execution of a contract with Sunset Landscape in the total amount not to exceed \$66,647.00 for the Northwest Englewood Road and North Broadway Road Beautification, Project TP0672.

**APPROVAL OF A BUILDING PERMIT:** for the remodeling of the structure and the milling and overlay of the parking lot at 7017 North Oak Trafficway. Applicant: Junk Architects. Owner: Check Smart. (BP 06-10000779).

**REGULAR AGENDA**

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

8. Communications from the City Manager.
9. **FIRST READING BILL NO. 06-34**, amending City Code Section 1.110.010(a) by abolishing the Arts Council and Sister Cities Commission, and establishing the Arts Commission as an authorized Commission for the City of Gladstone.
10. **FIRST READING BILL NO. 06-35**, repealing Ordinance Number 3.977 and enacting in lieu thereof, a new Ordinance defining the appointment of members, terms of service and duties of the Gladstone Arts Commission.
11. **RESOLUTION R-06-61**, authorizing execution of an Intergovernmental Cooperation Agreement between the City of Gladstone and the Tower Plaza Transportation Development District to construct and fund improvements to Northeast 64<sup>th</sup> Street.
12. Other business.
13. Questions from the News Media.
14. Adjournment.



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

**MONDAY OCTOBER 9, 2006**

**PRESENT:** Mayor Bill Cross  
Mayor Pro Tem Les Smith  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilman Mark Revenaugh  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingersson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Bill Cross opened the Regular October 9, 2006, 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 SEPTEMBER 25, 2006, CITY COUNCIL MEETING MINUTES.**

Councilman Carol Rudi moved to approve the Regular September 25, 2006, City Council Meeting Minutes as presented. Councilman Mark Revenaugh seconded. The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and 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 presented. Councilman Wayne Beer seconded. The vote: All "aye" -

Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-06-60**, authorizing execution of a contract with Sunset Landscape in the total amount not to exceed \$66,647.00 for the Northwest Englewood Road and North Broadway Road Beautification Project TP0672. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Carol Rudi moved to approve a **BUILDING PERMIT** for the remodeling of the structure and the milling and overlay of the parking lot at 7017 North Oak Trafficway. Applicant: Junk Architects. Owner: Check Smart. (BP 06-10000779). Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE.**

Anita Newsom, 7401 North Wabash, stated on behalf of the Gladstone Area Chamber of Commerce and the Gladfest 27 Committee, she wished to thank the Mayor, City Council, and City staff for their support in co-hosting Gladfest this year. Gladfest presented some new challenges due to the City's positive progress this year. Ms. Newsom said everyone was very helpful and very kind, and did whatever was asked of them; however, there is some special thanks that needs to be noted and go to some special people.

Ms. Newsom said when she asked for a Staff liaison, City Manager Davis gave her Economic Development Administrator Melinda Mehaffy. Ms. Newsom said Ms. Mehaffy was wonderful to work with throughout the entire event. Ms. Mehaffy showed attention to detail, and her support throughout the festival, dealing with logistics, maps and other City areas and departments was incomparable. Ms. Newsom said Ms. Mehaffy has provided a book that outlines how to coordinate Gladfest. Ms. Newsom said she thinks City Council members should see the book. Ms. Newsom said it was wonderful to work with Ms. Mehaffy and to have her help.

Ms. Newsom thanked Sergeant Bob Baier for his support with traffic, the parade, the logistics around City Hall, and working with area schools and businesses to help with traffic during Gladfest. Ms. Newsom said Sergeant Baier was very helpful both with traffic and on site during Gladfest.

Ms. Newsom thanked Sergeant Richard King for his article in the new Gladstone magazine. The article was great and brought a large emphasis to Gladfest. Ms. Newsom thanked GIS (Geographic Information System) Manager Kreg Cox for making maps for

the Gladfest event. Ms. Newsom said all she had to do was email Mr. Cox and explain her needs, and he would email a map back within 24 hours. Ms. Newsom thanked Parks Supervisor Matt Hoops who made everything look wonderful. Ms. Newsom said Mr. Hoops and his staff did anything that was needed, and did it with a wonderful and positive attitude. Ms. Newsom said Administrative Assistant Jennifer Stafford in Public Works volunteered to make signs, mounted them, had them ready, and was willing to do whatever was needed.

Ms. Newsom said Public Works Director Chuck Williams asked Construction Coordinator Shane Horton to clear North Oak Trafficway of all the steel plates in time for the parade. Ms. Newsom said City Council members and members of the leadership staff took leadership roles in Gladfest in making sure it was a success.

Ms. Newsom thanked everyone for their support, and invited everyone to a Gladfest recap meeting tomorrow night at Jose Peppers, where everyone is welcome to give their positive comments and critiques on how to make Gladfest even better next year.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Mark Revenaugh** had no comments at this time.

**Councilman Carol Rudi** stated she thought Gladfest was excellent this year, and she liked the change in layout, which provided a great street fair feel that the City has not had before. Councilman Rudi said she heard a lot of positive comments about Gladfest. Councilman Rudi said her only regret is that she was not able to attend the events on Sunday, as she and fellow Council members attended the Missouri Municipal League conference in St. Louis.

**Councilman Wayne Beer** had no comments at this time.

**Mayor Pro Tem Les Smith** stated he wished to echo the comments of his colleagues about Gladfest. Mayor Pro Tem Smith said he heard folks say they did like the change and some did not like the change, but sometimes people don't like change just because it is change. Mayor Pro Tem Smith said he hopes that Gladfest with the street fair feel will eventually evolve to more of an Art Fair as a component of Gladfest, which would be really neat for the community. Mayor Pro Tem Smith thanked Ms. Newsom and all the folks who worked on Gladfest. They made our community proud once again.

**Mayor Bill Cross** stated that all of City Manager Davis's staff pitched in and helped with Gladfest, which made it successful. Mayor Cross said this year, the Scarecrow 5K Walk Run was the biggest and best organized. Mayor Cross said he received information that there were 163 runners at this event, which is double the number from last year, and over \$6,000.00 was made from this event. Mayor Cross said Steve Bindseil, Hy-Vee store manager, participated in the run, and donated food and money. Mayor Cross said although he and City Council members were not able to attend the Sunday events at Gladfest, they

were able to keep up with what was happening by Staff reports. Mayor Cross said he believed Ms. Newsom ordered the weather, which was very good.

Mayor Cross reported that he was invited by Kansas City Mayor Barnes to participate in the groundbreaking of the performing arts building in Kansas City, Missouri, and he was privileged to represent Gladstone at that event. Mayor Cross reminded City Council members of the Council Goal Setting retreat on Wednesday.

**Item 8. on the Agenda.**      **COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reported that the Community Building demolition will be between 7:30 AM and 8:00 AM, tomorrow morning. City Manager Davis stated the Leadership Team has a retreat scheduled for this Thursday, and Leadership Team members will not be in City Hall on that day, but will be available if a need should arise.

**Item 9. on the Agenda.**      **FIRST READING BILL NO. 06-34**, amending City Code Section 1.110.010(a) by abolishing the Arts Council and Sister Cities Commission, and establishing the Arts Commission as an authorized Commission for the City of Gladstone.

Councilman Wayne Beer moved to place Bill 06-34 on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 06-34, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded. The vote: The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 06-34 and enact the Bill as **Ordinance 4.013**. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

**Item 10. on the Agenda.**      **FIRST READING BILL NO. 06-35**, repealing Ordinance Number 3.977 and enacting in lieu thereof, a new Ordinance defining the appointment of members, terms of service and duties of the Gladstone Arts Commission.

Councilman Carol Rudi moved to place Bill 06-35 on First Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 06-35, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Les Smith seconded. The vote: The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of Bill 06-35 and enact the Bill as **Ordinance 4.014**. Mayor Pro Tem Les Smith seconded.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

**Item 11. on the Agenda.**      **RESOLUTION R-06-61**, authorizing execution of an Intergovernmental Cooperation Agreement between the City of Gladstone and the Tower Plaza Transportation Development District to construct and fund improvements to Northeast 64th Street.

Mayor Pro Tem Les Smith moved to adopt **RESOLUTION R-06-61**, authorizing execution of an Intergovernmental Cooperation Agreement between the City of Gladstone and the Tower Plaza Transportation Development District to construct and fund improvements to Northeast 64th Street. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

**Item 12. on the Agenda.**      **OTHER BUSINESS.**

Councilman Carol Rudi suggested appointing to the Arts Commission the people who have been serving on the Arts Council Task Force. Councilman Rudi moved to appoint to the Arts Commission: Christine Yannitelli for a term that expires in 2008; Julie Crawford for a term that expires in 2007; and Ceresa Jackson for a term that expires in 2008.

Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

Councilman Rudi recommended that Christine Yannitelli be appointed Chairman of the Arts Commission, as she has been serving in that capacity, and the other two ladies work very well with her.

Mayor Cross said, based on Councilman Rudi's recommendation, he would be happy to appoint Christine Yannitelli as Chairman of the Arts Commission.

**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 October 9, 2006, Gladstone Regular City Council Meeting, Mayor Bill Cross adjourned the regular meeting.

Councilman Wayne Beer made a motion to adjourn to Closed Executive Session pursuant to the Missouri Open Meeting Act exemptions 610.021(1) for Litigation and Confidential or Privileged Communications with Legal Counsel, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Councilman Carol Rudi seconded the motion.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Bill Cross



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, October 23, 2006**

**OPEN STUDY SESSION: 6:15 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 October 9, 2006, City Council Meeting Minutes.
5. **CONSENT AGENDA**

**RESOLUTION R-06-62**, authorizing the Mayor, City Council members, City Manager, Director of Parks and Recreation, and 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 Land and Water Conservation Fund for City of Gladstone Park Improvements.

**RESOLUTION R-06-63**, accepting Temporary Construction Easements and Permanent Easements from property owners in conjunction with the Northeast 67<sup>th</sup> Street and North Indiana Phase II Stormwater Project (055023).

**RESOLUTION R-06-64**, authorizing the City Manager to accept a Bill of Sale from CPA Land Ventures, LLC and Mancuso Construction, conveying to the City one Water Line and one Fire Hydrant, built in conjunction with construction of the Comprehensive Psychiatric Associates building at 305 NW Englewood Court.

**RESOLUTION R-06-65**, authorizing acceptance of a proposal from Shawnee Mission Ford for the purchase of a One-Ton 4x2 Pick-Up Truck with Utility Bed for the net purchase amount of \$28,174.00.

**APPROVAL OF A NEW CLASS "A" LIQUOR BY THE DRINK LICENSE** for Sherri's Snacks, LLC dba THE END ZONE, 7632 North Oak Trafficway. Managing Officer: Sheryl D. Payton

**APPROVAL OF THE FINANCIAL REPORT FOR SEPTEMBER 2006.**

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **FIRST READING BILL NO. 06-36**, approving the Final Plat of "Tower Plaza", a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said Plat for recording.
10. **RESOLUTION R-06-66**, imposing a Moratorium on the issuance of Business Occupational Licenses under Title V of the City Code for Signature Loan, Pay Day Loan, Title Loan, and similar non-chartered small loan companies to conduct business within the City and directing City staff to delay the acceptance and processing of applications for such licenses for the timeframe specified herein.
11. **FIRST READING BILL NO. 06-37**, amending Ordinance Number 4.014, to clarify the process for designating the Chairman of the Gladstone Arts Commission.
12. **FIRST READING BILL NO. 06-38**, adopting conditions and limitations for the management of the public rights-of-way owned by the citizens of 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 OCTOBER 23, 2006**

**PRESENT:** Mayor Bill Cross  
Mayor Pro Tem Les Smith  
Councilman Carol Rudi  
Councilman Mark Revenaugh  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Councilman Wayne Beer

Mayor Bill Cross opened the Regular October 23, 2006, 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 Scout Leaders Bruce Hiller and Doug Roberts, and said there were Scouts and Scout leaders from Troop 180 and Pack 180 present at the City Council meeting. Mayor Cross invited all to join in the Pledge of Allegiance led by an Honor Guard Unit from Troop 180.

Mayor Cross thanked the Scouts for leading the Pledge of Allegiance, and thanked the Scouts, the Scout leaders, and the parents for their attendance at this meeting, and invited them to return any time -- they are always welcome and their participation is very much appreciated.

**Item 4. on the Agenda.**      **APPROVAL OF THE REGULAR OCTOBER 9, 2006, CITY COUNCIL MEETING MINUTES.**

Councilman Carol Rudi moved to approve the Regular October 9, 2006, City Council Meeting Minutes as presented. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0).

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

Following the Clerk's reading, Councilman Carol Rudi moved to approve the Consent Agenda as presented. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-06-62**, authorizing the Mayor, City Council members, City Manager, Director of Parks and Recreation, and 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 Land and Water Conservation Fund for City of Gladstone Park Improvements. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-06-63**, accepting Temporary Construction Easements and Permanent Easements from property owners in conjunction with the Northeast 67<sup>th</sup> Street and North Indiana Phase II Stormwater Project (055023). Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-06-64**, authorizing the City Manager to accept a Bill of Sale from CPA Land Ventures, LLC and Mancuso Construction, conveying to the City one Water Line and one Fire Hydrant, built in conjunction with construction of the Comprehensive Psychiatric Associates building at 305 NW Englewood Court. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-06-65**, authorizing acceptance of a proposal from Shawnee Mission Ford for the purchase of a One-Ton 4x2 Pick-Up Truck with Utility Bed for the net purchase amount of \$28,174.00. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0).

Councilman Carol Rudi moved to approve a **NEW CLASS "A" LIQUOR BY THE DRINK LICENSE** for Sherri's Snacks, LLC dba **THE END ZONE**, 7632 North Oak Trafficway. Managing Officer: Sheryl D. Payton. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0).

Councilman Carol Rudi moved to approve **THE FINANCIAL REPORT FOR SEPTEMBER 2006**. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0).

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE.**

Mayor Pro Tem Smith invited the members of Troop 180 and Pack 180 to step forward and introduce themselves. The group introduced themselves as follows:

Bruce Hiller, Cub Master of Pack 180, sponsored by St. Charles Church, thanked the Mayor and City Council members for allowing the Scouts and Scout leaders to attend tonight's meeting.

B.J. Smith, Meadowbrook Elementary, 9 years old  
John Riddy, St. Charles School, 8<sup>th</sup> grade student  
Zack Faust, St. Charles School, 4<sup>th</sup> grade student  
Eli Stenner, St. Charles School, 4<sup>th</sup> grade student  
Paul Lynon, St. Charles School, 4<sup>th</sup> grade student  
Alex Romey, Oakhill Day School, 4<sup>th</sup> grade student  
Ryan Roberts, Oakhill Day School, 4<sup>th</sup> grade student  
John Paul Ameryun, St. Charles School, 4<sup>th</sup> grade student  
Henry Biggs, Ravenwood Elementary School, 4<sup>th</sup> grade student  
Doug Roberts, Pack 180 Webelo Den Leader  
Tim Hiller, Northgate Middle School, 7<sup>th</sup> grade student  
David Ameryun, St. Charles School, 7<sup>th</sup> grade student  
Taylor Long, St. Charles School, 7<sup>th</sup> grade student  
Alex Long, Oak Park High School, 9<sup>th</sup> grade student  
Estella Ameryan, Scout Leader for Pack 180

Mayor Pro Tem Smith and Mayor Cross thanked the group for being in attendance at tonight's meeting.

**Mike Chambers, Regional Director of External Affairs for AT&T; 500 East 8<sup>th</sup>, Kansas City, Missouri**, stated he was present to speak in reference to Bill 06-38, which will be considered at this meeting, which is a right-of-way Ordinance that was discussed at a previous City Council Open Study Session. Mr. Chambers requested that City Council

members only do the first reading tonight, and delay the second reading and the final vote until the November 13, 2006, City Council meeting. Mr. Chambers said that City Counselor David Ramsay has made two changes, both which were requested by Mr. Chambers. One change was regarding height restrictions. Mr. Chambers said Counselor Ramsay researched the City of Overland Park's Ordinance and made that change. Mr. Chambers said he and Mr. Ramsay talked again today regarding the bonding section of the Bill. Mr. Chambers said that his legal department pointed out some concerns and Mr. Chambers discussed that section with Mr. Ramsay. Mr. Chambers said before this Ordinance is acted upon, he would like to have the opportunity to bring the right-of-way people from AT&T to review the Ordinance along with the City's Public Works Department and City Council, so they have a firm understanding of the expectations.

Mr. Chambers said he and Mr. Ramsay visited about the 20 square feet restriction. One of the questions posed to Mr. Chambers by members of his company is whether that restriction applies to the equipment or the size of the concrete pad. In Overland Park, it is the equipment. Mr. Chambers said Mr. Ramsay told him he thought it was the concrete pad. Mr. Chambers said these are some of the things that his company wants to be sure they understand, and it is his belief that it is a lot cleaner and clearer for the City Council members if everyone understands the wording before it is finally enacted. Mr. Chambers said he sees no major issues or problems with AT&T's acceptance, but he would request additional time and would also request that the Mayor and City Council be very supportive of a meeting with the utilities to walk through the Ordinance. Mr. Chambers said he had a conversation today with Missouri Gas Energy and Kansas City Power and Light, and they asked, "What right-of-way Ordinance?"

Mr. Chambers said he believed it would be beneficial if the utilities sat down and reviewed the Ordinance, line by line, and he believes if given another two weeks, there would be time to catch anything else that may need to be changed. Mr. Chambers said, again, he does not think that AT&T has any major issues with the Ordinance; it is more for understanding exactly what is in the Ordinance. There are approximately 37 pages, and it does take a little while to understand exactly what is in the Ordinance.

**John Garner, 111 Heatherton Court**, stated he read in the paper recently that the three islands at the intersection of Englewood and Broadway, cost \$68,000 to landscape, and asked if this does not seem excessive. Mr. Garner said he understood that \$50,000 was a grant from the State of Missouri, but the cost still seems very excessive to him.

Public Works Director Chuck Williams stated this project encompasses quite a lot of work. The islands dividing the east/west street lanes have been extremely difficult for City staff to maintain, and are receiving brick pavers. That work is labor intensive, which translates to costly. There is an extensive landscaping plan that has been developed with the City gardener, Beth Houlihan. There will also be an irrigation system as well as trees planted in the islands. Mr. Williams said City staff is also working on a cooperative agreement with the Credit Union located on a corner in this area where the Credit Union will maintain the basic landscaping and keep the area mowed to reduce the City's costs. The City is going

from an area that is labor intensive to keep it looking attractive, to a very low maintenance area, and from Staff's perspective, almost zero maintenance with the agreement with the Credit Union.

Mr. Williams said another important factor is that this area is a significant gateway into our community. It sets the tone as people enter into our area as to what Gladstone is all about and what Gladstone wants to be, and that does bring with it a price. Mr. Williams said the City has been fortunate to obtain a significant grant from the State, and the purpose of the grant is for this type of project – the beautification of communities.

Mayor Pro Tem Smith asked if Staff prioritized projects that would have fit the conditions of the grant.

Mr. Williams replied, yes projects were prioritized, and in considering priorities, consideration included areas where Staff felt grant funding could be obtained.

Parks and Recreation Director Sheila Lillis said Staff also applied for a grant for the area at 76<sup>th</sup> Street and North Oak Trafficway, but the area at North Broadway and Englewood Road scored higher. The pedestrian bridge that was approved through the Transportation Enhancement Grant was also a project that received funding. Ms. Lillis said Staff does prioritize grants, and the project being discussed is a joint application through the departments of Public Works and Parks and Recreation. Ms. Lillis said the expensive grass that was first discussed for the North Broadway and Englewood islands was replaced with plans for the installation of only sod as a cost savings measure and to stay within the City's budget.

Mayor Pro Tem Smith stated he was a bit surprised when he saw the dollar amount on this project, but had a better understanding of the costs after the funding from the State grant was explained to him, and the fact that the purpose of the grant is for projects such as this. The City's net cost will be approximately \$18,000 and the result will be a nice gateway into the community, with virtually no maintenance cost from this point forward for the City.

Mayor Pro Tem Smith said he wholeheartedly supports this project, and believes it is a good idea. Mayor Pro Tem Smith said at the earlier Open Study Session, the Community Center-Natatorium, Village Center, and Gladstone Plaza projects were discussed. The City is trying to somewhat redefine our community, and it is often heard from people that they do not know when they leave our City limits. Mayor Pro Tem Smith said he believes it is important that the City take some steps towards defining our City, and part of that is defining our City limits and our boundaries.

Councilman Carol Rudi said she was approached by a resident this week who expressed their thanks for this particular project, and said they were really relieved that this project was going to happen.



**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Mark Revenaugh** had no comments at this time.

**Councilman Carol Rudi** asked Parks and Recreation Director Sheila Lillis to report on the upcoming events at Oak Grove Park.

Parks and Recreation Director Sheila Lillis reported that this Friday, at 6:00 PM, at the Gladstone Amphitheatre in Oak Grove Park, the River and Prairie Story Weavers will be onsite telling scary stories, and local merchants will be on hand offering free candy. Ms. Lillis invited all to attend – everyone has an opportunity to Trick-or-Treat and receive a goody bag. The “non-scary” stories for the younger children will be from 6:00 PM to 7:15 PM, and the really scary stories for older children (9 years and up) will be from 7:30 PM to 9:00 PM. There should be between six and ten storytellers and the event is usually well attended.

Mayor Cross said the merchants always do a wonderful job at this event.

Councilman Rudi said she heard there would be 20 merchants at the event.

**Mayor Bill Cross** stated he wished to point out that as indicated on the Municipal Pool Report provided by Parks and Recreation Director Sheila Lillis, a profit was made at the pool again this year. Mayor Cross asked Director Lillis to forward to 50+ Program Coordinator Paige Robbins his appreciation for her work and the wonderful programs she coordinates and all the good work she does for the City of Gladstone.

Mayor Cross thanked the City staff who attended the October 19, West Gate Division of the Missouri Municipal League Dinner meeting. This organization is comprised of 71 cities in the metropolitan area. Mayor Cross said our City had the most members in attendance at this meeting, with sixteen City staff members and guests of the City present. Mayor Cross said the Missouri Municipal League presented to our City a brand new plaque for the most people in attendance at the meeting. Mayor Cross is having the first plate on the plaque engraved with the City of Gladstone's name, and the plaque will be on display at City Hall until the next West Gate Missouri Municipal League meeting. Although other cities may have more people in attendance at future meetings, our City's name will always be the first plate on the plaque.

**Mayor Pro Tem Les Smith** stated that Mayor Cross is President of the West Gate Division of the Missouri Municipal League, and accolades are deserved by Mayor Cross for the fine event he put together on October 19. A good time was had by all, and Mayor Cross worked very hard in ensuring that the event was successful. Mayor Pro Tem Smith said Mayor Cross made our City look good.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reported that there was discussion on having a Special City Council meeting on October 31, 2006, to consider some contracts, but that meeting will not be necessary. Those contracts will be considered at the Regular City Council meeting on November 13, 2006. City Manager Davis invited everyone to take advantage of the brush drop-off event on November 3, 4 and 5, at the Public Works site, from 8:00 AM to 5:00 PM each day.

**Item 9. on the Agenda.**

**FIRST READING BILL NO. 06-36**, approving the Final Plat of "Tower Plaza", a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said Plat for recording.

Councilman Mark Revenaugh moved to place Bill 06-36 on First Reading. Mayor Bill Cross seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (4-0). The Clerk read the Bill.

Councilman Mark Revenaugh moved to accept the First Reading of Bill 06-36, Waive the Rule and place the Bill on Second and Final Reading. Mayor Bill Cross seconded. The vote: The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (4-0). The Clerk read the Bill.

Councilman Mark Revenaugh moved to accept the Second and Final Reading of Bill 06-36 and enact the Bill as **Ordinance 4.015**. Mayor Bill Cross seconded.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (4-0).

**Item 10. on the Agenda.**

**RESOLUTION R-06-66**, imposing a Moratorium on the issuance of Business and Occupation Licenses under Title V of the City Code for Signature Loan, Pay Day Loan, Title Loan, and similar non-chartered small loan companies to conduct business within the City and directing City staff to delay the acceptance and processing of applications for such licenses for the timeframe specified herein.

Councilman Carol Rudi moved to adopt **RESOLUTION R-06-66**, imposing a Moratorium on the issuance of Business and Occupation Licenses under Title V of the City Code for Signature Loan, Pay Day Loan, Title Loan, and similar non-chartered small loan companies to conduct business within the City and directing City staff to delay the acceptance and processing of applications for such licenses for the timeframe specified herein. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (4-0).

**Item 11. on the Agenda.**      **FIRST READING BILL NO. 06-37**, amending Ordinance Number 4.014, to clarify the process for designating the Chairman of the Gladstone Arts Commission.

Councilman Mark Revenaugh moved to place Bill 06-37 on First Reading. Mayor Bill Cross seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (4-0). The Clerk read the Bill.

Councilman Mark Revenaugh moved to accept the First Reading of Bill 06-37, Waive the Rule and place the Bill on Second and Final Reading. Mayor Bill Cross seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (4-0). The Clerk read the Bill.

Councilman Mark Revenaugh moved to accept the Second and Final Reading of Bill 06-37 and enact the Bill as **Ordinance 4.016**. Mayor Bill Cross seconded.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (4-0).

**Item 12. on the Agenda.**      **FIRST READING BILL NO. 06-38**, adopting conditions and limitations for the management of the public rights-of-way owned by the citizens of the City of Gladstone, Missouri.

Councilman Carol Rudi moved to place Bill 06-38 on First Reading. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (4-0). The Clerk read the Bill.

Councilman Carol Rudi stated that Council has been asked to not enact this Bill at this meeting, and asked Counselor Ramsay if he feels this is appropriate as this information has been sent out to various organizations, utilities, etc. previously, and the City only received a response from AT&T, who is requesting this delay. Councilman Rudi asked if this time is needed, or can the issues be resolved even if the Bill is approved tonight.

Counselor Ramsay replied it is always helpful to have the people who are affected by these Ordinances to have input, and if a meeting can be arranged with representatives of the various utilities, then that might be helpful. Mr. Ramsay said City Council could enact the Ordinance tonight, and Staff could bring at a later date any amendments that might be necessary to City Council members. Mr. Ramsay said he does not know specifically whether there are amendments that will be necessary, or only a desire for some further explanation from these companies. Staff can either bring this Bill back for City Council members' consideration in two weeks, or bring back any amendments if it appears that is necessary.

Councilman Revenaugh inquired how long it had been since the City notified the utilities that City Council would be considering the changes in the City's rights-of-way.

Mr. Ramsay replied the original drafts were sent to the utilities on September 20, 2006, but sometimes 30 days is not sufficient for items to filter through their corporate structures.

Councilman Revenaugh asked Mr. Ramsay if it were his opinion that the delay request was reasonable.

Mr. Ramsay replied he did not believe the City had any right-of-way permits pending, so probably the difference between enacting this Bill tonight and enacting it in two weeks wouldn't have much affect on its application. With the utility companies' input, there might be either a better Ordinance, or if we choose not to make certain amendments they request, at least we will have the information about where we disagree or what issues may be brought forward in the future.

Mayor Pro Tem Smith said if City Council members are satisfied with the Bill before them, and as Mr. Chambers gains input from his company, there are some things found that the City needs to "tweek" in order to better clarify the intent of the Bill, Council members could always do that by amending the Ordinance.

Councilman Carol Rudi moved to accept the First Reading of Bill 06-38, Waive the Rule and place the Bill on Second and Final Reading. Councilman Mark Revenaugh seconded.

Councilman Rudi said she believed what is before Council and what the companies have had before them for the last month is something that City Council can act upon and make changes if needed in the future.

Mayor Pro Tem Smith addressed Mr. Chambers by saying that the City has always acted in good faith, and Mr. Chambers is a big part of the reason why the City acts in that way. Mayor Pro Tem Smith encouraged Mr. Chambers and his company to be involved and visit with Counselor Ramsay. If this Bill passes this evening, and there are issues that City Council members need to address, that will be done.

Councilman Rudi agreed, and said the City will not be locked in with this; there is always the amendment process.

The vote: The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (4-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of Bill 06-38 and enact the Bill as **Ordinance 4.017**. Councilman Mark Revenaugh seconded.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (4-0).

**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.**

There being no further business to come before the October 23, 2006, Gladstone Regular City Council Meeting, Mayor Bill Cross adjourned the regular meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

  
Mayor Bill Cross



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, November 13, 2006**

**OPEN STUDY SESSION: 6:30 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will hold a Closed Executive Session immediately following 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 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(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 23, 2006, City Council Meeting Minutes.
5. **CONSENT AGENDA**

**RESOLUTION R-06-67**, amending the 2007 Annual General Fund and Combined Waterworks Sewerage System (CWSS) Fund Budgets for the City of Gladstone, Missouri and authorizing expenditures of funds.

**RESOLUTION R-06-68**, authorizing execution of a contract with Pyramid Excavation and Construction, Incorporated, in the total amount not to exceed \$486,414.00 for the Northeast 67<sup>th</sup> and North Indiana Drainage Improvements Project 015009.

**RESOLUTION R-06-69**, authorizing acceptance of a proposal from Shawnee Mission Ford for the purchase of a Ford F-350, 4X2 Crew Cab Pick-Up Truck with Wench and Weedeater Rack, for the net purchase amount of \$34,879.00.

**RESOLUTION R-06-70**, authorizing the City Manager to purchase Two (2) 2007 Ford Crown Victoria Patrol Vehicles from Thoroughbred Ford for a total purchase amount of \$45,705.00.

**RESOLUTION R-06-71**, 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 four-year period from January 1, 2007 to December 31, 2011 and the City shall have the option to extend the term of the agreement for two additional 24-month periods.

**RESOLUTION R-06-72**, directing the City Manager to collect the City Personal Property Taxes for 2006 at the rate of .5391 cents per one hundred dollars in valuation.

**BUILDING PERMIT:** for the remodeling of the exterior and interior of the Popeye's Chicken building located at 6060 North Antioch Road. Applicant: Sullivan Palmer Architects. Owner: Meadowbrook Village, LLC. (BP 06-10000879)

#### REGULAR AGENDA

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **RESOLUTION R-06-73**, authorizing execution of contracts for work at the Community Center-Natatorium in the total amount not to exceed \$9,472,882.84, for Project CB0662.
10. Other business.
11. Questions from the News Media.
12. Adjournment.



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

**MONDAY, NOVEMBER 13, 2006**

**PRESENT:** Mayor Bill Cross  
Mayor Pro Tem Les Smith  
Councilman Carol Rudi  
Councilman Wayne Beer

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Councilman Mark Revenaugh

Mayor Bill Cross opened the Regular November 13, 2006, 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 Scout Master Dan Tangen and Scout Leaders Mike Seisen and Mike Warren of Troop 179, sponsored by Avondale United Methodist Church. Mayor Cross invited all to join in the Pledge of Allegiance led by an Honor Guard Unit from Troop 179.

Mayor Cross invited the Boy Scouts to introduce themselves to the audience. The Boy Scouts introduced themselves as follows:

Thomas Woodward, 5<sup>th</sup> grade student at Winwood Elementary School  
Kyle Woodward, 7<sup>th</sup> grade student at Eastgate Middle School  
Eli Warren, 7<sup>th</sup> grade student at Eastgate Middle School  
Danny Tangen, 7<sup>th</sup> grade student at Antioch Middle School



Tucker Seisen, 7<sup>th</sup> grade student at Eastgate Middle School

Mayor Cross inquired into the number of Scouts in Troop 179.

Mr. Tangen replied there are 9 active members in the Troop, ranging in rank from Tenderfoot to Star.

Mayor Cross asked if the Troop has any Mic-O-Say members.

Mr. Tangen replied that next year would probably be the first year for the Troop to participate with Mic-O-Say.

Mayor Cross asked members of Boy Scout Troop 180 to introduce themselves as follows:

Ryan Schuetz, 6<sup>th</sup> grade student at St. Charles School

Brandon Winebrenner, 8<sup>th</sup> grade student at Maple Park School

Carson Jones, 5<sup>th</sup> grade student at St. Charles School

Chris Parnacott, Sophomore at North Kansas City High School

Mayor Cross, on behalf of the City Council, thanked the Scouts for leading the Pledge of Allegiance, and thanked the Scouts, the Scout leaders, and the parents for their attendance at this meeting.

**Item 4. on the Agenda.**      **APPROVAL OF THE REGULAR OCTOBER 23, 2006, CITY COUNCIL MEETING MINUTES.**

Councilman Carol Rudi moved to approve the Regular October 23, 2006, City Council Meeting Minutes as presented. Mayor Pro Tem Les Smith seconded. The vote: "Aye" – Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. "Abstain" – Councilman Wayne Beer. (3-0-1). Councilman Beer stated he abstained from voting, as he was absent from the last City Council meeting.

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

Following the Clerk's reading, 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, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-06-67**, amending the 2007 Annual General Fund and Combined Waterworks Sewerage System (CWSS) Fund Budgets for the City of Gladstone, Missouri and authorizing expenditures of funds. Councilman Carol Rudi seconded. Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-06-68**, authorizing execution of a contract with Pyramid Excavation and Construction, Incorporated, in the total amount not to exceed \$486,414.00 for the Northeast 67<sup>th</sup> and North Indiana Drainage Improvements Project 015009. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-06-69**, authorizing acceptance of a proposal from Shawnee Mission Ford for the purchase of a Ford F-350, 4X2 Crew Cab Pick-Up Truck with Wench and Weedeater Rack, for the net purchase amount of \$34,879.00. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-06-70**, authorizing the City Manager to purchase Two (2) 2007 Ford Crown Victoria Patrol Vehicles from Thoroughbred Ford for a total purchase amount of \$45,705.00. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0).

Councilman Wayne Beer moved to adopt **RESOLUTON R-06-71**, 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 four-year period from January 1, 2007 to December 31, 2011 and the City shall have the option to extend the term of the agreement for two additional 24-month periods. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-06-72**, directing the City Manager to collect the City Personal Property Taxes for 2006 at the rate of .5391 cents per one hundred dollars in valuation. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0).

Councilman Wayne Beer moved to approve a **BUILDING PERMIT** for the remodeling of the exterior and interior of the Popeye's Chicken building located at 6060 North Antioch Road. Applicant: Sullivan Palmer Architects. Owner: Meadowbrook Village, L.L.C. (BP 06-10000879). Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0).

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE.**

**John Garner, 111 Heatherton Court**, stated he wished to comment on the Animal Ordinance that is being considered by the City Council, and said there is a few dog pen companies that make 4 foot by 6 foot by 10-foot long kennel runs. There are also panels available to go over the tops of the pens, which is something City Council members might want to consider requiring in the Ordinance. Mr. Garner said in the past he has had bird dogs that had a habit of trying to get out of their pens, especially during thunderstorms. A dog can get out of a pen easily if a dog box is put inside the pen without a top on the pen, as they can jump on the box and out of the pen.

Mr. Garner said in regard to banning breed specific dogs, the Chinese Shar Pei is a breed of dog that is a combination of Pit Bull, Malemute, and Chow dogs. They were bred in China centuries ago to protect the palaces, so they could be considered dangerous dogs, if one considers how they were bred. Mr. Garner suggested that the Animal Ordinance include language that would require the licensing of cats, which would help the feral cat situation.

Councilman Beer agreed and said he believes that cats should be restrained and licensed in exactly the same manner as dogs.

Mr. Garner suggested that Council consider requiring that a dangerous dog must have a muzzle on at all times if the dog is out of its kennel, and the muzzle must be checked. Mr. Garner said he used to work for a dog supply company years ago, and the way to check to be sure the muzzle is fitted properly, is to pick up the dog by the muzzle, with all four feet off the ground, and if the muzzle doesn't slip, the muzzle is on properly.

Councilman Rudi said the proposed Ordinance does have language about requiring a top to kennels of dangerous dogs, and suggested that Staff be certain that same language is located in all the appropriate places in the Ordinance. Councilman Rudi said she at one time had a German Shepherd that could "hop" an 8-foot fence.

Mr. Garner suggested that the City require a key or combination lock on the gate of a fence where a dangerous dog is kept.

Mayor Pro Tem Smith said a combination or key lock is specified in the draft Ordinance. There is also a provision for a dangerous dog to be on a leash when it is outside of the animal's enclosure pen, and that the dog must be muzzled when it is outside of its pen. The language also says the muzzle must be made in a manner so as not to cause injury to the dog.

Councilman Rudi stated if the City Council decides to license cats, one of the things that may be considered instead of a collar, is to allow the owner to have an option of having a

chip implanted in the cat or even dogs. Complaints about licensing cats includes the fact that a collar can be dangerous for cats because they can become hung-up in a tree. Councilman Rudi said a veterinarian did confirm with her that this can happen, and he did not recommend a collar, but he did say there are some break-away collars available. Councilman Rudi said in the draft Ordinance there is a provision where if any animal is being a nuisance, there is a complaint process and a process for confiscation of the animal.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Carol Rudi**, on behalf of Mayor Cross, invited everyone to the Mayor's Holiday Tree Lighting Ceremony at 6:00 PM, on November 21<sup>st</sup>, at First Bank of Missouri, on Antioch Road. Councilman Rudi said the Scouts will want to attend as cookies are served and it is a fun event for the whole family.

**Mayor Pro Tem Les Smith**, jokingly commended City Manager Kirk Davis for following through on his lost bet. Mayor Pro Tem Smith said the City Manager wagered two or three weeks ago that the Cornhuskers would win the football game with Oklahoma State University, which is where Mayor Pro Tem Smith's daughter attends school. City Manager Davis offered Councilman Smith 17 points on the game, and tonight City Manager Davis is wearing an Oklahoma State University tie. Mayor Pro Tem Smith asked everyone to commend Mr. Davis on the tie he is wearing.

**Mayor Bill Cross** stated he very much appreciates all the help he receives from City Council members and City staff. Mayor Cross said he became ill at a conference in Branson a week ago, and he appreciated all the help from Council members and from Staff in the last week. Mayor Cross said there were members of City staff who helped with the installation of the Mayor's holiday tree, at 7:00 AM on Saturday morning, and it was brisk and cold. The tree was installed with lights by 9:30 AM, and it looks beautiful as usual. Mayor Cross said there will be groups at the Mayor's Holiday Tree Lighting event from Chapel Hill and Oakhill Elementary Schools, and Antioch Middle School, singing Christmas carols. Ceremonies begin at 6:00 PM, and hopefully the weather will be nice. There will be good food and company, and a lot of nice young people will be there.

Mayor Cross commended City Manager Davis on the employees' luncheon that was held at City Hall, and said a large number of employees were represented. It was very nice to have the luncheon at City Hall, where the employees were recognized for their good work. Mayor Cross said he does not know why the Employee of the Year Award does not go to the City Manager and the Assistant City Manager, as they both work very hard. The event was a great success and a very good idea.

Mayor Cross said Staff did a good job on the Quarterly Report, which was fantastic. Mayor Cross said it is amazing how much work each department is doing, and everywhere he goes he brags about out City's staff. Mayor Cross said the fruit basket that City Council members and the employees sent to him when he was in the hospital was wonderful. He ate the fruit immediately. Mayor Cross said there was a balloon attached to the basket, and

a beautiful little Gladstone bear, that his granddaughter has had a ball with, and she plays with it with Grandpa, which makes him feel good. Mayor Cross thanked Council members for filling in for him during the last six months; it has been very much appreciated, and it is wonderful to work with such a fine group, who has been together for at least five years now. Mayor Cross again thanked the City's department heads for all their good work.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis stated City Hall offices will be closed on Thanksgiving and the following day. City Manager Davis said the credit for the Employee Luncheon goes to many employees, Human Resources Administrator Charlene Leslie, and several members of the City of Gladstone Work Improvement Team, who put the event together and did a nice job. City Manager Davis said it is good to wear an Oklahoma State University tie, and to now have a Big 12 champion in the north.

Mayor Cross said it is good to mix a bit of humor with City business, and there are so many universities represented by City staff. The City Manager has brought together a diversified group and they put forth a maximum effort.

**Item 9. on the Agenda.**

**RESOLUTION R-06-73**, authorizing execution of contracts for work at the Community Center-Natorium in the total amount not to exceed \$9,472,882.84, for Project CB0662.

Councilman Carol Rudi moved to adopt **RESOLUTION R-06-73**, authorizing execution of contracts for work at the Community Center-Natorium in the total amount not to exceed \$9,472,882.84, for Project CB0662. Councilman Wayne Beer seconded.

Mayor Pro Tem Les Smith stated it is worthwhile to note that as everyone can see the City is under construction, and to date the bid packages have come in nearly a quarter of a million dollars under construction estimates.

Mayor Cross said that is the result of good supervision, and Staff being very careful with the contracts and the awarding of the contracts.

Mayor Pro Tem Smith agreed and said it is valued engineering, which is a lot of work on the part of a lot of people.

The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0).

**Item 10. on the Agenda.**

**OTHER BUSINESS.**

Mayor Cross suggested to the Scouts present at the meeting, to call upon City Council members if they would like them to talk to their class about City government. Mayor Cross thanked Sergeant Richard King and Mayor Pro Tem Smith for their contributions to

a recent newspaper article about Mayor Cross. Mayor Cross said there are a lot of good things being done in Gladstone.

**Item 11. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.


**Item 12. on the Agenda.**      **ADJOURNMENT.**

There being no further business to come before the November 13, 2006, Gladstone Regular City Council Meeting, Mayor Bill Cross adjourned the regular meeting.

Councilman Carol Rudi made a motion to adjourn to Closed Executive Session pursuant to the Missouri Open Meeting Act exemptions 610.021(1) for Litigation and Confidential or Privileged Communications with Legal Counsel, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Councilman Wayne Beer seconded the motion.

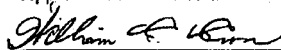
Roll Call Vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Bill Cross



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, NOVEMBER 27, 2006**

**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 13, 2006, City Council Meeting Minutes.
- 4a. **SPECIAL PRESENTATION** by Mid America Regional Council Insurance Trust (MARCIT) recognizing the City's loss control attainment.
5. **CONSENT AGENDA**

**RESOLUTION R-06-74**, authorizing acceptance of work under contract with Superior Bowen Asphalt Company, LLC, for the 2006 Mill and Overlay Program and authorizing final payment in the amount of \$15,333.37 for Project TP0701.

**RESOLUTION R-06-75**, authorizing the City Manager to purchase one 2007 Ford E-450 Chassis and remounting of an existing Patient Compartment Box for the total of \$63,525.00.

**BUILDING PERMIT:** for construction of a new commercial building located on the Tower Plaza property at 6420 North Prospect Avenue. Applicant: Homely and Associates, Inc. Owner: Northlander Properties, LLC. (BP 06-10000952)

**APPROVAL OF FINANCIAL REPORTS FOR OCTOBER 2006.**

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **PUBLIC HEARING:** on a request to rezone from R-1 (Single Family Residential) to RPCH-1 (Residential Planned Cluster Housing), and a Site Plan Revision at property located at 7312 N. Antioch Road. Applicant/Owner: Northaven Village, LLC. (File #1289)

**AUDIENCE NOTE:** This Public Hearing will be opened and immediately continued to the Monday, January 8, 2007, City Council Meeting at the request of City Staff.

10. **FIRST READING BILL 06-41**, providing that a Primary Election shall not be held, and calling a General Election for the election of one position to the Gladstone City Council on Tuesday, April 3, 2007, 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. Other business.
12. Questions from the News Media.
13. Adjournment.





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

**MONDAY NOVEMBER 27, 2006**

**PRESENT:** Mayor Bill Cross  
Mayor Pro Tem Les Smith  
Councilman Carol Rudi  
Councilman Mark Revenaugh

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Councilman Wayne Beer

Mayor Bill Cross opened the Regular November 27, 2006, 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 NOVEMBER 13, 2006, CITY COUNCIL MEETING MINUTES.**

Councilman Mark Revenaugh moved to approve the Regular November 13, 2006, City Council Meeting Minutes as presented. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0).

**Item 4a. on the Agenda. SPECIAL PRESENTATION** by Mid-America Regional Council Insurance Trust (MARCIT) recognizing the City's loss control attainment.

Mayor Cross introduced MARCIT representatives, Loss Control Manager Todd Foster and President/Chief Executive Officer Terry Norwood. Mayor Cross invited Building Official Alan Napoli, a member of the City's Safety Committee, to accept the presentation.

Mr. Foster began by wishing happy Birthday to Mayor Pro Tem Les Smith and he wished everyone happy holidays. Mr. Foster said he and Mr. Norwood were present tonight to make a fuss about the efforts the City has been making as a member of MARCIT. Mr. Foster explained for members in the audience, that MARCIT is a not-for-profit insurance organization, that works for public entities, and the City of Gladstone is one of the founding members. Mr. Foster said he has been working with Gladstone for 18 years, and he has developed some good working relationships and friendships, and is very proud of the job Gladstone is doing.

Mr. Foster reported that MARCIT has had a loss control program since the beginning, and it has evolved over the years, and it has gotten to the point that there is a lot of complex dedication that goes into making the program work. Being a public entity, a City has a lot of exposure and a lot of things have to be addressed. The loss control program involves the monitoring of over 60 different activities in which MARCIT asks each of their members to participate. Mr. Foster said basically the program requires that the City has the specified practices, policies, and training. As a member of MARCIT, there are some incentives that recognize those who go above and beyond. Mr. Foster said that Gladstone is becoming an annual stop for him, as the City is doing a really good job. Mr. Foster said each year he sits down with Human Resources Administrator Charlene Leslie and Human Resources Coordinator Pat Crooks, who drive this whole effort. At this meeting, they take a look at the City's program and compliance efforts.

Mr. Foster said he was very pleased to report in this past fiscal year the City of Gladstone received a compliance rating of 103 percent. The three percent comes from the bonus activities, which shows that Gladstone is not just doing enough to get by but is going above and beyond what is required. Mr. Foster explained that when a City meets the program qualifications, it is eligible for a return on its contributions, and in this case that is two percent of the City's total contributions. Mr. Foster pointed out that Mr. Norwood was holding a large replica check in the amount of \$21,611.00, which represents money back to the City of Gladstone in recognition of their superior efforts.

Mr. Foster stated that in 2005, MARCIT started an additional program where three percent of a premium is automatically put into a special Loss Control Credit Account, which is an addition to monies set aside for the City's safety budget. Mr. Foster said MARCIT is making sure that the City has enough money to do things right, and perhaps tackle some things that might be difficult to finance in these hard times. Since 2001, the City of Gladstone has set aside in the special credit program \$117,457.00. Mr. Foster said he was proud to see that returned to the City, as he knows the money has been spent wisely.

Mr. Foster stated he wished to recognize City Council members, as they oversee the City's activities, and if the support were not there from City Council members, this program

would not flourish. Mr. Foster said the City's success starts with City Manager Kirk Davis, and goes down to each Department Head, the Safety Committee, and every employee of the City. Mr. Foster stated that MARCIT is very proud to have Gladstone as a member, and Gladstone is a member that he can point to and say, "Yes, you can do it – look what Gladstone is doing." Mr. Foster concluded by saying he hopes this relationship continues for many years, and he is very pleased with the cooperation and efforts that are seen from Gladstone.

Mr. Norwood stated that MARCIT has approximately 40 members. Mr. Norwood reported that it is late at night for him and Mr. Foster, as they have already put in 12 hours today, but there is no fatigue in their voices, as they are delighted to be in Gladstone, because they have the opportunity to recognize those that are doing the outstanding jobs. Mr. Norwood offered congratulations to Gladstone's entire organization, and stated he and Mr. Foster are not appearing at about half of their members' Council Chambers, so this is not something that is done as a matter of course. There are objective findings that demonstrate what savings there are. Mr. Norwood said at the December 6, Board Meeting, discussion will be held about the return of one million dollars to the members. Gladstone should also see a significant return, which only comes from good work like this. Mr. Norwood offered his congratulations to the City for their good work.

Mayor Cross thanked Mr. Foster and Mr. Norwood, and said he would mention at the Mid-America Regional Council Board meeting, tomorrow, that Mr. Foster and Mr. Norwood went the extra mile to visit a Gladstone City Council meeting to personally make this presentation.

**Item 5. on the Agenda.**

**CONSENT AGENDA**

Following the Clerk's reading, Mayor Pro Tem Les Smith asked that the Building Permit for the Tower Plaza property at 6420 North Prospect Avenue be removed from the Consent Agenda for consideration as Item 5a. under the Regular Agenda.

Councilman Carol Rudi moved to approve the Consent Agenda as amended. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-06-74**, authorizing acceptance of work under contract with Superior Bowen Asphalt Company, LLC, for the 2006 Mill and Overlay Program and authorizing final payment in the amount of \$15,333.37 for Project TP0701. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-06-75**, authorizing the City Manager to purchase one 2007 Ford E-450 Chassis and remounting of an existing Patient Compartment Box for the total of \$63,525.00. Councilman Mark Revenaugh seconded.

The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0).

Councilman Carol Rudi moved to approve the **FINANCIAL REPORTS FOR OCTOBER 2006**. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0).

## **REGULAR AGENDA**

**Item 5a. on the Agenda.** **BUILDING PERMIT:** for construction of a new commercial building located on the Tower Plaza property at 6420 North Prospect Avenue. Applicant: Homely and Associates, Inc. Owner: Northlander Properties, L.L.C. (BP 06-10000952)

Mayor Pro Tem Les Smith moved to approve a **BUILDING PERMIT:** for construction of a new commercial building located on the Tower Plaza property at 6420 North Prospect Avenue. Applicant: Homely and Associates, Inc. Owner: Northlander Properties, LLC. (BP 06-10000952). Councilman Carol Rudi seconded.

Mayor Pro Tem Smith asked, for clarification, if the top elevation on the plan sheet is actually the west elevation.

Building Official Alan Napoli said that was correct, it is the west side.

Mayor Pro Tem Smith stated the City Council promised the residents in this area that they were going to see very nice looking buildings that would be "residential" in nature, and he wants to be certain that comments are passed along to the architect and developer that, in his opinion, with this building, they have met that intent of City Council. Mayor Pro Tem Smith said one question he did have is at the rear of the building, where the air conditioning units are to be located, and will be facing to the west, he could not determine the top of the wall elevation of the retaining wall behind that area, and asked if those air conditioning units will be sufficiently screened by the wall.

Mr. Napoli replied the retaining wall is not on these plans, because the retaining wall was done earlier, but he will contact the architect and engineer and have them verify the height of the wall. Mr. Naploi said the units should not be visible from the street, but he will verify that before moving forward with these plans.

The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0).

**Item 6. on the Agenda.**

**COMMUNICATIONS FROM THE AUDIENCE.**

**Phil Kline, 6008 North Main**, said he has been a resident of Gladstone for about ten years, and has worked in the City as a land surveyor for 25 years. Mr. Kline said about two years ago his wife went to Pets Mart to buy dog food and came back with a rescue dog, which is a pit bull. Mr. Kline said he realizes this issue is not on tonight's agenda, and he will come back and address the pit bull issue further when the time is appropriate, but he would like to say that he commends City Council members for considering not doing an outright ban on any breed of dog. Mr. Kline said he believes this is wise and fair. Mr. Kline said he wished to point out that his dog is not any more dangerous than another dog with its same muscular power, size, and weight. Mr. Kline stated he is one of the good guys, and his dog is spayed, has been trained, and goes to doggy daycare once a week to play with other dogs - his dog is socialized and is not aggressive to humans or other animals. The dog even gets along with his cat.

Mr. Kline said he presented to the City Counselor some Ordinances from another county and the Ordinance from the state of Illinois, which won't apply exactly here. Mr. Kline pointed out that basically those Ordinances give Animal Control a great deal of power and latitude in determining what dog is dangerous and vicious, and there are means of appealing if a dog is determined to be dangerous or vicious. No dog, because of its breed or size, is determined to be dangerous or vicious until its behavior shows it to be so. Mr. Kline said this is what he would like City Council members to consider, and he will write a detailed letter to each Councilman, so as not to take any more time this evening.

Mayor Cross thanked Mr. Kline for his remarks.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Mark Revenaugh** congratulated Charlene Leslie and her staff on the recovery of the \$21,600 in insurance premiums, which is a nice amount of money. Councilman Revenaugh expressed "good job" to Ms. Leslie on a job well done. It shows the City's programs are working, the City is saving money and being efficient, and most importantly is saving taxpayers' money. Councilman Revenaugh congratulated Sergeant Richard King and Public Safety Director Bill Adamo on the re-accreditation they just received for the Public Safety Department. This shows what a progressive, forward-moving City we have, and it shows that all City staff is really on the ball and pulling in the right direction. Councilman Revenaugh congratulated Mayor Pro Tem Smith on his soon impending 50<sup>th</sup> birthday.

**Councilman Carol Rudi** congratulated the Human Resources Department and all the City staff who have worked hard on the loss control programs. Councilman Rudi extended sympathy to Ms. Leslie's family on the death of her brother-in-law.

Councilman Rudi congratulated Mayor Cross on an excellent Mayor's Holiday Tree Lighting event. Councilman Rudi said it was a wonderful program and event, and

encouraged anyone who has not given money to the Mayor's Holiday Tree fund to do so. Money is still being accepted. The money will go to the Northland Christmas Store and Neighbors Helping Neighbors.

**Mayor Pro Tem Les Smith** stated he wished to echo the congratulations offered by his colleagues, and said he also wished to thank everyone for having fun at his expense this evening (in regard to his birthday). Mayor Pro Tem Smith asked Mayor Cross to thank his wife, Mary for the wonderful birthday cake this evening. Mayor Pro Tem Smith said he wished to thank his dear friend, Laura Gay, who brought birthday cake for everyone, and stated she is missed in the City, and extended a "good job" to her young son, Sam.

**Mayor Bill Cross** said it was nice to see Ms. Gay at this meeting, and he hopes to see her at other meetings in the future. Mayor Cross stated he would have a final report to give later, but at this moment, the Mayor's Holiday Tree Lighting Ceremony has raised over \$11,000.00, which is a record. Mayor Cross said three couples helped to install the tree before 8:00 AM one morning. The Ahnfeldts and the Swensons, who have helped in past years, were joined by the Houlihans, who were on hand to help this year. Mayor Cross thanked them along with special thanks to the Parks and Recreation staff under the leadership of Parks and Recreation Director Sheila Lillis. Mayor Cross thanked the choirs who did a great job, and Bryan Busby and the Channel 9 News who did their best to have the event shown on TV several times. Mayor Cross said he was thrilled when two of his grandchildren got to flip the switch on the lights for the Holiday Tree. Mayor Cross said First Bank of Missouri and Hy-Vee were great contributors, which he very much appreciated, and he appreciates the support of all the businesses.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

On behalf of City Manager Kirk Davis, Mr. Sam Gay reported there were no comments at this time.

**Item 9. on the Agenda.**

**PUBLIC HEARING:** on a request to rezone from R-1 (Single Family Residential) to RPCH-1 (Residential Planned Cluster Housing), and a Site Plan Revision at property located at 7312 N. Antioch Road. Applicant/Owner: Northaven Village, LLC. (File #1289)

**Mayor Pro Tem Smith** opened the Public Hearing and immediately closed the Public Hearing, which is continued to the Monday, January 8, 2007, City Council Meeting at the request of City Staff.

**Item 10. on the Agenda.**

**FIRST READING BILL 06-41**, providing that a Primary Election shall not be held, and calling a General Election for the election of one position to the Gladstone City Council on Tuesday, April 3, 2007, 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 Carol Rudi moved to place Bill 06-41 on First Reading. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 06-41, Waive the Rule and place the Bill on Second and Final Reading. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of Bill 06-41 and enact the Bill as Ordinance 4.018. Councilman Mark Revenaugh seconded.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (4-0)

**Item 11. on the Agenda.      OTHER BUSINESS.**

There was no other business.

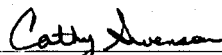
**Item 12. on the Agenda.      QUESTIONS FROM THE NEWS MEDIA.**


There were no questions from the News Media.

**Item 13. on the Agenda.      ADJOURNMENT.**

There being no further business to come before the November 27, 2006, Gladstone Regular City Council Meeting, Mayor Bill Cross adjourned the regular meeting.

Respectfully submitted:

  
Cathy Swanson, City Clerk

Approved as submitted: 

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

  
Mayor Bill Cross



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, DECEMBER 11, 2006**

The Gladstone City Council will meet in Closed Executive Session on Monday, December 11, 2006 starting at 5:30 PM in the City Manager's office, Gladstone City Hall, 7010 N Holmes.

The Executive Session is closed pursuant to the Missouri Open Meeting Act Exemptions under Section 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and Section 610.021 (2) for Real Estate Acquisition, and 610.21(3) for Personnel Discussion.

City Council may reconvene the Closed Executive Session immediately following the Regular Meeting.

The Closed Executive Session will be immediately followed by an:

**OPEN STUDY SESSION: 6:15 PM**

**REGULAR MEETING: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular November 27, 2006, City Council Meeting Minutes.

**REGULAR AGENDA**

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



8. **COUNCIL CONSIDERATION OF A SIGN VARIANCE** for Van Chevrolet/Cadillac located at 100 NW Vivion Road. Applicant: JRMA Architects, Inc. Owner: Van Chevrolet/Cadillac.
9. **RESOLUTION R-06-76**, authorizing execution of Amendment Four to the Master Agreement for professional services with Olsson Associates, Inc. in the total amount not to exceed \$24,160.00 for the Design of the North Oak Trafficway Water Main Replacement Project.
10. **APPROVAL OF LIMITED ONE DAY LIQUOR BY THE DRINK LICENSE** to Oakhill Day School, 7019 North Cherry, for the annual auction event on Saturday, March 3, 2007, Hours: 5:30 PM - 12:00 Midnight. Managing Officer: Ms. Jeanette Hoy.
11. Other business.
12. Questions from the News Media.
13. Adjournment.



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

**MONDAY, DECEMBER 11, 2006**

**PRESENT:** Mayor Bill Cross  
Mayor Pro Tem Les Smith  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilman Mark Revenaugh  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Bill Cross opened the Regular December 11, 2006, 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.

Mayor Cross introduced Boy Scouts from Troop 992, sponsored by Church of the Cross, as follows:

Life Scout Tyler Sole, an 8<sup>th</sup> grade student at New Mark Middle School  
1<sup>st</sup> Class Scout Nicholas Espeland, 6<sup>th</sup> grade student at New Mark Middle School  
Scout Leader Kim Sole

Mayor Cross thanked Ms. Sole for bringing the Scouts to the meeting and invited them to attend any time and if they would like, they are welcome to lead the Color Guard at a future meeting.

**Item 4. on the Agenda.**      **APPROVAL OF THE REGULAR NOVEMBER 27, 2006, CITY COUNCIL MEETING MINUTES.**

Councilman Mark Revenaugh moved to approve the Regular November 27, 2006, City Council Meeting Minutes as presented. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

**REGULAR AGENDA**

**Item 5. on the Agenda.**      **COMMUNICATIONS FROM THE AUDIENCE.**

**John Garner, 111 Heatherton Court,** stated he provided a letter to City Council members, which defined in his opinion, a dangerous dog. Mr. Garner suggested that instead of a dangerous dog Ordinance, the City consider passing a dangerous animal Ordinance. Mr. Garner read from the letter as follows:

*A Dangerous Animal Defined.*

- 1. Whether on public or private property, any animal when unprovoked engages in any behavior that requires a defensive action by any person to prevent bodily injury.*
- 2. Any animal when unprovoked bites a person or domestic animal and causes injury.*
- 3. Any animal when unprovoked on any occasion, has killed, severely bitten, inflicted injury or otherwise caused severe injury to any person or domestic animal.*
  - a. Severe injury means any injury on a human or domestic animal that results in muscle tears or disfiguring lacerations or requires multiple sutures, corrective or cosmetic surgery.*

Mr. Garner said he feels his definition covers not just dogs, but also cats, snakes, such as a Boa Constrictor, or any other animal. Mr. Garner continued reading his letter as follows:

*Dangerous Animal Defined.*

*Any animal that when unprovoked: (a) inflicts a bite on a human or domestic animal either on private or public property; (b) chases or approaches a person upon the street, sidewalk or any public grounds in a menacing fashion or apparent attitude of attack or any animal with a known propensity, tendency, or disposition to attack unprovoked to cause injury or otherwise to threaten the safety of humans or a domestic animal.*

Mr. Garner suggested City Council not ban a specific breed but replace the language with the word "animal" and include the language he read. Mr. Garner said he is very much in favor of requiring cats to be licensed. Mr. Garner suggested that if 2,000 cats were

registered, with licenses at \$20 per cat, that would provide \$40,000 of revenue for the City per year. Perhaps a temporary worker could be employed for that kind of money.

Mr. Garner stated that in the draft Ordinance, under Section 2.105.010, there are some places where it just reads "dog", and it should include "dangerous animal". Mr. Garner said he has a Cocker Spaniel. If he had a rabies shot for his dog on January 26, of this year, that rabies shot would still be good for him to get his dog's license as of the first or second of January of the next year. Mr. Garner said he feels the vaccination should be required within a 30 to 60 day period of the license actually being renewed. Mr. Garner suggested that the vaccination also state that the animal is in good health, because if a person is going to take on the responsibility of owning a pet, they should at least see the veterinarian. Mr. Garner said some veterinarians will just give the shot, and not listen to the heartbeat, check the dog's lungs, or anything else. A pet owner should be responsible enough to have the dog checked, and it should be stated on the health certificate that the dog is in good physical condition.

Mr. Garner stated under another section, it is stated that anyone over the age of 70 years old is exempt from licensing a dog. Mr. Garner stated he would like that also to be the same for cats, and not to exempt anyone from paying for a license, because if a person is responsible and wants to own a pet, then they should be able to pay the money to license their pets. The City would also pick up revenue from that. Mr. Garner said last year he came into City Hall to register his pet, and he is not 65 years of age, although his wife is, and he did not have to pay the \$20. Mr. Garner said he would have paid it, but if the Ordinance is there, why not take advantage of it? This extra revenue might be enough to hire an extra animal control officer or the person to fill out the extra paperwork if cats are registered, which also would take care of the feral cat issue in Gladstone.

Mr. Garner said in Section 2.105.040, he feels it should read "animal owner" not "dog owner". Mr. Garner said he supports the insurance level going to at least one half million dollars if not a million dollars. Mr. Garner said his insurance company will write it, and he carries one half million dollars in liability insurance now and it is all covered. Mr. Garner stated in one section it mentions birth of offspring. Mr. Garner said in another section it is stated that if an animal were determined to be dangerous, that the animal must be spayed or neutered, so there would be no need for the other part to take effect.

Mr. Garner said he does want to see cats included in the Ordinance, and if anyone calls with a concern, they should have enough concern to show up in public and voice their opinions.

Mayor Cross thanked Mr. Garner for the time he spent on researching his comments and for attending the meeting. Mayor Cross said he does not know if Council always agrees with Mr. Garner, but his attendance is appreciated, and Staff will look into his suggestions.

**Leo Cheney, 202 Point Drive**, said he is the President of the Home Association for Claymont Pointe, and in September 2005, he received a "Gladstone Reporter" magazine,

that had an article about Gladstone updating streetlights. Mr. Cheney said he called the phone number in the article, and someone said fine, there was money to do that. Mr. Cheney said a lot of this he is telling to City Council has already been solved tonight, but he wants to get this in the record. Mr. Cheney said he did fill out the form he was sent, and mailed it, which was September 30, 2005. With the help of the City Manager this evening, who introduced him to Public Works Director Chuck Williams, Mr. Williams is going to get back with Mr. Cheney on this issue.

Mr. Cheney said while he was at the meeting, he wanted to mention that there is a water leak on North Belleview, the street that runs up to the Water Treatment Plant. The leak is in the middle of the street. Mr. Cheney said approximately 2 to 3 months ago a leak was fixed in the area by the Gladstone Water Department. A band was put on a 10-inch water main. Mr. Cheney said he suspects that water main may be leaking again and running under the street. Mr. Cheney said his wife did call the Water Department, and the lady she talked to argued with his wife and said the leak was in Kansas City and not Gladstone. His wife was told to call Kansas City. Mr. Cheney said someone in the Water Department does not know our City's boundaries, but Mr. Williams will also take care of that.

**Phil LaCapra**, said he lives in the same addition as Mr. Cheney. Mr. LaCapra asked if Gladstone has an Ordinance against dogs leaving waste in people's lawns.

Councilman Beer said there is an Ordinance that says the dog's waste must be picked up by the dog's owner.

Mr. Cheney said their Home Owners Association says a resident cannot own a dog without the Board's permission, but it's pretty hard when someone buys a house and they have a dog. They cannot tell them to sell their house or kill the dog. Mr. Cheney said they tell them what they have to do with the dog; and to carry a bag along to pick up the dog's waste. Mr. Cheney said he hasn't caught anyone not doing this. He has talked to people who don't live in the addition, and walk their dogs on the public street in their area. Mr. Cheney said he cannot tell people they cannot walk in there, but he does ask them to be sure they pick up their dog's waste. Mr. Cheney said nobody walks more in his neighborhood than he, because he is the Homeowners' Association President, and he is a little nosy to see what is going on. They maintain everything outside of the houses. Mr. Cheney said his addition's streets were given to the City about four years ago, because they could not afford them. Mr. Cheney said there is a sign in front of the nearby professional building that says dogs are not permitted to walk in that area. Mr. Cheney asked if he would get into trouble if he put up these signs at the entrances to his development - a sign with a picture of a dog with a slash mark across it.

City Manager Kirk Davis said this is something City staff could investigate, but his first inclination is that this would probably not be effective as it is a public sidewalk and street.

Councilman Beer said since that is public property, it is hard not to allow people to walk their dogs. Councilman Beer said the Homeowners' Association may be able to control dogs getting into the yards, but he does not believe the City would have that control.

Mr. Cheney said there are no sidewalks in his development and all of the ground is common ground and belongs to every resident who lives there. It is nobody's yard - it's everybody's yard.

Mayor Pro Tem Les Smith stated he would like to share a funny story in regard to someone not knowing the location of the City's limits. Mayor Pro Tem Smith said the new Hy-Vee store on Englewood Road is on the south side of Englewood Road, so it is in Kansas City. Mayor Pro Tem Smith said a good friend of his said she went shopping there all of the time, loved that store and was providing a lot of sales tax dollars to Gladstone. Mayor Pro Tem Smith said that person was Kay Barnes, Mayor of Kansas City. She thought her Hy-Vee was in our City.

Councilman Carol Rudi stated Sergeant Richard King recommends people walking in their neighborhoods and being nosey, because that keeps down crime.

Mr. Cheney said Sergeant King has visited his area, and he is a very good man. Mr. Cheney said there were a couple of robberies in his area on Thanksgiving Day. Some time between 1:00 PM and 7:00 PM, two homes had their doors kicked in. One lady only lost fried chicken and one pork chop. The people used her microwave and went to the next house, where they stole eight guns and ate the chicken while in the house.

Councilman Rudi said Mr. Cheney stated that his home addition gave their streets to the City to maintain, because of money. Councilman Rudi asked Mr. Cheney to please remember this the next time the City needs to raise taxes or raise funds in some manner, because those streets are very expensive to maintain.

Mr. Cheney said he remembers this every time he pays his taxes.

Councilman Beer said Sam's Club for quite a long time thought they were in Gladstone, and they are not even very close. It is interesting how sometimes City boundaries can be confused.

Mayor Cross thanked Mr. Cheney and Mr. LaCapra for sharing their thoughts and ideas.

**Phil Kline, 6008 North Main**, stated he gave the City Counselor copies of a letter he wrote and he hopes each City Council member will read the letter, which is about pit bulls. Mr. Kline asked if the letter could be entered into the minutes for the meeting. Mr. Kline said he read online about the man who was attacked on two occasions early in the morning by someone who just let their pit bull run loose. Mr. Kline said he has all kinds of things to say, but he will not do that as it is all in the letter. Mr. Kline stated there is always some sort of conflict between liberty and safety. Overland Park banned pit bulls. The Police

Chief told the City Council that he could guarantee them that the City would be safer without pit bulls. Mr. Kline said the City would also be safer without any dogs over 50 pounds, and the City would be even safer with no dogs allowed at all. This is a decision that involves liberty and safety. Mr. Kline said he hopes City Council members will weigh this. Mr. Kline said one of the main principles of good governance is equality under the law. Mr. Kline said his dog is not a dangerous dog. To say that because he has a dog that is a certain breed, it is dangerous, and he as to do things that a person with a dog that was judged to be dangerous in an objective way, is not fair. Mr. Kline asked that City Council members give his letter good consideration.

Mayor Cross thanked Mr. Kline for the letter and for his comments.

City Manager Davis said if it is the Council's pleasure, that letter would be incorporated into the Meeting Minutes, as if it were read.

City Council members agreed to have the letter incorporated into the Meeting Minutes. The letter is as follows:

*An open letter from Phil Kline to the esteemed Mayor and City Council of Gladstone, MO*

*To wit:*

*I write in regard to the subject of pit bull type dogs. To an observer this subject invites examination into a vast array of thought; ranging through such subjects as the psychology of animal rescue, to change patterns in popular notions of fear.*

*While some may find subjects such as those to be highly interesting and illuminating, it is my observation that public policy debate is best focused on the areas of public safety, and philosophy of governance. The fact that I, a 60 year old man, who has enjoyed the companionship of one great dog or another all my life, experience the loving spirit of my sweet "shuggah" (a pit bull type dog) in a way that is somehow different, perhaps spiritual, almost even elemental, is, and should be of lesser concern to you, in your trust as councilpersons, than safety and governance.*

*Allow me please to first address the subject of safety. Philosophically it's true, safety and liberty, safety and quality of life, often are found to be at odds in a free society. In the debate over banning pit bulls, the police chief of Overland Park told the O.P. city council, "The simple truth is, I can not deliver as high a level of public safety with pit bulls as I can without pit bulls". This statement was the clincher, the final statement after hours of testimony. I agree Overland Park is now safer. I will however assert that Overland Park would be safer still, banning all dogs over 50 lbs., and even safer yet, with absolutely no dogs allowed; safer, not freer.*

*Dog bite statistics show that a large majority of bites come from dogs not spayed or neutered. Also unaltered male dogs are likely to try to escape, run in packs, even to fight and bite. One group of researchers report finding no record of any human fatalities inflicted by altered dogs. Mandatory spay and neuter, at the appropriate age, is an option that improves the safety of dog and man. License to breed could include inspection, even a*

class or a test on responsibility of breeders to dogs and the public. Fines and fees could support enforcement. Programs such as these are what Kansas City has moved toward recently.

Now I'd like to address the case of a Gladstone man who twice was "attacked" early in the morning by a pit bull. The dog was apparently allowed out by its owner. The man was not bitten. Was the dog dangerous, vicious, or even overly friendly? We may not have had a way of knowing. Ordinances can address such situations. As a land surveyor I can pretty well tell before I enter a yard if a dog will attack me or not. Sometimes it is apparent even with aggressive barking. Animal control officers are experienced and have a good sense as to how a dog will behave. They could investigate allegations of dangerous canine behavior, make a subjective determination, check that no violations are occurring, and if the dog is deemed dangerous, there can be both consequences and appeals. There are now programs to certify canine temperament testers, great changes in temperament and behavior can be gained through obedience schooling. If a dog is deemed dangerous, criteria for fence, insurance and handling, well beyond that for other dog owners can be instituted pending an appeal.

One of the principles of good governance is equality under the law. Race, color, creed, national origin, the law applies the same to all. It is argued that to hold the pit bull owner to a different rule of law than the Rotweiler, the German Shepherd, Chow, Doberman, or the Standard Poodle owners is a bad example of good governance.

Peety, the "Little Rascals" dog; the RCA Victor dog, "Hearing His Masters Voice", the dog of U.S. presidents and movie stars, the pit bull, once believed to be one of the best children's dogs for its mild temperament, deep loyalty and shuggah sweet kisses, is now in a battle for its life. Animal abusers taunt it to meanness and fight it for profit. The pit bull is also in a fight in every jurisdiction where it's singled out as a focal point to fear. The numbers of pit bulls euthanized are staggering. Thankfully, here in Gladstone those who serve in the halls of government have been prudent and willing to look at a wide variety of legislative options.

I hope these thoughts are of value to each of you as you seek to improve the efficiency of the animal control department, and perform your valued official functions as councilpersons.

*Phil Kline is a land surveyor and filmmaker  
living and working in Gladstone, MO.  
He may be reached by e-mail at Hand Cut Films  
handcut@kc.rr.com*

**James Pfaff, 1505 Northeast 58 Street**, stated it has been about six months since he last addressed the City Council in regard to a property at 5711 North Flora. Mr. Pfaff said his concern is in regard to the way the property is being handled and the business that is being run on the property. Mr. Pfaff said he has worked closely with Assistant City Manager Wingerson since that time to get this taken care of. Mr. Wingerson and his staff have done



a very good job of staying on top of this, and mediating with Mr. Ellis, and also helping him find an appropriate place for his business. Mr. Pfaff said Mr. Ellis has chosen to not do this. Mr. Pfaff stated that Mr. Ellis continues to operate his business, and to allow his property to devalue, which also devalues his property. Mr. Pfaff said Mr. Ellis continues on in the face of the City and of its Ordinances – he has been warned and he has been told.

Mr. Pfaff said at this point what he would like to see is that the City Attorney, the City Prosecutor and the City, itself, take him to the fullest extent of the law that is available. Not picking and choosing Ordinances, violations, or ideas that should happen, but to tell him that every portion of what he is doing is wrong, illegal, and is not what is being accepted within this City. Mr. Pfaff continued by saying that Bolling Heights is doing something that is really wonderful and he commends the City for what is being done there. Mr. Pfaff said he lives just six blocks from Bolling Heights, and this would not be allowed there. Mr. Pfaff said he grew up in Bolling Heights at 1006 NE 67 Terrace, and has lived in Gladstone since he was five years old. Mr. Pfaff said likes this City, but does not want to see the edges start crumbling into the center, and that is what he sees.

Mr. Pfaff said he passed out packets six months ago, and nothing within those packets have changed, and he has been in constant contact with Mr. Wingerson, who has done a good job in trying to bring Mr. Ellis within the law. Mr. Pfaff said at this point, he would like Mr. Ellis to be prosecuted in the manner in which he has operated outside of the law, and he has been forced to live with.

Mayor Cross asked Mr. Wingerson for an update on this issue.

Mr. Wingerson thanked Mr. Pfaff for the nice words, and said it has been a problematic, time-consuming case. Mr. Wingerson said City Council members have been briefed through their informational newsletters on the current communications with the property owner. Staff either has or will issue citations concerning the operation of the business and some of the property maintenance and nuisance activities. Mr. Wingerson said he informed Mr. Pfaff today that as he was out of town last week, he did not have a chance to check on the citations, but he will check on that and if it is not already done, it will be done tomorrow. Mr. Wingerson said he has consulted with the City Attorney as well as with one of the two City Prosecutors, so they have been briefed on the issue.

Mr. Pfaff said this sounds good; this has been going on for over 19 months now, and he believes it is time for it to finish. Mr. Pfaff said he would like to see all Ordinance violations written, not just particular ones. Mr. Ellis needs to feel the pressure.

Mayor Cross thanked Mr. Pfaff for his comments.

**Item 6. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Mayor Pro Tem Les Smith** stated that with Council's permission, he would leave the meeting at this time to attend a visitation for one of his employees, who recently passed

away. Mayor Pro Tem Smith said if he left now, he would be back in time to finish this evening's Closed Executive Session.

Mayor Pro Tem Smith said he noticed a few weeks ago an article in the Kansas City Star about the NKC Wildcats, which is a football team based here in Gladstone. Matt (Gladstone Parks and Facilities Supervisor) and Karen Hoops have run this organization for 13 years, and he thinks it would be nice if the City Clerk would draft a letter of congratulations to them for City Council members to sign. Mayor Pro Tem Smith said the NKC Wildcats won ten games and lost none this year, and won the Missouri State Championship. Mayor Pro Tem Smith suggested, jokingly, that perhaps Matt and Karen could now take charge of the Kansas City Chiefs!

**Councilman Wayne Beer** stated that he, Mayor Pro Tem Smith, Councilman Rudi, and Assistant City Manager Wingerson attended the National League of Cities Conference in Reno, Nevada this past week. Councilman Beer said they all worked very hard. This was a very intense conference with a lot of good, and new things for the City that will be directly applicable to us. Councilman Beer said he appreciated that they were able to attend this conference and work as hard as they did.

**Councilman Carol Rudi** stated the National League of Cities Conference was an excellent conference and she came back with lots of work for Staff.

Councilman Rudi said she understood today is City Counselor Ramsay's birthday. Councilman Rudi wished Mr. Ramsay a happy birthday.

**Councilman Mark Revenaugh** had no comments at this time.

**Mayor Bill Cross** stated he, Councilman Revenaugh, and City Manager Davis are glad that they sent such a very worthwhile group to the National League of Cities Conference to cover for them, as they could not attend. Mayor Cross said he was sorry not to attend; he has attended for six consecutive years, but was not able to attend this year. Mayor Cross said they did represent the City at the Gladstone Area Chamber of Commerce Banquet, which was very worthwhile, and he appreciated the opportunity to attend this event.

#### **Item 7. on the Agenda.**

#### **COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reported there would be a special City Council meeting, with an Open Study Session at 5:00 PM, on December 18, 2006. There will be no City Council meeting on December 25<sup>th</sup> or December 26<sup>th</sup>, so the next regularly scheduled City Council meeting will be in January 2007. City Manager Davis stated if City residents have a Christmas tree to dispose of, the Christmas tree drop-off will be at the Public Works site, 4000 NE 76 Street, and residents are welcome to drop off their Christmas trees for disposal at that location after Christmas.

**Item 8. on the Agenda.****COUNCIL CONSIDERATION OF A SIGN**

**VARIANCE** for Van Chevrolet/Cadillac located at 100 NW Vivion Road. Applicant: JRMA Architects, Inc. Owner: Van Chevrolet/Cadillac.

Assistant City Manager Scott Wingerson stated this sign variance has to do with Van Chevrolet/Cadillac, for whom a building permit was approved in July 2006. The site is being renovated and the building is also being renovated. Mr. Wingerson stated our City's Sign Ordinance prohibits the use of a pole sign; however, it can be approved by the City Council for a specific location and a specific use, which is the request of Van Chevrolet/Cadillac this evening. Mr. Wingerson said due to the nature of the business, which is high volume car sales, and the location of business at the intersection of two State routes, Vivion Road and the I-29/169 split, Staff thinks this is not the worse request presented to City Council.

Mr. Wingerson said information is enclosed in the plan provided to City Council members; however, he would like to highlight some items. Mr. Wingerson pointed out that just to the south, or at the bottom of the page from the proposed location for the pylon sign, is the City limit line. The sign is barely in the City of Gladstone. Moving it further to the south is an option; however, that sign would be located in Kansas City, Missouri. Mr. Wingerson said Kansas City has expressed two concerns to the Van Chevrolet/Cadillac owners. One concern is that moving the sign that far forward will require a setback variance and a second concern is that Kansas City has no incentive in that variance as the economic activity from this property is located in Gladstone and not in Kansas City. Building Official Alan Napoli has implemented an agreement for our City to perform the inspection and building services for that portion of Kansas City, on their behalf. Mr. Wingerson said there was a representative present for the approval request.

**Brian Schaffer**, stated he represented Van Chevrolet/Cadillac, and began by saying he believed the existing sign was grandfathered in at this site.

Mr. Wingerson said the current pylon sign is located on the east side, just to the front of the building, in the City of Gladstone. The renovation causes the removal of the existing sign. The existing sign would be grandfathered in under our City's provisions, but the moving of the sign is not grandfathered in.

Mr. Schaffer said basically what they are requesting is to move the sign 15 feet to the south, which would be best for the construction, and they are trying to make the site look as good as possible. Mr. Schaffer said this is the first thing one sees when they enter Gladstone, and if anyone has driven by, he believes they will agree it looks better than it ever has, and he believes it looks great. With a new driving lane, it will be difficult to make the sign retrofit from where it was before.

Councilman Beer said, as he is sure has been make clear to Mr. Schaffer by Staff, the City of Gladstone has been discouraging pole signs in the City, mainly because of the fact that many pole signs become a visual clutter. When a sign has to be moved, the City requires

that the new sign has to be a monument sign. The impetus for the Ordinance most directly had its greatest impact on North Oak Trafficway and Antioch Road, and other commercial corridors within the City, where there are many signs. Councilman Beer said his personal opinion in regard to Mr. Schaffer's request, given the size and location of the property, the proximity to two State routes, and the need for visibility, is that he is inclined to be in agreement with this request. Generally he would not be positively amenable to pole signs, but given these conditions, he would be amenable to approval.

Mr. Schaffer said the sign offers more of a chrome coating on the entire sign, with a plastic fascia on it, so it would never become old, outdated, and not looking good.

Councilman Wayne Beer moved to approve the **SIGN VARIANCE** for Van Chevrolet/Cadillac located at 100 NW Vivion Road. Applicant: JRMA Architects, Inc. Owner: Van Chevrolet/Cadillac. Councilman Mark Revenaugh seconded.

Councilman Rudi stated she has a difficult time with this request. The City changed its Sign Ordinance for a reason, and she does not like making variances for one business that City Council is not willing to make for other businesses. Councilman Rudi said the only thing that convinces her that she can vote in the affirmative for this Sign Variance, is its location near the two State routes. Councilman Rudi said what the sign is made of doesn't convince her, and the size of the property does not convince her; the location is the only thing that does convince her to vote affirmatively. Councilman Rudi said she wished the business would reconsider and install a monument sign, but she will vote in favor of this issue.

The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Bill Cross. (4-0).

**Item 9, on the Agenda.** **RESOLUTION R-06-76**, authorizing execution of Amendment Four to the Master Agreement for professional services with Olsson Associates, Inc. in the total amount not to exceed \$24,160.00 for the Design of the North Oak Trafficway Water Main Replacement Project.

Councilman Carol Rudi moved to adopt **RESOLUTION R-06-76**, authorizing execution of Amendment Four to the Master Agreement for professional services with Olsson Associates, Inc. in the total amount not to exceed \$24,160.00 for the Design of the North Oak Trafficway Water Main Replacement Project. Councilman Mark Revenaugh seconded. The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Bill Cross. (4-0).

**Item 10, on the Agenda.** **APPROVAL OF LIMITED ONE DAY LIQUOR BY THE DRINK LICENSE** to Oakhill Day School, 7019 North Cherry, for the annual auction event on Saturday, March 3, 2007, Hours: 5:30 PM - 12:00 Midnight. Managing Officer: Ms. Jeanette Hoy.

Councilman Carol Rudi moved to approve a **LIMITED ONE DAY LIQUOR BY THE DRINK LICENSE** to Oakhill Day School, 7019 North Cherry, for the annual auction event on Saturday, March 3, 2007, Hours: 5:30 PM - 12:00 Midnight. Managing Officer: Ms. Jeanette Hoy. Councilman Mark Revenaugh seconded.

Councilman Wayne Beer said that as his wife is Head of School at Oakhill Day School, although in this particular case he cannot imagine there would be either a positive or negative financial influence on his vote, he still deemed it necessary to abstain from the vote.

The vote: "Aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, and Mayor Bill Cross. "Abstain" – Councilman Wayne Beer. (3-0-1).

**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.

**Item 13. on the Agenda.**      **ADJOURNMENT.**


There being no further business to come before the December 11, 2006, Gladstone Regular City Council Meeting, Mayor Bill Cross adjourned the regular meeting.

Councilman Wayne Beer moved to adjourn to Closed Executive Session pursuant to the Missouri Open Meeting Act exemptions 610.021(1) for Litigation and Confidential or Privileged Communications with Legal Counsel, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Councilman Carol Rudi seconded the motion.


Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Bill Cross. (4-0).

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Bill Cross



**SPECIAL CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, DECEMBER 18, 2006**

The Gladstone City Council will meet in Closed Executive Session on Monday, December 18, 2006 starting at 4:00 PM in the City Manager's office, Gladstone City Hall, 7010 N Holmes.

The Executive Session is closed pursuant to the Missouri Open Meeting Act Exemptions under Section 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and Section 610.021 (2) for Real Estate Acquisition, and 610.21(3) for Personnel Discussion.

City Council will reconvene the Closed Executive Session immediately following the Regular Meeting.

The Closed Executive Session will be immediately followed by an:

**OPEN STUDY SESSION: 5:00 PM**

**REGULAR MEETING: 6:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Presentation of Mayor Holiday Tree Lighting Checks to The Northland Christmas Store and Neighbors Helping Neighbors.

**REGULAR AGENDA**

5. Communications from the Audience.
6. Communications from the City Council.

7. Communications from the City Manager.
8. **RESOLUTION R-06-77**, adopting an amendment to the Employee Handbook, formerly known as the Personnel Manual, for the City of Gladstone, Missouri.
9. **RESOLUTION R-06-78**, adopting the 2007 State Legislative Program for the City of Gladstone, Missouri.
10. Other business.
11. Questions from the News Media.
12. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
ADJOURNMENT TO A CLOSED EXECUTIVE SESSION  
GLADSTONE, MISSOURI  
MONDAY, DECEMBER 11, 2006**

**PRESENT:**

Mayor Bill Cross  
Mayor Pro Tem Les Smith  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilman Mark Revenaugh

City Clerk Cathy Swenson

Mayor Bill Cross opened the City Council Meeting to adjourn to a Closed Executive Session on December 11, 2006, at 5:30 PM.

Councilman Carol Rudi made a motion to adjourn to Closed Executive Session pursuant to the Missouri Open Meeting Act Exemptions under Section 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and Section 610.021 (2) for Real Estate Acquisition, and 610.21(3) for Personnel Discussion. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0).

Mayor Cross adjourned the Closed Executive Session.

Respectfully submitted:

Cathy Swenson  
Cathy Swenson, City Clerk

Approved as submitted: ☒

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

Les Smith Mayor Pro Tem  
Bill Cross Mayor





**MINUTES  
CITY COUNCIL MEETING  
ADJOURNMENT TO A CLOSED EXECUTIVE SESSION  
GLADSTONE, MISSOURI  
MONDAY, DECEMBER 18, 2006**

**PRESENT:** Mayor Bill Cross  
Mayor Pro Tem Les Smith (arrived after the Closed executive Session began).  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilman Mark Revenaugh

Human Resources Administrator Charlene Leslie


Mayor Bill Cross opened the City Council Meeting to adjourn to a Closed Executive Session on December 18, 2006, at 4:00 PM.


Councilman Mark Revenaugh made a motion to adjourn to Closed Executive Session pursuant to the Missouri Open Meeting Act Exemptions under Section 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and Section 610.021 (2) for Real Estate Acquisition, and 610.21(3) for Personnel Discussion. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Bill Cross. (4-0).

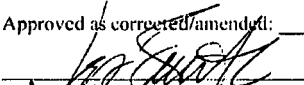
Mayor Cross adjourned the Closed Executive Session.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

Approved as corrected/amended:

  
Mayor Pro Tem Les Smith for Mayor Bill Cross



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

**MONDAY, DECEMBER 18, 2006**

**PRESENT:** Mayor Bill Cross  
Mayor Pro Tem Les Smith  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilman Mark Revenaugh  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Bill Cross opened the Special December 18, 2006, 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. PRESENTATION OF MAYOR HOLIDAY TREE LIGHTING CHECKS TO THE NORTHLAND CHRISTMAS STORE AND NEIGHBORS HELPING NEIGHBORS.**

Mayor Cross presented a check for \$8,471.43 to Parks and Recreation Director Sheila Lillis, who accepted the check on behalf of the Northland Christmas Store. Mayor Cross said funds from the Mayor's Holiday Tree Lighting event total over \$13,000, which he believes is a record. Director Lillis thanked Mayor Cross, and said the money would be put to good use.

Mayor Cross presented a check for \$1,577.43 to Economic Development Administrator Melinda Mehaffy, who accepted the check on behalf of Neighbors Helping Neighbors. Ms. Mehaffy thanked Mayor Cross for the generous contribution.

Mayor Cross stated that it took the efforts of the entire City Council to raise the money through the Mayor's Holiday Tree Lighting event, which benefited the Northland Christmas Store and Neighbors Helping Neighbors. Mayor Cross said he very much appreciated all the efforts of the Gladstone Area Chamber of Commerce members, local businesses and all the residents of Gladstone. It was wonderful to see the money coming in from so many people.

## **REGULAR AGENDA**

### **Item 5. 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** wished everyone happy holidays and a safe holiday season.

**Councilman Wayne Beer** wished everyone a Merry Christmas and a Happy New Year. Councilman Beer stated as everyone will not be together again until after the holidays, he wanted to wish everyone a good and safe holiday season.

**Mayor Bill Cross** said the next regularly scheduled City Council meeting will be January 8, 2007, and Councilman Rudi informed him that January is a five Monday month, so there will an extra Monday with no City Council meeting that month. (Note: regularly scheduled City Council meetings are generally held the second and fourth Monday of each month.)

**Councilman Mark Revenaugh** had no comments at this time.

**Mayor Pro Tem Les Smith** wished everyone safe and happy holidays.

Mayor Cross extended an open invitation for everyone to visit his home for refreshments at 5:00 PM, or after work, on Thursday, December 21<sup>st</sup>. Mayor Cross said he wanted to have a Gladstone City Council "after hours get together" for City staff and others before the holidays.

### **Item 7. on the Agenda.**

### **COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis wished everyone a wonderful and safe holiday season.

**Item 8. on the Agenda.**      **RESOLUTION R-06-77**, adopting an amendment to the Employee Handbook, formerly known as the Personnel Manual, for the City of Gladstone, Missouri.

Councilman Wayne Beer moved to adopt **RESOLUTION R-06-77**, adopting an amendment to the Employee Handbook, formerly known as the Personnel Manual, for the City of Gladstone, Missouri. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

**Item 9. on the Agenda.**      **RESOLUTION R-06-78**, adopting the 2007 State Legislative Program for the City of Gladstone, Missouri.

Mayor Pro Tem Les Smith moved to adopt **RESOLUTION R-06-78**, adopting the 2007 State Legislative Program for the City of Gladstone, Missouri. Councilman Wayne Beer seconded.

Councilman Mark Revenaugh asked that the motion include information from City Counselor David Ramsay, which is an additional paragraph to be included in the Executive Summary as follows:

*The Gladstone City Council strongly supports the philosophy that "the best government is that closest to the people." Recent experience in Gladstone exemplifies the wisdom of this statement. During the last 3 to 4 years, Gladstone's citizens have been actively involved in volunteer boards and commissions, the extensive and unique public process that resulted in the Gladstone Downtown Master Plan, and the City's long-term citizen directed planning process known as "Gladstone on the Move." The City Council urges the members of the City's State Legislative Delegation to commit themselves to the philosophy of empowering local governments to govern themselves on local issues.*

Mayor Pro Tem Smith said he would agree to include that additional information in his original motion. Councilman Beer said he agreed, and would second the motion.

The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and 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.

**Item 12. on the Agenda.**      **ADJOURNMENT.**

There being no further business to come before the December 18, 2006. Gladstone Regular City Council Meeting, Mayor Bill Cross adjourned the regular meeting.

Councilman Wayne Beer moved to adjourn to Closed Executive Session pursuant to the Missouri Open Meeting Act exemptions 610.021(1) for Litigation and Confidential or Privileged Communications with Legal Counsel, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Councilman Carol Rudi seconded the motion.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Respectfully submitted:

Cathy Swanson  
Cathy Swanson, City Clerk

Approved as submitted: X

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

Mayor Pro Tem Les Smith for Mayor Bill Cross

Jan



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JANUARY 8, 2007**

**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 December 11, 2006, City Council Meeting Minutes Adjourning to Closed Executive Session.**
- 4a. **Approval of December 11, 2006, Regular City Council Meeting Minutes.**
- 4b. **Approval of December 18, 2006, City Council Meeting Minutes Adjourning to Closed Executive Session.**
- 4c. **Approval of December 18, 2006, Special City Council Meeting Minutes.**
- 4d. **PROCLAMATION:** recognizing **FIRST BANK OF MISSOURI** for their support of the community and the Mayor's Holiday Tree Lighting event.
- 4e. **PROCLAMATION:** recognizing **GLADSTONE HY-VEE** for their support of the community and the Mayor's Holiday Tree Lighting event.
- 4f. **PROCLAMATION:** recognizing **OUTBACK STEAKHOUSE** for their support of the community and the Mayor's Holiday Tree Lighting event.
5. **CONSENT AGENDA**

**RESOLUTION R-07-01**, authorizing execution of a contract with Insituform Technologies USA, Inc. for the Mill Creek CIPP Phase 2; Project SP0690.

**RESOLUTION R-07-02**, authorizing execution of a contract with AB Creative, Incorporated, in the total amount not to exceed \$52,465.00 for the Happy Rock Park Playground Replacement Project CP0655.

**RESOLUTION R-07-03**, amending the Deferred Compensation Plan for the City of Gladstone, Missouri.

**APPROVAL OF FINANCIAL REPORTS FOR NOVEMBER 2006.**

**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-1 (Single Family Residential) to RPCH-1 (Residential Planned Cluster Housing), and a Site Plan Revision at property located at 7312 N. Antioch Road. Applicant/Owner: Northaven Village, LLC. (File #1289)

**AUDIENCE NOTE:** This Public Hearing will be opened and immediately continued to the Monday, February 12, 2007, City Council Meeting at the request of City Staff.

10. **RESOLUTION R-07-04**, authorizing execution of a Professional Services Agreement with Bucher, Willis & Ratliff Corporation, in the total amount not to exceed \$145,450.00 for consultant services relative to updating the existing 1993 Comprehensive Plan.
11. **RESOLUTION R-07-05**, amending the 1993 City of Gladstone, Missouri Comprehensive Plan to incorporate and adopt the City of Gladstone, Missouri Downtown Village Center Master Plan.
12. **RESOLUTION R-07-06**, adopting a Mission Statement and Goals for the City of Gladstone, Missouri for 2006-2007.
13. **FIRST READING BILL NO. 07-01**, prohibiting picketing or other protest activities in front of or about the location at which a funeral is being held within the City of Gladstone.
14. **FIRST READING BILL NO. 07-02**, amending Schedule X of the Model Traffic Code (Gladstone Municipal Code Section 4.100.020) to install a Yield Sign at the intersection of North Baltimore Avenue and North Wyandotte Avenue for westbound traffic on North Baltimore Avenue.
15. Other business.
16. Questions from the News Media.
17. Adjournment.





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

**MONDAY, JANUARY 8, 2007**

**PRESENT:** Mayor Pro Tem Les Smith  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilman Mark Revenaugh

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Mayor Bill Cross

Mayor Pro Tem Les Smith opened the Regular January 8, 2007, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

Mayor Pro Tem Les Smith led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda. APPROVAL OF THE DECEMBER 11, 2006, CITY COUNCIL MEETING MINUTES ADJOURNING TO CLOSED EXECUTIVE SESSION.**

Councilman Carol Rudi moved to approve the December 11, 2006, City Council Meeting Minutes adjourning to Closed Executive Session. Councilman Mark Revenaugh seconded. The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0).

**Item 4a. on the Agenda.**      **APPROVAL OF THE DECEMBER 11, 2006, REGULAR CITY COUNCIL MEETING MINUTES.**

Councilman Carol Rudi moved to approve the December 11, 2006, Regular City Council Meeting Minutes. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0).

**Item 4b. on the Agenda.**      **APPROVAL OF THE DECEMBER 18, 2006, CITY COUNCIL MEETING MINUTES ADJOURNING TO CLOSED EXECUTIVE SESSION.**

Councilman Mark Revenaugh moved to approve the December 18, 2006, City Council Meeting Minutes adjourning to Closed Executive Session. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0).

**Item 4c. on the Agenda.**      **APPROVAL OF THE DECEMBER 18, 2006, SPECIAL CITY COUNCIL MEETING MINUTES.**

Councilman Wayne Beer moved to approve the December 18, 2006, Special City Council Meeting Minutes. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0).

**Agenda Items 4d., 4e., and 4f. on the Agenda.** Mayor Pro Tem Les Smith announced that **PROCLAMATIONS** recognizing **First Bank of Missouri, Gladstone Hy-Vee, and Outback Steakhouse** for their support of the community and the Mayor's Holiday Tree Lighting event would be delayed as Mayor Bill Cross was not in attendance at this meeting. Mayor Pro Tem Smith said it is very important to Mayor Cross that these Proclamations be presented, and therefore upon learning that the Mayor would not be able to attend this meeting, Mayor Pro Tem Smith visited with Mayor Cross about deferring the Proclamations until the next City Council meeting, when Mayor Cross may present them himself.

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

Councilman Wayne Beer moved to approve the Consent Agenda as presented. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-01**, authorizing execution of a contract with Insituform Technologies USA, Inc. for the Mill Creek CIPP Phase 2; Project SP0690. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman

Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-02**, authorizing execution of a contract with AB Creative, Incorporated, in the total amount not to exceed \$52,465.00 for the Happy Rock Park Playground Replacement Project CP0655. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-03**, amending the Deferred Compensation Plan for the City of Gladstone, Missouri. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0).

Councilman Wayne Beer moved to approve the **FINANCIAL REPORTS FOR NOVEMBER 2006**. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0).

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE.**

**Robert Bledsoe, 5618 NE Antioch Road**, said this is the address of Cripple Creek Rock Company, and this is the tenth year he has been in business. Mr. Bledsoe said, although he had a rocky start with his business, he was present to thank the City of Gladstone for allowing him to have a business in Gladstone. Mr. Bledsoe said that Assistant City Manager Scott Wingerson assisted him when he first opened his business, and now he will have three locations at the end of the year. Mr. Bledsoe said he loves Gladstone and the City has been a big help to him, his family, and his company.

Mr. Bledsoe said he also wanted to thank the Public Safety Department and Officer Matthews who recently did something for him. Officer Matthews is really a good officer. Mr. Bledsoe said he wanted to thank Mr. Wingerson, City Council members, and Public Safety for their good work.

Mayor Pro Tem Smith said he was around when Mr. Bledsoe first came to town, and there was a bit of skepticism when Mr. Bledsoe first began his business, because he had some very ambitious plans. Mayor Pro Tem Smith said the City is proud to have Mr. Bledsoe's business in town and he has done himself proud.

Mr. Bledsoe thanked Mayor Pro Tem Smith, and said he still lives in Gladstone and loves living here.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Mark Revenaugh** said the City has a full plate this year with all the development activities and the City's Master Plan, and he would encourage the audience to talk to their neighbors and friends to let them know that the City is actively encouraging citizen involvement in the City's Master Plan. This Master Plan will shape how the community will look going into the future, so it would be a big help to City Council members to have citizen input. Councilman Revenaugh said those in the audience can go a long way in helping the City Council to communicate that they want citizen input as to what the citizens want the community to look like in the future.

**Councilman Carol Rudi** agreed with Councilman Revenaugh's comments, and said it was refreshing to receive a thank you note from a citizen who was stopped for speeding. The officer handled the situation very well. The citizen had his young daughter with him, who was quite upset about being stopped, and the officer did a great job. Mayor Rudi said the City received an email from the citizen, thanking the officer for the way he handled this situation. Councilman Rudi said she thought this was wonderful!

**Councilman Wayne Beer** asked Public Safety Director Bill Adamo how many expressions of thanks he receives per year for tickets that are issued.

Director Adamo replied six or eight expressions of appreciation are received per year.

**Mayor Pro Tem Les Smith** stated he was visiting with a local businessman the other day, when the businessman told him he was stopped by an officer, and his cell phone rang, and he was afraid the officer would be angry. The officer said it was all right for the man to answer his cell phone, and was very nice about it.

Mayor Pro Tem Smith said he visited with Winnie Estep, Vice President of the Bolling Heights Community Link Neighborhood Association. The City has received a letter from Bolling Heights residents about a property in their area. Mayor Pro Tem Smith said the residents are looking for the City to substantiate what they are trying to do there, so he hopes Staff will continue to follow-up with the property that is in violation, even more so than just correcting the problems. The residents have been looking at this situation feeling they have done all they can do, the City has done all it can do, but is this really going to work. Mayor Pro Tem Smith said the City needs to look at making this a success.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis introduced Chris Helmer, who is the new Planning Specialist in Community Development. Mr. Helmer will be working on many of the projects that were discussed in the Open Study Session tonight, including the City's Comprehensive Plan and the downtown project. City Manager Davis welcomed Mr. Helmer, and said he feels Mr. Helmer will be a pleasure to work with and will do a good job for the City.

Councilman Rudi said Mr. Helmer will also be working on the Atkins Johnson Farm project. Councilman Rudi said this is an important project, and if anyone would like to donate money to this project, the City will be happy to provide information as to how to make a contribution.

City Manager Davis said City Hall would be closed on the Martin Luther King holiday. City Manager Davis said two long time employees would be retiring. Captain Doug Scheffner's retirement luncheon is scheduled for this Friday.

Mayor Pro Tem Smith reported that Beverly Marr is also retiring, and today the City began the 2007 Wellness Challenge.

**Item 9. on the Agenda.** **CONTINUED PUBLIC HEARING:** on a request to rezone from R-1 (Single Family Residential) to R-1 (Residential Planned Cluster Housing), and a Site Plan Revision at property located at 7312 N. Antioch Road. Applicant/Owner: Northaven Village, LLC. (File #1289)

Mayor Pro Tem Smith opened the Public Hearing and immediately continued the Public Hearing to the February 12, 2007, City Council meeting at the request of City staff.

**Item 10. on the Agenda.** **RESOLUTION R-07-04,** authorizing execution of a Professional Services Agreement with Bucher, Willis & Ratliff Corporation, in the total amount not to exceed \$145,450.00 for consultant services relative to updating the existing 1993 Comprehensive Plan.

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-04**, authorizing execution of a Professional Services Agreement with Bucher, Willis & Ratliff Corporation, in the total amount not to exceed \$145,450.00 for consultant services relative to updating the existing 1993 Comprehensive Plan. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0).

**Item 11. on the Agenda.** **RESOLUTION R-07-05,** amending the 1993 City of Gladstone, Missouri Comprehensive Plan to incorporate and adopt the City of Gladstone, Missouri Downtown Village Center Master Plan.

Councilman Carol Rudi moved to adopt **RESOLUTION R-07-05**, amending the 1993 City of Gladstone, Missouri Comprehensive Plan to incorporate and adopt the City of Gladstone, Missouri Downtown Village Center Master Plan. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0).

**Item 12. on the Agenda.** **RESOLUTION R-07-06,** adopting a Mission Statement and Goals for the City of Gladstone, Missouri for 2006-2007.

Councilman Mark Revenaugh moved to adopt **RESOLUTION R-07-06**, adopting a Mission Statement and Goals for the City of Gladstone, Missouri for 2006-2007. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0).

**Item 13. on the Agenda.** **FIRST READING BILL NO. 07-01**, prohibiting picketing or other protest activities in front of or about the location at which a funeral is being held within the City of Gladstone.

Councilman Wayne Beer moved to place Bill 07-01 on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 07-01, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 07-01 and enact the Bill as Ordinance 4.019. Councilman Carol Rudi seconded.

Mayor Pro Tem Smith commended Councilman Beer for bringing this issue forward. This Bill is all about respect and it is a shame that respect has to be legislated, but we do, and this is the right time and the right place for this action.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0)

**Item 14. on the Agenda.** **FIRST READING BILL NO. 07-02**, amending Schedule X of the Model Traffic Code (Gladstone Municipal Code Section 4.100.020) to install a Yield Sign at the intersection of North Baltimore Avenue and North Wyandotte Avenue for westbound traffic on North Baltimore Avenue.

Councilman Carol Rudi moved to place Bill 07-02 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 07-02, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of Bill 07-02 and enact the Bill as Ordinance 4.020. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0)

**Item 15. on the Agenda.**      **OTHER BUSINESS.**

There was no other business.

**Item 16. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

**Item 17. on the Agenda.**      **ADJOURNMENT.**

There being no further business to come before the January 8, 2007, Gladstone Regular City Council Meeting, Mayor Pro Tem Les Smith adjourned the meeting.

Respectfully submitted:

Cathy Swenson  
Cathy Swenson, City Clerk

Approved as submitted: ✓

Approved as corrected/amended:       

Bill Cross  
Mayor Bill Cross



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JANUARY 22, 2007**

**OPEN STUDY SESSION: 6:15 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will hold a Closed Executive Session immediately following 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 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(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 the January 8, 2007, Regular City Council Meeting Minutes.**
- 4a. **PROCLAMATION:** recognizing **FIRST BANK OF MISSOURI** for their support of the community and the Mayor's Holiday Tree Lighting event.
- 4b. **PROCLAMATION:** recognizing **GLADSTONE HY-VEE** for their support of the community and the Mayor's Holiday Tree Lighting event.
- 4c. **PROCLAMATION:** recognizing **OUTBACK STEAKHOUSE** for their support of the community and the Mayor's Holiday Tree Lighting event.
5. **CONSENT AGENDA**

**RESOLUTION R-07-07**, authorizing acceptance of work under contract with American Marking and Paving, Incorporated, for the Municipal Pool North Parking Lot; and authorizing final payments in the amount of \$9,048.47 for Project IN0614.



**RESOLUTION R-07-08**, authorizing the City Manager to pursue the National Registry of Historic Places nomination with the National Historic Preservation Office for the Atkins Johnson Farm located at 6508 North Jackson.

**APPROVAL OF A CLASS A&B LIQUOR BY THE DRINK LICENSE** for **Players Bar & Grill**, 6024 N Antioch Road. Managing Officer: Alvaro Quezada.

**APPROVAL OF FINANCIAL REPORTS FOR DECEMBER 2006.**

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
- 7a. **Board and Commission Appointments/Reappointments.**
8. Communications from the City Manager.
9. **FIRST READING BILL 07-03**, amending Title II, Chapter 105 of the City Code of Ordinances regulating the care, keeping, and licensing of animals within the City of Gladstone.
10. **FIRST READING BILL 07-04**, approving the Final Plat of Lot 2, "Tower Plaza", a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said Plat for recording.
11. **APPROVAL OF A BUILDING PERMIT:** for the construction of a commercial structure that will be occupied by Bank Liberty located at 6410 North Prospect. Applicant: W.A. Noll & Associates, Inc. Owner: Bank Liberty. (BP 06-10001064).
12. **PUBLIC HEARING:** on a request for a Site Plan Revision at property located at 6305 North Prospect Avenue. Applicant: Shafer, Kline & Warren, Inc. Owner: Eldon M. King Trust. File #1292.  
  
**AUDIENCE NOTE:** This Public Hearing will be opened and immediately continued pending receipt of a recommendation from the Planning Commission. Public Notice will be provided prior to additional City Council or Planning Commission hearings on this application.
13. Other business.
14. Questions from the News Media.
15. Adjournment.



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

**MONDAY, JANUARY 22, 2007**

**PRESENT:** Mayor Bill Cross  
Mayor Pro Tem Les Smith  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilman Mark Revenaugh  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
Executive Assistant/Acting City Clerk Diane Whitaker

**ABSENT:** City Clerk Cathy Swenson

Mayor Bill Cross opened the Regular January 22, 2007, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

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

Mayor Cross welcomed Boy Scout Troop 260, sponsored by North Cross United Methodist Church, and invited their leader Mr. Dick Hinderliter to introduce the Scouts in attendance. Mr. Hinderliter introduced Trevor Korceak, a student at Winnetonka High School; Chris Carpenter, a student at Eastgate Middle School; and Zach Glazer, a student at Winnetonka High School. The Scouts led the Pledge of Allegiance, in which all joined.

Mayor Cross thanked the Scouts for their attendance at this meeting, and encouraged them to attend future meetings.

**Item 4. on the Agenda. APPROVAL OF THE JANUARY 8, 2007, REGULAR CITY COUNCIL MEETING MINUTES.**

Councilman Wayne Beer moved to approve the January 8, 2007, Regular City Council Meeting Minutes as presented. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

**Agenda Items 4a., 4b., and 4c., on the Agenda. PROCLAMATIONS** recognizing **First Bank of Missouri, Gladstone Hy-Vee, and Outback Steakhouse** for their support of the community and the Mayor's Holiday Tree Lighting event.

Mayor Cross invited First Bank of Missouri President and Chief Executive Officer Kenneth Hollander, and Gladstone Hy-Vee Store Manager Steve Bindseil to join him in the front of the room.

Mayor Cross said he was sorry that Outback Steakhouse Managing Partner John Lillibridge was not able to be in attendance this evening; however, he and Mr. Hollander and Mr. Bindseil are not only active in the Gladstone Area Chamber of Commerce, but they go way beyond what is asked of them by their community.

Mayor Cross stated that Mr. Bindseil and Gladstone Hy-Vee had a large role in the success of the City of Gladstone's Scarecrow 5k Walk/Run, where over \$6,000 was raised for the Mayor's Holiday Tree Lighting program. Mr. Hollander and First Bank of Missouri provided a site for the Mayor's Holiday Tree, the lighting program, and the reception. Mayor Cross said both of these gentlemen are quick to respond when asked for assistance and are generous in their support of our community. Mayor Cross presented proclamations to Mr. Bindseil and Mr. Hollander, thanking them for their contributions to the Mayor's Holiday Tree Lighting program.

Mayor Cross stated that the Mayor's Holiday Tree Lighting program set a record in funds raised this year, and thanks to the assistance of Mr. Hollander and Mr. Bindseil, over \$12,000 was raised to help our community. Tim Flink and Bryan Busby of KMBC TV Channel 9 News volunteered to assist with the Mayor's Holiday Tree Lighting event, as well as a helicopter pilot from the news station. The Mayor's Holiday Tree Lighting event was aired live on the 6:00 PM KMBC TV Channel 9 News on November 21, 2006.

Mayor Cross invited everyone to watch a video of the Mayor's Holiday Tree Lighting event newscast provided by KMBC TV Channel 9 News. Following the video, Mayor Cross pointed out that the cameraman fell off the stage, and a young lady pushed him back up onto the stage, and he never missed a shot of the video. Mayor Cross pointed out that the two children turning on the Holiday Tree lights in the video are his grandchildren. Mayor Cross said on behalf of City Council members and the City, he wished to thank Mr. Hollander, Mr. Bindseil, and the many citizens who contributed to the Mayor's Holiday

Tree Lighting event, which helped to raise a record amount of money to fund such organizations as Neighbors Helping Neighbors and the Northland Christmas Store.

Mayor Cross asked Mayor Pro Tem Les Smith to conduct the rest of the City Council meeting.

Mayor Pro Tem Smith stated a few years ago Mayor Cross and his lovely wife, Mary, were responsible for the purchase of the beautiful tree that the City uses every year for the Mayor's Holiday Tree Lighting event. The City used to struggle with live trees that were usually more crooked than not. Mayor Pro Tem Smith thanked Mayor Cross, and said the tree he purchased should be around for another 100 years or so.

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

Councilman Wayne Beer moved to approve the Consent Agenda as presented. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to approve **RESOLUTION R-07-07**, authorizing acceptance of work under contract with American Marking and Paving, Incorporated, for the Municipal Pool North Parking Lot; and authorizing final payment in the amount of \$9,048.47 for Project IN0614. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to approve **RESOLUTION R-07-08**, authorizing the City Manager to pursue the National Registry of Historic Places nomination with the National Historic Preservation Office for the Atkins Johnson Farm located at 6508 North Jackson. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to approve a **CLASS A&B LIQUOR BY THE DRINK LICENSE** for **Players Bar & Grill**, 6024 N Antioch Road. Managing Officer: Alvaro Quezada. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to approve the **FINANCIAL REPORTS FOR DECEMBER 2006**. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

## REGULAR AGENDA

### Item 6, on the Agenda.

### COMMUNICATIONS FROM THE AUDIENCE.

Mayor Pro Tem Smith said that there might be some folks in the audience who wish to address the Animal Control Ordinance. Generally the City Council does not take public input, unless there is a Public Hearing, but with City Council's blessing this evening, that will be allowed, but it is asked that those comments be made under Item Number 9. on the Agenda. Mayor Pro Tem invited anyone who wished to address the Council about another item to step forward and give their name and address for the record.

**John Houlihan, 2313 NE 75 Terrace**, said he was present at the meeting on behalf of the Gladstone Parks and Recreation Advisory Board to present to Mayor Cross a piece of Gladstone history. Mr. Houlihan said last Fall, Mayor Cross took Parks and Recreation Advisory Board members on a tour of the demolition of the old outdoor municipal pool. During that tour, Mayor Cross explained how he was instrumental in the design and function of the pool, having been the pool manager for about 20 years, from roughly 1977 to 1996. Mr. Houlihan said he got the idea after the tour, having seen some of the old parts of the pool, that it might make a fitting presentation to the Mayor. Mr. Houlihan said he hoped to make the presentation during the Mayor's Holiday Tree Lighting ceremony, but time got away from him. Mr. Houlihan said over the holidays he was able to complete work on the presentation with the help of City staff, and his wife, Beth Houlihan.

Mr. Houlihan stated they salvaged an old light guard from the pool and framed it along with a plaque. The plaque reads, "Gladstone Municipal Pool Original Light Guard. Doctor Bill Cross, Mayor, first pool manager, 1977-1996. Twenty years of teaching the community's children to stay afloat", and was signed by the Gladstone Parks and Recreation Advisory Board. Mr. Houlihan said he was joined this evening by fellow Board members, Donald Harper, Roger Shannon, and Scott Peper. Mayor Cross said this past summer the City celebrated one million people who have swam at our pool. It was said 30 years ago, this pool would never make it, and no City pool ever made money, and this pool was paid off within 10 years time, because of the citizens supporting and backing our swimming pool. Mayor Cross said it was not a job, but a love for him. Mayor Cross extended a warm thank you to Mr. Houlihan and the Parks and Recreation Advisory Board members.

**Richard Hinderliter, 7143 North Norton Avenue**, said he came forward tonight not as a Scoutmaster, but as a member of the Board of Directors of the Stonebrook Estates development. Mr. Hinderliter said a couple of years ago, Gladstone approved a development at the end of Norton Avenue, which is 44 homes, with a new road going from the end of a former cul-de-sac, around through that development and coming out onto Antioch Road, at the water tower. The road is now in place. Mr. Hinderliter said members of his development were concerned at that time that there would be a lot of construction

traffic going up and down their road. There are families with little children living on Norton Avenue that go up Norton Avenue to 72<sup>nd</sup> Street every day to catch the school bus. The children play in their yards, as to be expected.

Mr. Hinderliter said their concerns with the construction traffic were met with assurances that the construction vehicles would all go out on North Antioch Road, and not come down Norton Avenue. Based on that, the development was approved; however, they have started one house out of the 44, and already there have been four 18-wheeler dump trucks at a time traveling on Norton Avenue. There have been cement mixer after cement mixer barreling down the street, well above the 25-mile per hour speed limit. Mr. Hinderliter said they feel this is a problem for the neighborhood children.

Mr. Hinderliter said he does not like to present a problem for which he does not have a solution. On 70<sup>th</sup> Street and North Oak Trafficway, there is a sign that says "no construction traffic", so the construction people going to the Community Center won't be going back and forth in front of City Hall. Mr. Hinderliter said he would ask that the children in his neighborhood be given that same consideration, and a "no construction traffic" sign be erected at the boundary between his development and the new development, and also at 72<sup>nd</sup> Street, coming into his development, so the construction traffic would be channeled out onto Antioch Road, as it was promised by Council when the development was approved.

Mayor Pro Tem Smith said Mr. Hinderliter is correct, and he and Assistant City Manager Scott Wingerson had a conversation about this 2 or 3 weeks ago.

Mr. Wingerson agreed, and said he has been in touch with the Peterson Company, and they are advising all builders in The Preserve development to use the Antioch Road entrance, and this morning they indicated they are processing the ability to install the signs that Mr. Hinderliter just mentioned. Hopefully, all of these things will be accomplished in the very near term.

Mayor Pro Tem Smith asked if the signs are not effective, what is the next step? Mr. Hinderliter is exactly right; these folks were told this was not going to happen, and if it is happening, how do we stop it?

Mr. Wingerson said the original Ordinance requires the development construction traffic to not use North Norton, but now that the street is open to the general public, it becomes a little more difficult. Mr. Wingerson said the first call he received on this matter was from a resident of Stonebrook Estates, who asked the City to please not close that street, because she uses it as a "cut through" now. There are people using the street to access their homes; although, the concern of the heavy construction builder traffic is more important than a "cut through" for the time being. Mr. Wingerson said, with Council's permission, City staff will continue to work with the Peterson Company, continue to monitor the situation, and make it as bearable as possible during home construction.

Councilman Mark Revenaugh asked if this is the road with a roundabout or circle in the road.

Mr. Hinderliter said there is a circle in the road.

Councilman Revenaugh asked if it is slowing down the construction trucks.

Mr. Hinderliter replied that the construction trucks do not go past the circle if they come down his street, but if they go out onto Antioch Road, they go past the circle. It is at the Antioch end of the road. Mr. Hinderliter said he does not believe the circle is the problem, the construction trucks are just taking a shortcut, especially the Geiger cement trucks. It is shorter for them to go up to 72<sup>nd</sup> Street and back, than it is to go out to Antioch and back.

Mayor Pro Tem Smith said it has been seen what the constant construction traffic has done to the roads near City Hall, and if they are traveling through Stonebrook Estates, on residential streets, with heavy truck traffic, and if those streets fall apart, who will be making those repairs? There are a couple of issues with this situation, but the main issue is that these folks were told by the City that the construction traffic would be controlled, and we need to control it.

Mr. Hinderliter said the road was just repaved last year, and the construction trucks are not helping the road at all.

Councilman Carol Rudi said if she lived on this street, she would make note of the license plate numbers.

Mr. Hinderliter said the next time he sees construction trucks on his street, he will not only make note of the license plate numbers, but he will also take pictures with his digital camera. Mr. Hinderliter said as he was present at this meeting, he thought he would bring this issue up to see if signs might be installed. He does not think the construction companies are trying to be mean, and his area wants to be good neighbors with their neighbors in the new development, but this is a concern, and if the signs are installed and there is still a problem, he will be back before City Council.

Mr. Wingerson said he would talk to the Peterson Company tomorrow and encourage them to have the signs installed by the end of the week, and then monitor the situation. Mr. Wingerson said he would talk to Mr. Hinderliter after he speaks to the Peterson Company to let him know what to expect.

Mr. Hinderliter thanked Mr. Wingerson and City Council members for their assistance.

**Item 7. on the Agenda.**      **COMMUNICATIONS FROM THE CITY COUNCIL.**

Councilman Mark Revenaugh had no comments at this time.

**Councilman Carol Rudi** had no comments at this time.

**Councilman Wayne Beer** had no comments at this time.

**Mayor Bill Cross** stated that after our recent snowstorm, Gladstone was the first to have their streets cleaned – another job well done. Mayor Cross said he hoped that City Manager Kirk Davis mentions to City staff what a good job they did.

**Mayor Pro Tem Les Smith** had no comments at this time.

**Item 7a. on the Agenda.**      **Board and Commission Appointments/Reappointments.**

Councilman Carol Rudi moved that the following list of Appointments and Reappointments to the City's Boards and Commissions be approved. Councilman Wayne Beer seconded.

**PLANNING COMMISSION**

**TERM EXPIRATION**

Reappointment	Anita Newsom	December 2010
Reappointment	Mike West	December 2010
New Appointment	Bill Garnos	December 2010
New Appointment	Nina Babich	December 2010

**CAPITAL IMPROVEMENTS PROGRAM**

New Appointment	Summer Austin	December 2009
New Appointment	Mark Bertholf	December 2009

**CODE BOARD OF APPEALS**

Reappointment	Roger Buckner	December 2009
Reappointment	Ken Christeson	December 2009
New Appointment (electrical)	Dennis Garrison	December 2009
Vacant (plumbing)		

**GLADSTONE INDUSTRIAL DEVELOPMENT AUTHORITY**

Reappointment	Gene Williams	December 2012
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**PARKS AND RECREATION ADVISORY BOARD**

Reappointment	John Houlihan	December 2009
Reappointment	Freddie Nichols	December 2009



**CABLE TV ADVISORY BOARD**

Reappointment	Bob Lohmeyer	December 2009
Reappointment	Tim Robertson	December 2009

**GLADSTONE RECYCLING AND SOLID WASTE COMMITTEE**

Reappointment	Burt Comstock	December 2009
Reappointment	Bill Stone	December 2009
New Appointment	James Austin	December 2009
New Appointment	George Smith	December 2009

**TAX INCREMENT FINANCING (TIF)**

Reappointment	Pete Hall	January 2011
Reappointment	Jean Moore	January 2011

The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Mayor Pro Tem Smith stated that although it does not need an official appointment at this time, there are three or four other people who were interviewed by City Council members that are being asked to participate heavily in the City's Comprehensive Plan review. It is not a committee that needs an official appointment, but when the time comes, these people will be invited to take a leadership role in that process.

**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 07-03**, amending Title II, Chapter 105 of the City Code of Ordinances regulating the care, keeping, and licensing of animals within the City of Gladstone.

Councilman Carol Rudi moved to place Bill 07-03 on First Reading. Councilman Wayne Beer seconded.

City Counselor David Ramsay provided replacement pages to the Bill, which, he said, he believed met with Council's direction. Counselor Ramsay pointed out that the new Page 5 is a replacement for Page 5 of the "B" version of the Bill. (There were three versions of Bill 07-03 discussed by City Council members during their Open Study Session earlier this evening). Counselor Ramsay reported that at the top of Page 5, under Subsection "j", where there was a provision for payment of a \$100 license fee for dangerous dogs, he

changed that to say "the payment of the standard City dog license fee". At the bottom of Page 5, under Subparagraph 1, it says "Owners of licensed dogs, defined as "Pit Bull Breed" under this Chapter, shall be provided with written notice by Animal Control that such owners must comply with the dangerous dog provisions of this section, unless such owners meet the provisions of Subsection (2) below". City Counselor Ramsay said Subsection 2 is an exemption for the grace period, and as a couple of different periods were mentioned, he left the number of days blank.

Counselor Ramsay said Subsection (2) provides that "Owners receiving such notices, and owners of pit bull breed dogs that have not been previously licensed, shall be allowed a grace period of (blank) days from the effective date of this Chapter to properly identify and license their dogs as pit bull breeds. Owners that comply within this grace period shall be exempt from the provisions of this Section relating to dangerous dogs, including the enhanced restraint and insurance requirements, for the lifetime of each dog so licensed, unless such dog is in the future determined to meet the conditions of this Section to be designated as a "dangerous dog".

Mayor Pro Tem Smith asked if this replacement page contains all of the items that were in the "A" version of Bill 07-03, as far as Councilman Rudi and Councilman Revenaugh were discussing earlier.

Counselor Ramsay said, yes, because the difference between the "A" and "B" version of the Bill is simply the designation or presumption that Pit Bulls are in fact dangerous dogs.

Councilman Rudi stated for clarification, that what this does is it allows dogs currently in the City of Gladstone, especially those already licensed, to continue to be "dogs" currently within the City of Gladstone - they don't have to be listed as "dangerous" because they are of a pit bull variety, and this is forever until that dog is deceased, or the dog becomes designated, like any other dog could become designated, as dangerous.

Counselor Ramsay agreed that was correct.

Councilman Rudi stated for clarification, the second part of this will set a period of time that will allow owners of pit bull type dogs to come into the City, and license their dog appropriately. Once that period is over, this version "B" will go into full effect, and any dog that is found in the City that is a Pit Bull and not licensed will be under the very strict regulation of the Dangerous Breed.

Counselor Ramsay agreed that was correct. After the grace period, version "B" will go into effect with any Pit Bull breed dog that a person chooses to license or is unlicensed. This only applies to dogs that are living and properly licensed within the grace period provided.

Councilman Wayne Beer asked if there is a provision for those dogs that are new in the City to be in the exempt group.

Counselor Ramsay replied the exemption would apply to any Pit Bull that is presented for licensing within the grace period.

Councilman Beer asked for clarification, if that applies to dogs that are properly registered per the City Ordinances, without regard that it may be a dog new to the City.

Counselor Ramsay agreed that was correct.

Councilman Beer said, in other words, if the exemption period expires tomorrow, and the next day he should buy a Pit Bull dog, it is just a "dog".

Counselor Ramsay said, no, it would be deemed a "dangerous dog".

Councilman Beer said he believed the idea behind the compromise offered by the Mayor Pro Tem was to affect dogs, which are owned by noncompliant owners and choose to remain noncompliant. Councilman Beer said if he were to buy a dog the day after tomorrow, and bring in a brand new pup, which has not been here long enough to have gone beyond what would normally be considered the grace period, is his new pup considered a "dangerous dog" as far as this Ordinance is concerned, or is this dog, since it is being registered in compliance with the Ordinance, still considered just a dog, instead of a "dangerous dog".

Counselor Ramsay said the intent was that any pit bull breed dog that is properly identified as a Pit Bull, and licensed by the owner within the grace period of 60 to 90 days, (whatever time period Council chooses), those dogs for their lifetime will be considered just regular dogs, not "dangerous dogs". At the end of the 60 or 90 day grace period, for anyone who wants to bring a Pit Bull into the City, whether they try to license it or whether they try to avoid licensing it, that dog will be presumed to be a "dangerous dog" under the Ordinance.

Mayor Pro Tem Smith said he believes Counselor Ramsay has it right as far as the intent. The bottom line is that it is status quo for the grace period, rewarding the behavior of those who properly license their animals. Mayor Pro Tem Smith said this way we are not changing the rules on folks in midstream, but anyone who chooses not to license their dog and be a responsible owner, or brings a new animal into the City, would fall under the presumed to be dangerous category, so those folks that are already responsible pet owners are rewarded for that good behavior.

Councilman Rudi said she is not inclined to make the grace period very lengthy, but what if the period is set at 30 days and notices are sent out, and the City advertises, and does everything possible so people know that is what they need to do if they don't already have their dog licensed. What if a person is a "snow bird" and is out of town for three months and they come back and find out they have missed the opportunity, but the dog has already been here for five years. We might have a special request of "change it for me".

Councilman Rudi stated in regard to puppies, the City does not require licensing until the age of six months, and if someone has a puppy today, and our time limit is 30 days, and the puppy is only a month old right now, we don't require that puppy to be licensed for another five months, which is beyond the grace period time frame. What happens with this? Is the puppy then automatically in the "dangerous dog" category, or is he a regular dog? Councilman Rudi said there are some issues that need to be worked through with this Bill. Councilman Rudi said we still need to nail this down a little bit better, so her recommendation is to go ahead and adopt Version "A" of the Bill, which is the non-breed specific version, then get these issues worked out and bring in the additional sections that pertain to the Pit Bulls, and Council can discuss again whether or not we want to do that, but have the time limits in place without spending the next one and a half hour trying to figure it out tonight.

Mayor Pro Tem Smith said he would prefer to enact the compromise Ordinance, and amend it. There was a similar issue not too long ago that Council decided to move forward, at Councilman Rudi's suggestion, and adopt the action, knowing that Council could come back and amend it later. That course was set then, and Council could do the same thing now without any harm to anyone.

Councilman Rudi said her preference is still the non-breed specific version, and then hopefully, at the next meeting everything will be nailed down, and Council can amend the Ordinance with the appropriate sections. Councilman Rudi said she would like her motion to indicate Version "A" of the Bill, and the second to the motion would also have to agree.

Councilman Beer said, as second to the motion, he would concur, but he would not be voting in favor of this Bill.

Mayor Pro Tem Smith said there was a motion and a second to adopt Version "A" with a good faith commitment from Councilman Rudi that Council will act on the compromise version at the next City Council meeting.

The vote: "Aye" - Councilman Carol Rudi. "Nay" - Councilman Wayne Beer, and Mayor Pro Tem Les Smith. (1-2).

Councilman Revenaugh apologized and said the process was moving along faster than he could absorb, and said he thought the way Mayor Pro Tem Smith stated it was that Council was going to pass Version "A" of the Bill, with a commitment that Council would pass the compromise version at some time in the near future.

Mayor Pro Tem Smith said the motion reflected that City Council would address this Ordinance in the near future. One cannot commit City Council to passing something in the future.

Councilman Revenaugh stated all Council is saying is that as Version "A" is the minimum that all Council members agree is necessary, then the strategy is to go ahead with Version

"A", that is non-breed specific, and then address in the near future, additional amendments to this Ordinance to perhaps single out specific breeds for additional constraints, and asked if that was correct.

Mayor Pro Tem Smith replied that was correct.

Councilman Revenaugh said he believes this is a good idea, because otherwise Council is talking about voting on an Ordinance that we just received 30 to 40 seconds ago. Councilman Revenaugh said there is obviously some confusion as to exactly what the intent or meaning is, so he believes this is a great idea. Councilman Revenaugh said he did not want to be voting for something that he wasn't clear on what he was voting for.

Mayor Pro Tem Smith asked Councilman Revenaugh what his vote was.

Councilman Revenaugh inquired into the motion.

Councilman Rudi said the motion is to adopt the non-breed specific version of the Dangerous Animal Ordinance.

Mayor Pro Tem Smith stated it boils down to adopting a non-breed specific Version "A" with good faith promise that Council will at least address going breed specific on the compromise versus passing the compromise and a good faith effort to revise and clarify if Council has "what if" type questions.

Councilman Revenaugh said his question was the good faith effort to address the compromise, because Council can always go back and address any Ordinance at any time without the statement that we are somehow entwined in a good faith effort to address a specific agreement.

Mayor Pro Tem Smith said he was merely trying to clarify what Councilman Rudi said.

Councilman Revenaugh said he was also trying to clarify the motion, which is why he could not vote. Councilman Revenaugh asked Acting City Clerk Diane Whitaker to please read the motion on the floor.

Mayor Pro Tem Smith said this was not fair, as Ms. Whitaker is the Acting City Clerk, and is only filling in for this evening.

Councilman Carol Rudi said the motion is as follows: "moved to place Bill 07-03 on First Reading, and this motion implies Version "A", the non-breed specific version."

Councilman Revenaugh said his vote is "aye", and asked if the motion carried.

Mayor Pro Tem Smith replied, not yet, right now the vote is 2 to 2.

Mayor Bill Cross said his vote is "no".

The vote: "Aye" – Councilman Carol Rudi and Councilman Mark Revenaugh.  
"Nay" – Councilman Wayne Beer, Mayor Pro Tem Les Smith, and Mayor Bill Cross.  
(2-3).

Mayor Pro Tem Smith said this motion has failed, and asked Councilman Beer if he would like to make a subsequent motion.

Councilman Wayne Beer moved to place on its First Reading Bill 07-03B, as amended, and that amendment to include a grace period as discussed in Section 2.105.050, Paragraph b (2) to make the grace period 90 days, with the stipulation of the same revisit for amendment as would have been considered with Version "A".

Mayor Pro Tem Smith said this is Bill 07-03, which is Version "B", substituting Page 5 as provided by Counselor Ramsay, and the grace period will be 90 days. Mayor Pro Tem Smith said there has been a motion and he would second the motion. Mayor Pro Tem Smith said that although at this time there is only a voice vote required, he would request a roll call vote at this time.

Councilman Revenaugh said he would not be able to vote "yes" on this motion, but he thinks it is important to point out something that hasn't been brought up, that is also written into this Ordinance that is new to the community is that when and if this Ordinance is in effect, it will be unlawful to transport a dog or any other animal in the open bed of a truck, unless it is confined within a secure cage. Councilman Revenaugh asked if this is a new addition to the current Animal Control Ordinance.

Mayor Pro Tem Smith replied he believed so, and that was contained in Versions "A, B & C" of the Bill.

Roll Call Vote: "Aye" – Councilman Wayne Beer, Mayor Pro Tem Les Smith, and Mayor Bill Cross. "Nay" – Councilman Mark Revenaugh, and Councilman Carol Rudi. (3-2)

Mayor Pro Tem Smith said the Bill is on the table, and as promised, Council would like to hear from those in the audience, and if anyone has any questions to please ask those questions, as well. Mayor Pro Tem Smith invited anyone who would like to address the Council to step forward and give his name and address for the record.

**Phil Kline, 6008 North Main**, said he really appreciates having spent the time with the City Council. It has been an education and he knows and truly believes that everyone here is trying to do the right thing. Mr. Kline said the first couple of times he spoke on this issue he talked about it on moral, ethical, and philosophical grounds. Tonight he would like to speak to this issue on legal grounds. Mr. Kline said he brought on Friday to the City Council a court case where breed specific laws were found to be unconstitutional by an appellate court in the State of Ohio. This is a March 2006 court case. The original

case took five days of testimony from PhDs, dog scientists, and a whole list of people. Mr. Kline said he hopes copies can be made of this case so everyone can read it. It was found to be unconstitutional on grounds of procedural due process and substantive due process. Mr. Kline said he is not a lawyer, but he read this case three times and has spent about 12 hours with it. Mr. Kline said he looked up some legal terms and thinks he understands it a little bit. Mr. Kline said the procedural due process has to do with whether the procedure is correct for everyone, and as in his case, personally, his veterinarian has registered his dog with the City of Gladstone. Mr. Kline did not come to City Hall to do it, he did it at his vet's. Mr. Kline said on the registration, the vet calls Mr. Kline's dog a mixed breed dog, so how is he to know if his dog is a mixed breed dog or a pit bull type dog without not registering it as a Pit Bull, and then finding out that he has committed a crime? This has to do with procedural due process. Mr. Kline said substantive due process has to do with is the law rational and does it apply to defined law. Mr. Kline said in that regard, he would read a very short part as follows:

*As scientific information advances and becomes available, courts have a duty to reconsider issues and make decisions, which are supported by the actual evidence presented, instead of relying on common knowledge, and the opinion generated by newspapers, sensationalism, and hearsay, rather than accurate scientific evidence. Previous cases involving vicious dog laws in the 1980's and 1990's relied on what is now outdated information, which perpetuated a stereotypical image of Pit Bulls, not perpetuated it in the Public's mind, but it perpetuated it in law, because courts have had to rely on the testimony and findings of other courts.*

Mr. Kline said in the testimony and findings of other courts, there has never been a case that hasn't involved five days with 20 expert witnesses, who are not just Animal Control Officers, but are PhDs in animal behavior. They dissected the Pit Bull to see if it had a locking jaw. They looked at its muscular structure and testified that the Pit Bull's muscular structure is no different than any other dog of its size. Mr. Kline said there are many cases listed that have precedence. These cases, do in part to unavailable scientific evidence based on expert testimony about the breed, branded all Pit Bulls as vicious on the basis of what was known and believed at the time. Things have changed.

Mr. Kline said the City Council has been researching this issue, but some of what you have is most likely based on some of the old evidence, which is disproved in this case, at least to the judge's belief. Mr. Kline said what if someone has a job and moves to Gladstone, and they have a Pit Bull, and the dog's a good citizen like Mr. Kline's dog. Mr. Kline said his wife and his dog are learning how to dance at dance school, and his dog is in the class with other dogs. Mr. Kline said he hopes City Council members will read this case and it has a lot of scientific evidence in it. This is being appealed and is going to the Ohio Supreme Court.

Mr. Kline said in April, House Bill 1086 was considered, which is a Bill that required all Pit Bulls to be muzzled if they were in the public and required a \$500 registration fee with the State. This Bill had 50 cosponsors and was brought before the House of

Representatives here in Missouri and had two readings, and was referred to the Agriculture Committee, where it died without a hearing. Mr. Kline said he does not know if part of the reason for that is that it has been found to be unconstitutional or it could be any number of reasons. Mr. Kline shared pictures from his vet who has Pit Bulls that are registered. Mr. Kline said one picture shows a Pit Bull with a squirrel on its back, which is a pet of the vet, and another picture shows a Pit Bull with a small kitten.

Mayor Pro Tem Smith thanked Mr. Kline, and said he is obviously a well-read gentleman who has been very helpful with his testimony at the last couple of meetings. Mayor Pro Tem Smith said Council appreciates that Mr. Kline recognizes that Council is not trying to do anything malicious, but each in their own way trying to act responsibly.

**Brent Holmer, Kansas City, Missouri**, said he believes it is also relevant in this situation to note that the court case, Appellee versus Tellings was overturned. This is the same court case that the State of Missouri Statute is based upon, so by overturning that, the precedent for the Kansas City case upholding the right of cities to go with breed specific legislation will in essence be overturned, which is relevant in this case.

Mr. Holmer said one thing that Mayor Pro Tem Smith talked about earlier that really caused him to stand up and speak, was addressing the concerns of people in this City, and the responsibility the government has in fulfilling that. Mr. Holmer said from a government standpoint, we, as citizens, can get very concerned about a lot of different things, because a lot of decisions are based upon what is heard on the news or what is heard from other things. From a government standpoint, it is our responsibility to do what is in the best interest of the people. When people say they want Pit Bulls banned, what they really mean is they want to feel safe from dogs. There is a big distinction between what people are saying that they want, versus what they actually feel that they need.

Mr. Holmer said what is being proposed, and is on the table right now, is in essence after 90 days going to be more or less a breed specific ban of sorts, a person can still have the dogs, but they will be a dangerous dog, and no one is really going to go through all that "hassle". Mr. Holmer said this makes someone like him, if he decides he does not want to put his children through the Kansas City, Missouri School District, an irresponsible owner, because he didn't live here at the time the Ordinance was passed. Mr. Holmer said he does have two Pit Bulls at home. Mr. Holmer said what is on the table now is very similar to what was put in place in Council Bluffs, Iowa, two years ago. Council Bluffs, Iowa, two years ago, had a record number of dog bites for the City. Twenty-nine of them, or 18 percent of the bites, were by Pit Bulls, so they enacted legislation very similar to what is on the table this evening. Mr. Holmer said two years later, in 2006, he received an email from the Animal Control officer in Council Bluffs with all his final numbers for 2006. They had more bites in 2006, in Council Bluffs, Iowa, than they did the year before they passed the Pit Bull ban.

Mr. Holmer said the Pit Bull bites went down, but bites from Labs, Boxers, and German Shepherds increased. Council Bluffs added staff in order to fulfill their job of trying to



pass the Pit Bull ban; so Staff was added, and their dog bites increased over the past two years. Mr. Holmer said people want safety from dogs; they don't really care what dog it is and probably don't know what type of dog it is, they just know it is mean. Mr. Holmer suggested doing something that makes people safe from whatever dog it happens to be, and not add Staff to do something that is not enforceable, that will just create more problems and bites down the road.

Mayor Pro Tem Smith thanked Mr. Holmer, and said the City needs to add staff anyway, and the memo addresses that. The City's Animal Control officers work an incredible amount of hours and spend a lot of time in the shelter, instead of out on the streets, and they need to be on the streets more. Mayor Pro Tem Smith said it is amazing the job they do with the Staff they have now.

**John Garner, 111 Heatherton Court**, noted that in Section 2.105.030 of the Bill it states anyone 65 years of age and older will be exempt from being required to obtain a dog license. Mr. Garner asked if this would also include the dangerous animals – the way it reads, it could be. Mr. Garner said under paragraph J, of the same section, if you put it back down to \$25, it would be \$25 there.

Mayor Pro Tem Smith said he asked Counselor Ramsay that question today, and asked Counselor Ramsay to give the answer to that question.

Mr. Garner said he was just curious if that would include the exemption for a dangerous dog to be licensed for free.

Mayor Pro Tem Smith said Counselor Ramsay's answer to that question was, no, but this Bill has been edited a few dozen times since then.

Counselor Ramsay said Section 2.105.035 (c) says that the yearly license fee per dog shall be as set forth in the City's schedule of fees and charges. No fee shall be required for a dog (but not more than one) owned by a blind person or a person 65 years of age or older. Counselor Ramsay said the dog still requires licensing, it just waives the fee.

Mayor Pro Tem Smith said the question is if an animal is deemed dangerous, and there is a fee to register a dangerous dog, is the senior citizen or blind person still exempt even if the dog is deemed dangerous?

Counselor Ramsay replied he believed City Council members are considering the Page 5 amendment, which has been amended to read that the license fee shall be the standard City dog license fee, so under that change, there is not a different fee for a Pit Bull or for a dangerous dog.

Councilman Beer said there is no other reference to non-compliance, so he would not expect that just because a person is 65 years of age, that any other form of non-compliance would be any different than any one else's non-compliance.

Mayor Pro Tem Smith said to Mr. Garner that when they spoke earlier today, there was being considered a \$100 fee to license a dangerous dog, and now it's going to be the same license fee as other dogs.

Mr. Garner said he was just curious if a person did own a dangerous dog, and was 65 years of age, is it going to be free to them?

Mayor Pro Tem Smith said he would see that Mr. Garner's question is answered, and asked Mr. Garner his opinion on the issue.

Mr. Garner stated if they do have a dangerous dog, they should be required to pay, if they are a concerned citizen.

**Ray Park, 2502 NE 65 Terrace**, began by inquiring into what specific instances have brought this problem with Pit Bulls in Gladstone to light.

Councilman Beer said he does not recall the exact address or the exact date, but in a neighborhood near City Hall there was, as reported to Councilman Beer, a "Pit Bull dog" that escaped its restraints; Councilman Beer said he did not know what those restraints were, whether it was a leash, a fence or an open door, but the dog was intimidating to the neighbors and it had attacked a neighbor's dog in the neighbor's yard. Public Safety was called. The officer who responded tried to do whatever he could to disengage the dog from its attack, and was unable to do so, felt threatened, and killed the dog.

Mr. Park stated there was also the incident involving the man going out to get his paper. Mr. Park said we spent hours and hours talking about a situation that has been decided is now a gigantic problem in this town. We have a situation in which really nobody had the specifics on and we have perhaps two people who have had a problem, and 20 to 30 people present tonight who are trying to explain this is not a problem. Mr. Park said the two people who had the problem are not present to say they had a problem. There are many people present who are trying to bring common sense to this Council. Mr. Park said he has been a Gladstone resident for 14 years, and has worked in the area all his life. He worked in North Kansas City for Union Carbide, which became Praxair, and is now another company. Now after 38 years, he is close to being able to retire. Mr. Park said six years ago he rescued a Boston Terrier, and it has turned out to be a sweet little dog. Mr. Park said his address has never shown up on the Animal Control agenda, because they take care of their dogs; they get their shots and tags.

Mr. Park said he has trained and competed for six years with this one particular dog. Mr. Park said he could put his Boston Terrier in the corner on a "sit/stay" and she would remain sitting in the corner until he gave her the release command. Mr. Park said there are many people who are in control of their animals, and he knows a number of people who have Pit Bulls, German Shepherds, and Rottweilers, all the dogs that have been named enemies of this community, and these are some of the sweetest dogs he has ever met. Mr.

Park said he knows people that have five Doberman Pinschers, and if you get close enough to them, they would simply lick your face off. Mr. Park said what really troubles him is some of the language that he hears about what is being discussed. Mr. Park stated it was said that government is to do for the people what the people can't do for themselves. Mr. Park said that is not his idea of government at all, and to him government should be a force to enact the will of the community. Mr. Park said we sit here listening to what you guys are saying, and it isn't until now that we finally get a chance to say something, and he knows Council already has their minds made up, and will do whatever they want to do anyway.

Mr. Park said right at the very beginning of the meeting, you not only wanted Pit Bulls banned from this community, you also wanted a vehicle where you could add other breeds to it, and he sat right there and heard it said.

Councilman Beer stated Mr. Park did not hear "banned".

Mr. Park said, well, maybe not banned, but you wanted to be able to add not just Pit Bulls, but German Shepherds, and Rottweilers. You wanted the ability to be able to add those if the opportunity came up.

Councilman Beer said that was correct.

Mr. Park said today it might be Pit Bulls, but if this Council is going the way it is going, it's not going to just be Pit Bulls, it's going to be German Shepherds, Rottweilers, and the people who have these loving animals are either going to be faced with moving out of the community, or dumping their dogs in the country.

Mayor Pro Tem Smith stated what was done with the recent amendment to the Bill was to protect each and every one of you who are those responsible pet owners. We commend you for that, and we want you to be a part of this community. Mayor Pro Tem Smith asked Mr. Park if he does not feel that those people who have not even licensed their dogs, should do so?

Mr. Park said not very long ago he took his dog for a one-hour walk through his neighborhood, when four dogs that were off-leash approached him, and none of the dogs were close to any of the breeds that have been mentioned. Mr. Park said what Council is saying does not make sense. If it is a dangerous dog, let our Animal Control people decide if it is a dangerous dog or not. They are the people that are paid to do that job - let them do that job, and not ban specific breeds from the community.

Mayor Pro Tem Smith said City Council is not banning any breed from this community.

Mr. Park said what Council is saying is after 90 days you cannot buy a Pit Bull and bring it into this community.

Mayor Pro Tem Smith said that was not correct, one could bring a Pit Bull into this community, but one would have to have an additional quarter million dollars per year in insurance, and depending on which company is contacted, is between \$16 and \$24 per year, which is not unreasonable. After that point in time, the dog is presumed a dangerous dog, which very far from a ban.

Mr. Park said if you guys make these decisions about the insurance rates, he could go to his insurance guy and he might say he doesn't do that, and he would be stuck. Mr. Park said if you are going to pass this as a law, find some hard facts about whether people are going to be able to find insurance and what are the rates going to be.

Mayor Pro Tem Smith said that has been done, some companies will insure and some will not.

Mr. Park said this is still a generalization. Where can we go to get our insurance and what are the rates really going to be?

Councilman Beer said this is not unlike those who have to insure their car, they find someone who will insure their car.

Mr. Park said a lot of people may not be able to afford this.

Mayor Pro Tem Smith said those of you who are responsible pet owners and license their dogs, do not have that issue.

Mr. Park said he realizes that, but there are those people who are just moving into the community. Mr. Park said he does not feel this is fair. If a dog is a problem, regardless of the breed, address that problem. This is not proactive; it is a witch-hunt.

**Don Faudel, 6209 North Michigan**, stated the reason he chose Gladstone as his home is because of his dog. Mr. Faudel said he is a member of the German Shepherd Dog Club of Greater Kansas City, and has been on the Board of Directors for about five years, and is the Club librarian. Mr. Faudel says he has more knowledge at his house than anyone would want to read. Mr. Faudel said he was present because the City Council wants to label certain dogs as dangerous dogs. Mr. Faudel said he has been to many AKC (American Kennel Club) animal shows, and he has never heard any dog called a Pit Bull. They have a specific name and it is not Pit Bull. Mr. Faudel said City Council members want to classify German Shepherds as dangerous dogs. Mr. Faudel asked how anyone could consider a German Shepherd dangerous, when they are rescue dogs, canine dogs, search dogs, drug dogs, and dogs for the blind. Some of these dogs are in hospitals right now with children, making them feel better. German Shepherds are loyal, love their families, and want nothing more than to protect and serve their families, just like City Council members want to protect and serve the people of Gladstone.

Mr. Faudel said dogs bark for a reason. They bark to let us know someone is out there – somebody is there that shouldn't be there. Mr. Faudel said all dogs bite; in fact he was watching the *Animal Whisperer* the other day, and a little Chihuahua severely bit the animal whisperer's hand. A Chihuahua could be considered a dangerous dog. It is in the people that raise the dog, not the dog itself, and labeling dogs as people killers is not right. Mr. Faudel said there is a leash law in Gladstone, and we should enforce these problems as they come up, and not jump to conclusions and say these are dangerous dogs just because there are one or two instances. If there is a problem with a gentleman who is a drunk driver, they send him to drunk driving school. Maybe these problem owners should go to obedience school, and if they are deemed not to be responsible owners, take the dog away from them. Mr. Faudel said in most cases when one sees a bad dog, it is because there is a bad owner. Mr. Faudel said he feels we should enforce the rules we have, fix the potholes, and let the dog legislation lay and leave our pets alone.

**Pat Gannon, 604 NE 67<sup>th</sup> Terrace**, stated she is a 35-year resident of Gladstone, and this is the first time she has spoken to the City Council. Ms. Gannon said she has been attending the Open Study Sessions pertaining to Pit Bulls. Ms. Gannon said she has seen two Pit Bull attacks on her street within the last three years. Ms. Gannon said she has given the information to Public Safety Director Bill Adamo. The first incident was due to a bad owner, because the Pit Bull was kept chained to a tree in the front yard. The dog was constantly getting loose, and the neighbors were constantly calling Animal Control. Animal Control did respond, and told the neighbors the only way they can do anything is if they catch the dog running loose, which they never did. Ms. Gannon said one night this dog cornered her next-door neighbors as they were returning home. The man got into his vehicle, and his wife got into the house, where she called the police. Ms. Gannon said Gladstone responded, a complaint was signed, and she does not know if a court appearance was set. The lady who owned the dog agreed to get rid of the dog, if the neighbors would drop the charges. The neighbors agreed and the dog was gone.

Ms. Gannon said the second incident is the one that Councilman Beer mentioned where the Gladstone Public Safety officer had to shoot the dog. Ms. Gannon said the Pit Bull was a pet, and never to her knowledge and to any of her neighbors' knowledge, bothered anyone. One day it jumped the fence into the next-door neighbor's yard, and attached two large mixed breed dogs. The owner of the mixed breed dogs was able to get one dog into the house, the Pit Bull attacked the other dog. A neighbor across the street hit the Pit Bull with a rake, which did nothing. They sprayed it with water from a garden hose, which did nothing. Gladstone Public Safety shot the dog and killed it. The officer who shot the dog made the comment to the neighbors standing around that he chose to shoot the Pit Bull instead of the other dog, because he was afraid the Pit Bull would attack him if the other dog were dead.

Ms. Gannon said she would love to see Pit Bulls banned, not only from the City, but from the State, and from the country. They are unpredictable dogs and are not used in any canine units, by the military for trained dogs or anything like that. They can be sweet and loving one minute and they attack the next. Ms. Gannon said she talked to several Animal

Control officers in the Greater Kansas City area, when this first came up, and unpredictable is the word they all used for Pit Bulls. One Animal Control officer said it is not a question of if a Pit Bull attacks, but when. Ms. Gannon said she understands that there is no breed that is called a Pit Bull; that is why you have to be very specific, as Council is being. Ms. Gannon said there was conversation about comparing this issue to licensing a car and speeding, she would compare it more to a terrorist attack. Gladstone has not been attacked by terrorists, but our Civil Defense certainly has a plan in case we are. Our City needs a plan, and this Council needs to do something to prevent this. Ms. Gannon said she knows the work Council members have put into this. Ms. Gannon said she has two grandchildren, and there is a Pit Bull that lives down the street from her, and she does not like the grandchildren to be in the yard, even though the Pit Bull has not caused a bit of problem that she is aware of. Ms. Gannon said she does not want her 4 or 6-year-old grandsons playing in her yard, even in the back fenced yard.

**Laura Marshman**, said she lives in Kansas City; however, her parents live in Gladstone at 6509 North Park. Ms. Marshman stated any dog can be dangerous, and she does own a Pit Bull, a Pit Bull mix and a Jack Russell, all of which are well-behaved dogs. Ms. Marshman said she is not hearing anyone holding owners responsible for their animals. License fees and insurance don't matter, because they are not following the laws to begin with, so they won't do that. You can take the dog away from the owner, but who would suffer – the dog. The dog is impounded, but what happens to the owner? What are the penalties? Ms. Marshman said if one looks at the cases, 99 percent of the time it is a neglected dog that has not been trained or is running loose that has done the attacks. That is one of the reasons that Kansas City passed a spay or neuter law, because a majority of the males that were attacking were intact.

Ms. Marshman said a dog is like a child, and at the same time it is an animal, and cannot be held responsible for its actions – the owner has to be held responsible. There needs to be stiffer penalties against owners for how they treat their dog and what they are doing to the public.

Mayor Pro Tem Smith said depending on the violation, there are monetary penalties and jail time, depending on how grievous the violation is. The City is somewhat limited by State laws as to what sort of penalties that we can impose in our own courts, but the City is maxing out on those the best we can with the Ordinances.

**Debbie Noonan, 2807 NE 57 Terrace**, stated she feels the Pit Bull issue is interesting in that this is a breed or type of dog that has really undergone a very negative reputation change. Ms. Noonan said we have gone from Little Rascals to killer, but that is really not her worry. Ms. Noonan said many people have mentioned Pit Bull type. Who is going to determine a Pit Bull type? Will this be a disgruntled neighbor? A person down the street who was reported because they had a car parked on the grass? Ms. Noonan said this is her first concern – who is going to determine Pit Bull type. Ms. Noonan said she believes a dangerous dog Ordinance like Version "A" is a good thing. People need to be responsible owners, and if a dog is dangerous there needs to be something done. Ms. Noonan said if

this is about a staff increase for Animal Control, she supports that; they need more people and more time to enforce the current laws or Version "A". Animal Control can be preventative if they have enough people to be on the streets and doing enforcement, opposed to cleaning kennels. Ms. Noonan said she does not support breed specific legislation, but does support Animal Control, and if they need more people, it would be wonderful if money could be found from the budget.

**Barry McCullough, 3928 NE 59 Terrace**, began by saying since no one else can do it that is present, he will respond to the insurance questions, as he is an insurance agent. The costs associated with owning one of these dogs is not the \$22, that is the cost of having \$300,000 worth of coverage on a standard policy. If one falls outside of that norm, one cannot get insurance. You cannot go to the State pool. The State pool does not offer liability on that homeowner's product. There really are no insurance companies that will willingly take on a dog that is classified as dangerous or has any kind of biting history. Mr. McCullough said he agrees that Version "A" should be supported, primarily because it make sense to allow Animal Control to do the job that they are here to do.

Mayor Pro Tem Smith stated from what he understands from the people with whom he has visited, and Mr. Garner did some research as well, technically Mr. McCullough is correct, everyone assumes that the homeowner will have liability insurance. What was being quoted was the difference between a standard policy that might be \$100,000 versus a policy that might be \$300,000. That extra cost is \$22 or in that range according to the insurance companies that were contacted. Mayor Pro Tem Smith said Mr. McCullough is correct in that some companies will not write such policies; State Farm is one, and State Farm is very conservative. They go back and forth on what they will write and what they won't write. At the present time they are not allowed to write any dangerous animal policies.

Mr. McCullough said he represents five insurance companies, and none of them will knowingly take any of those breeds - any of them listed in even Version "C". The problem comes back to chasing people who are not going to comply with the laws anyway.

**Kim Krohn, 4600 SW Hickory Lane, Blue Springs, Missouri**, said she will be 50 years old in two days and is too old to be fighting about what breed of dog she wants to own. This is insanity. Ms. Krohn said her mother told her when she was a kid that when she grew up and moved out and had her own house, she could have whatever dog she wanted. Ms. Krohn said her mother lied to her and she'll be sure to bring that up with her the next time she visits her grave in England. Ms. Krohn said the City Council has spent six months talking about 15 bites in a City of about 27,000 people. That is time well spent, but it is not as bad as Lee's Summit, where the Mayor made fun of Independence for wasting so much time and not doing anything, and Lee's Summit has now wasted six months, it's gone through three committees, and they still have not done anything.

Ms. Krohn said cats do a lot of damage, and she noticed the City only has had two cat bites, which is good, because in a lot of cities, Lee's Summit and Raytown in particular,

cats top the bite list. Cat bites can be deadly because of the infection rate. Ms. Krohn said she would rather be bitten by any dog, no matter what breed, than a cat. Ms. Krohn said City Council addressed Liberty and Excelsior Springs as passing breed specific legislation, and it was said Liberty was in 1990 and Excelsior Springs was in 1987. Ms. Krohn said she believes those dates are reversed, but in answer to the question, was there an incident, the answer is no. Ms. Krohn said she and her husband probably know more about this topic than anyone else in the City, and if you ever want to know why a City passed this, call her and she will tell you. Ms. Krohn said if anyone wants to know about Independence, Missouri, they should allow about three days, because that is a pretty complex topic that had nothing to do with dogs.

Ms. Krohn said there is a law that says all drivers have to be licensed and insured in this State. Ms. Krohn asked how many are carrying uninsured and underinsured motorists insurance? Ms. Krohn said our forefathers were very smart when they separated the civil courts from the criminal courts. A dog bite belongs in a criminal court. If you want restitution, that goes to the civil court. Ms. Krohn said increasingly lawmakers are trying to push civil actions into the criminal courts. Ms. Krohn said she is not an attorney. Ms. Krohn said Michigan is trying to make adultery a felony, and everyone would agree that adultery is bad, but it doesn't belong in the criminal courts. When we were young, everyone's dog ran loose, there were no leash laws, and no one neutered their dogs. If your dog bit someone, it was a civil action. Now, government is trying to protect us from everything all the time, which may not be good.

Ms. Krohn said she does agree with a good enforcement of a generic dangerous dog Ordinance and enforcement of a leash law, and that is really what is important. Ms. Krohn said a lot of people do not license their dogs, not because they are irresponsible, but because one reason is they don't trust government. Ms. Krohn said she is a member of Show Me State American Pit Bull Terrier Club, and they do not have a club member that's licensed a dog in 20 years. This is why. It is not because they are irresponsible. It is because they are responsible and they know what is going to happen to them when people get silly. Ms. Krohn said she took the liberty of going through all the City Council meeting minutes, and said she wished to commend the City Clerk, because she takes really good minutes. At the June 12<sup>th</sup> meeting, Anne Alexander talked about the three-year rabies vaccination. This is the reason a lot of people don't license their dogs - they don't want to vaccinate their dogs for rabies every year. The three-year vaccination is fine. Ms. Krohn suggested revisiting that issue, because there are a lot of people who will license their dogs if a three-year rabies vaccination is allowed.

Mayor Pro Tem Smith said that is in all three versions of the Bill.

Ms. Krohn said she is also a member of the Greater Kansas City Dog Training Club. A few years ago, Kansas City began talking about mandatory spay/neuter legislation, and her club members quit licensing their new puppies. Ms. Krohn said this is an area where government does not belong. Government does not need to be telling people to alter their animals. That is a personal choice issue. Ms. Krohn said she was interested in the woman



who spoke who said she talked to several Animal Control officers and they said Pit Bulls were unpredictable and it's not a matter of if they attack but when. Ms. Krohn said that is interesting, because most Animal Control officers don't favor breed specific Ordinances. Ms. Krohn said in regard to the point someone made about most dog bites are from intact males, she feels the biting issue goes more toward the demographic rather than whether or not the dogs are intact. Kansas City, Missouri passed mandatory spay/neuter on the Pit Bull breeds, which was politically motivated. In the western part of Jackson County, west of Highway 291, when you get into Independence and Kansas City, you are getting into a lot of political issues that really have nothing to do with the dogs themselves, and goes beyond that. Ms. Krohn said she faxed a letter some time ago to the City Clerk, and hopefully City Council members received a copy of the letter.

Mayor Pro Tem Smith said they did receive a copy of the letter.

Ms. Krohn encouraged Council to stick with a generic dangerous dog Ordinance, which is being called Version "A", which doesn't single out any specific breed. Ms. Krohn said she could talk all night about the horror stories of what has happened in Independence with their Ordinance. Ms. Krohn said her phone is ringing off the wall, and she is giving people the phone numbers of the Mayor and Council members who passed the legislation.

Mayor Pro Tem Smith said he looked at the Independence requirements, and they threw everything, including "the kitchen sink" into their legislation, and it really is incredible.

Ms. Krohn said whenever something like this is enacted, it puts an undue burden on people. When people have to decide between licensing the dog or feed the kids, the choice is simple. Ms. Krohn said what the Gladstone Council has set up is a two tiered system, which was making her head hurt, so she didn't want to talk about that. Ms. Krohn suggested volunteers to help with the clean up at the Animal Shelter, which would free up the officers to patrol. Ms. Krohn said dogs are animals, and those who work with dogs don't consider a dog that attacks another dog necessarily dangerous or vicious. Dogs speak a language all their own. Ms. Krohn said they are similar to kids; you may think you know who started it, but you don't always know. Dogs don't live by our moral code. The fact that a dog jumped a fence and attacked a neighbor's dog is not good, but they are still animals.

Mayor Pro Tem Smith thanked Ms. Krohn and everyone who spoke and shared their opinions.

The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 07-03 (B) as amended to Waive the Rule, and place the Bill on its Second and Final Reading. Mayor Pro Tem Les Smith seconded.

The vote: "Aye" - Councilman Wayne Beer, Mayor Pro Tem Les Smith, and Mayor Bill Cross. "Nay" - Councilman Mark Revenaugh and Councilman Carol Rudi. (3-2).

Mayor Pro Tem Smith said a unanimous vote of the Council is required in order to Waive the Rule, which means the Bill may receive more than one reading and be enacted as an Ordinance in the same evening. The reading of the Bill has passed, but the ability to continue on with it has not; so therefore, it will be on the next regularly scheduled City Council agenda. Mayor Pro Tem Smith said there will not be public input at that time, but if anyone has anything they would like to pass along to City Council members, please feel free to do so through the City Clerk's office, and that information will get to Council members.

**Item 10. on the Agenda.**      **FIRST READING BILL 07-04**, approving the Final Plat of Lot 2, "Tower Plaza", a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said Plat for recording.

Councilman Wayne Beer moved to place Bill 07-04 on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 07-04, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 07-04 and enact the Bill as Ordinance 4.021. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0)

**Item 11. on the Agenda.**      **APPROVAL OF A BUILDING PERMIT:** for the construction of a commercial structure that will be occupied by Bank Liberty located at 6410 North Prospect. Applicant: W.A. Noll & Associates, Inc. Owner: Bank Liberty. (BP 06-10001064).

Councilman Wayne Beer moved to approve **A BUILDING PERMIT:** for the construction of a commercial structure that will be occupied by Bank Liberty located at 6410 North Prospect. Applicant: W.A. Noll & Associates, Inc. Owner: Bank Liberty. (BP 06-10001064). Mayor Bill Cross seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

**Item 12. on the Agenda.**      **PUBLIC HEARING:** on a request for a Site Plan Revision at property located at 6305 North Prospect Avenue. Applicant: Shafer, Kline & Warren, Inc. Owner: Eldon M. King Trust. File #1292.

Mayor Pro Tem Smith opened the Public Hearing and said the Public Hearing would be continued pending receipt of a recommendation from the Planning Commission. Public Notice will be provided prior to additional City Council or Planning Commission hearings on this application. Mayor Pro Tem Smith closed the Public Hearing.

**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.**


There being no further business to come before the January 22, 2007, Gladstone Regular City Council Meeting, Mayor Pro Tem Les Smith adjourned the meeting.

Councilman Wayne Beer moved to adjourn to Closed Executive Session pursuant to the Missouri Open Meeting Act exemptions 610.021(1) for Litigation and Confidential or Privileged Communications with Legal Counsel, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Councilman Mark Revenaugh seconded the motion.

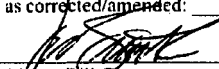
Roll Call Vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Respectfully submitted:

  
Cathy Swanson, City Clerk

Approved as submitted: 

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

  
Mayor Pro Tem Les Smith      Mayor Bill Cross

Feb



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, FEBRUARY 12, 2007**

The Gladstone City Council will meet in Closed Executive Session on Monday, February 12, 2007, starting at 5:45 PM in the City Manager's office, Gladstone City Hall, 7010 N Holmes.

The Executive Session is closed pursuant to the Missouri Open Meeting Act Exemptions under Section 610.021(1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and Section 610.021(2) for Real Estate Acquisition, and 610.21(3) for Personnel Discussion.

City Council may reconvene the Closed Executive Session immediately following the Regular Meeting.

The Closed Executive Session will be immediately followed by an:

**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 22, 2007, City Council Meeting Minutes.
5. **CONSENT AGENDA**

**RESOLUTION R-07-09**, accepting Temporary Construction Easements and Right-Of-Ways from certain property owners in conjunction with the Community Center Streets Reconstruction Project (IN0615).

**RESOLUTION R-07-10**, authorizing an Intergovernmental Agreement between the City of Gladstone and the Mid-America Regional Council (MARC) Solid Waste Management District for the Regional Household Hazardous Waste Collection Program.

**RESOLUTION R-07-11**, authorizing the City Manager to execute an agreement with the City of North Kansas City and other participating jurisdictions of the State of Missouri to establish and maintain a Citizen Emergency Notification System.

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
- 7a. Clay County University Extension Council Appointment.
- 7b. Board and Commission Appointments/Reappointments.
8. Communications from the City Manager.
9. **SECOND READING BILL 07-03**, amending Title II, Chapter 105 of the City Code of Ordinances regulating the care, keeping, and licensing of animals within the City of Gladstone.
10. **CONTINUED PUBLIC HEARING:** on a request to rezone from R-1 (Single Family Residential) to RPCH-1 (Residential Planned Cluster Housing), and a Site Plan Revision at property located at 7312 N. Antioch Road. Applicant/Owner: Northaven Village, LLC. (File #1289)

**AUDIENCE NOTE:** This Public Hearing will be opened and immediately continued pending receipt of a recommendation from the Planning Commission. Public Notice will be provided prior to additional City Council or Planning Commission hearings on this application.

11. **RESOLUTION R-07-12**, amending the 2007 Annual General Fund Budget, Combined Water and Sewerage System Fund Budget, and Municipal Pool Fund Budget for the City of Gladstone, Missouri, and authorizing expenditures of funds.
12. **RESOLUTION R-07-13**, amending the Tax Increment Financing Policy of the City of Gladstone.
13. Other Business.
14. Questions from the News Media.
15. Adjournment.



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

**MONDAY, FEBRUARY 12, 2007**

**PRESENT:** Mayor Pro Tem Les Smith  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilman Mark Revenaugh

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Pro Tem Les Smith opened the Regular February 12, 2007, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers. Mayor Pro Tem Smith stated that Mayor Cross sent his apologies that he was not able to attend this meeting, as he was ill. Mayor Pro Tem Smith said that a special presentation that was to be made to Mayor Cross this evening would be postponed until the next Regular City Council Meeting, on February 26, 2007.

**Item 2. on the Agenda.      ROLL CALL**

Mayor Pro Tem Smith asked the City Clerk to call the Roll. All City Councilmembers were present except for Mayor Bill Cross.

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

Mayor Pro Tem Smith invited Carson Jones and Blake Rose of Boy Scout Troop 180, sponsored by St. Charles Borromeo Church, to lead the Pledge of Allegiance.

Following the Pledge of Allegiance, Mayor Pro Tem Smith noted that Scout Leader Susie Jones had accompanied the Scouts this evening, and asked the Boy Scouts to tell a little bit about themselves.

Boy Scout Carson Jones stated he is in the 5<sup>th</sup> grade at St. Charles School, and his favorite subject is math.

Boy Scout Blake Rose stated he is in 6<sup>th</sup> grade at St. Charles School, and his favorite subject is also math.

**Item 4. on the Agenda.      APPROVAL OF THE REGULAR JANUARY 22, 2007, CITY COUNCIL MEETING MINUTES.**

Councilman Wayne Beer moved to approve the Regular January 22, 2007, City Council Meeting Minutes as presented. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith (4-0).

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

Following the Clerks reading, Councilman Wayne Beer asked that Resolution R-07-10, be removed from the Consent Agenda for consideration as Item 5a. on the Regular Agenda.

Councilman Carol Rudi moved to approve the Consent Agenda as amended. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-07-09**, accepting Temporary Construction Easements and Right-Of-Ways from certain property owners in conjunction with the Community Center Streets Reconstruction Project (IN0615). Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-07-11**, authorizing the City Manager to execute an agreement with the City of North Kansas City and other participating jurisdictions of the State of Missouri to establish and maintain a Citizen Emergency Notification System. Councilman Wayne Beer seconded. The vote: All "aye" -- Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0).

**REGULAR AGENDA**

**Item 5a. on the Agenda.      RESOLUTION      R-07-10,**      authorizing      an Intergovernmental Agreement between the City of Gladstone and the Mid-America Regional Council (MARC) Solid Waste Management District for the Regional Household Hazardous Waste Collection Program.



Councilman Wayne Beer said his only reason for asking that this item to be removed from the Consent Agenda is that he had a question as to the City's cost of the last agreement versus the proposed agreement.

Public Works Director Chuck Williams stated the cost amount remained the same.

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-10**, authorizing an Intergovernmental Agreement between the City of Gladstone and the Mid-America Regional Council (MARC) Solid Waste Management District for the Regional Household Hazardous Waste Collection Program. Councilman Mark Revenaugh seconded.

Councilman Beer stated the cost of this program equates to approximately \$.79 cents per resident.

Councilman Rudi asked if the Gladstone Recycling and Solid Waste Committee discussed this proposal, and are they still in favor of it.

Public Works Director Williams said the Gladstone Recycling and Solid Waste Committee did not discuss this proposal. It was discussed during the process, prior to the renewal of this agreement, and positive feedback was received from the Committee members. Committee members were especially pleased with the response from the citizens. Director Williams said the proposal will be presented at the next Recycling and Solid Waste Committee meeting in March, if the agreement is renewed this evening by Council, and at that time the Committee will be informed of the potential dates of the events. Director Williams said the agreement was not received prior to the Gladstone Recycling and Solid Waste Committee's last meeting in December.

The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0).

**Item 6. on the Agenda.**

**COMMUNICATIONS FROM THE AUDIENCE.**

There was no communication from the audience.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Mark Revenaugh** had no comments at this time.

**Councilman Wayne Beer** had no comments at this time.

**Councilman Carol Rudi** had no comments at this time.

**Mayor Pro Tem Les Smith** had no comments at this time.

**Item 7a. on the Agenda.**      **CLAY COUNTY UNIVERSITY EXTENSION COUNCIL APPOINTMENT.**

Councilman Carol Rudi moved to reappoint Beth Houlihan as the City's representative on the Clay County University Extension Council. Councilman Wayne Beer seconded.

Mayor Pro Tem Smith said he knows that Ms. Houlihan is interested in serving again on the Clay County University Extension Council, and she does a wonderful job in representing our community -- good choice!

The vote: All "aye" -- Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0).

**Item 7b. on the Agenda.**      **BOARD AND COMMISSION APPOINTMENTS/ REAPPOINTMENTS.**

Councilman Carol Rudi moved to rescind City Council's appointment of **Mark Bertholf** to the **Capital Improvements Program Committee**, which was made on January 22, 2007. This appointment was incorrect; the appointment should have been a Planning Commission member, and not a citizen member. Councilman Rudi said the Planning Commission has made their appointment. Councilman Rudi's motion included the appointment of **Pete Hall** as **Chairman of the Capital Improvements Program Committee**; **Jerry Menefee** to a full member position on the **Board of Zoning Adjustment**, and **Mark Bertholf** to the **Board of Zoning Adjustment**, to fill **Jerry Menefee's** former alternate position; **Chuck Logan**, as **Chairman of the Code Board of Appeals**; and **Burt Comstock** as **Chairman of the Gladstone Recycling and Solid Waste Committee**. Councilman Wayne Beer seconded. The vote: All "aye" -- Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0).

**Item 8. on the Agenda.**      **COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reported that the water boil order for the City's boot heel area was lifted. City Manager Davis said the boil order was the result of three water line breaks within a short period of time. One break was a big one at Old Pike Road and Englewood. There were three City crews out working these breaks for an extended amount of time, and most of those folks worked all night on Friday in some very cold temperatures, and were impacted by the 24-inch water line. There are huge volumes of water that goes through the 24-inch water line, and it took a long time to drain that line sufficiently enough to make the necessary repairs. City Manager Davis said he wished to extend thanks to all the Public Works crew members who worked these breaks, and although, he cannot list all of their names, special kudos go to Public Works Director Chuck Williams, and Sergeant Richard King, who did a nice job of notifying all the existing businesses and putting the information on the City's cable channel and the website.

City Manager Davis said notice is difficult to get out; the City almost has to go door-to-door to do that. City Manager Davis said Tim Hermann was a trooper as the Public Works Superintendent, and he worked very hard with all the crews, and managed the repairs. City Manager Davis said crew members like Richard Holloway and Danny Shinneman don't get a lot of credit when doing their jobs on a day-to-day basis, and the Public Works Department crews did a yeoman's job from 7:00 AM on Friday until 4:00 PM on Saturday, and then had to go back around midnight on Saturday to fix another break.

City Manager Davis said our City was not the only City with water breaks that night. There were others, including Kansas City, who had a large break on Vivian Road. City Manager Davis said he does not know why the breaks occurred; perhaps it was a change in temperature. Sometimes there is a hammer effect when there is a break, which is what may have happened with the 59<sup>th</sup> and Wyandotte break.

City Manager Davis said the City is hopeful of receiving a salt delivery soon. Every city from this side of California is looking for salt. It is a matter of suppliers being able to get the salt to our city and all the other cities that are looking for salt. City Manager Davis said the City will get through tonight's snowstorm with calcium chloride, sand, salt and snow plows.

City Manager Davis reported the Boards and Commission Banquet is Thursday night, beginning with a social hour at 6:00 PM and dinner at 7:00 PM. Members of the Sports Commission will be the featured speakers, and will talk about regional issues.

Mayor Pro Tem Smith stated the Council's expectation is to catch the first flake before it hits the ground, and that is no less of an expectation now. Mayor Pro Tem Smith said he does not believe most folks understand the huge difference between a snowstorm and having ice first. The City's crews have really done a good job. Mayor Pro Tem Smith said we test equipment and it's running, and it snows and it quits, but our City still does probably twice as good as anyone else, and he is confident we will continue to do better. Mayor Pro Tem Smith said Public Works Director Williams has said snow removal is the one thing that will run him out of the business. Mayor Pro Tem Smith jokingly said to Director Williams, that if he catches the snow, he does not have to plow it!

**Item 9. on the Agenda.**      **SECOND READING BILL 07-03**, amending Title II, Chapter 105 of the City Code of Ordinances regulating the care, keeping, and licensing of animals within the City of Gladstone.

Mayor Pro Tem Smith said, as a point of order, a motion is needed to either place this Bill on its second reading, or a motion to table it to the February 26, 2007, City Council meeting.

Councilman Carol Rudi moved to continue the **Second Reading of Bill 07-03** to the February 26, 2007, City Council meeting, due to the absence of Mayor Bill Cross. Councilman Wayne Beer seconded.

Councilman Rudi commented that she feels that Mayor Cross should have the benefit of being a part of this action.

The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0).

Mayor Pro Tem Smith said the Second Reading of Bill 07-03 has been continued to the February 26, 2007, City Council meeting.

**Item 10. on the Agenda.** **CONTINUED PUBLIC HEARING:** on a request to rezone from R-1 (Single Family Residential) to RPCH-1 (Residential Planned Cluster Housing), and a Site Plan Revision at property located at 7312 N. Antioch Road. Applicant/Owner: Northaven Village, LLC. (File #1289)

Mayor Pro Tem Smith opened the Public Hearing and immediately continued the Public Hearing pending receipt of a recommendation from the Planning Commission. Mayor Pro Tem Smith said that additional Public Notice will be mailed prior to the next Public Hearing of this application.

**Item 11. on the Agenda.** **RESOLUTION R-07-12**, amending the 2007 Annual General Fund Budget, Combined Water and Sewerage System Fund Budget, and Municipal Pool Fund Budget for the City of Gladstone, Missouri, and authorizing expenditures of funds.

Councilman Mark Revenaugh moved to adopt **RESOLUTION R-07-12**, amending the 2007 Annual General Fund Budget, Combined Water and Sewerage System Fund Budget, and Municipal Pool Fund Budget for the City of Gladstone, Missouri, and authorizing expenditures of funds. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0).

**Item 12. on the Agenda.** **RESOLUTION R-07-13**, amending the Tax Increment Financing Policy of the City of Gladstone.

Councilman Carol Rudi moved to adopt **RESOLUTION R-07-13**, amending the Tax Increment Financing Policy of the City of Gladstone. Councilman Mark Revenaugh seconded.

Mayor Pro Tem Smith asked City Manager Davis to inform the public what is being amended.

City Manager Davis said this action will provide procedures that will provide reasonable opportunity for a person to submit alternate bids or proposals on a Tax Increment Financing project, and will meet the statutory requirements of the State of Missouri.

The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Les Smith. (4-0).

**Item 13. on the Agenda.**      **OTHER BUSINESS.**

There was no other business.

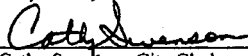
**Item 14. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

**Item 15. on the Agenda.**      **ADJOURNMENT.**


There being no further business to come before the February 12, 2007, Gladstone Regular City Council Meeting, Mayor Pro Tem Les Smith adjourned the regular meeting.

Respectfully submitted:

  
Cathy Swanson, City Clerk

Approved as submitted: 

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

  
Mayor Bill Cross



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, FEBRUARY 26, 2007**

The Gladstone City Council will meet in Closed Executive Session on Monday, February 26, 2007, starting at 6:30 PM in the City Manager's office, Gladstone City Hall, 7010 N Holmes.

The Executive Session is closed pursuant to the Missouri Open Meeting Act Exemptions under Section 610.021(1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and Section 610.021(2) for Real Estate Acquisition, and 610.21(3) for Personnel Discussion.

City Council may reconvene the Closed Executive Session immediately following the Regular Meeting.

The Closed Executive Session will be immediately followed by an:

**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 12, 2007, City Council Meeting Minutes.
- 4a. **SPECIAL PRESENTATION BY THE GLADSTONE CITY COUNCIL.**
- 4b. **PRESENTATION BY CLAY COUNTY FIELD REPRESENTATIVE SHAWN GRAYBILL ON BEHALF OF CONGRESSMAN SAM GRAVES, OF A CONGRESSIONAL RECORD TO MAYOR BILL CROSS.**

4c. **PRESENTATION OF BOARD AND COMMISSION APPRECIATION PLAQUES.**

**Dave Reynolds, Planning Commission**

January 2004 – December 2006

**Edwin Stanley, Planning Commission**

December 2004 – December 2006

**Don McLaughlin, Capital Improvements Program Committee**

January 2001 – December 2006

**LaVonne Boor, Recycling & Solid Waste Committee**

December 2005 – December 2006

**Mary Jo Payton, Recycling & Solid Waste Committee**

January 2003 – December 2006

5. **CONSENT AGENDA**

**RESOLUTION R-07-14**, accepting Temporary Construction Easements and Permanent Easements from property owners in conjunction with the Gladstone Community Center-Natatorium Project. (CB0662).

**RESOLUTION R-07-15**, authorizing acceptance of work under contract with Linaweaver Construction Incorporated, for the Northeast 76<sup>th</sup> Street and North Woodland Street Improvements, and authorizing final payment in the amount of \$18,998.44 for Project 035035.

**RESOLUTION R-07-16**, authorizing the City Manager to execute a lease agreement by and between the City of Gladstone, Missouri and the Conservation Commission of the State of Missouri for lease of the Maple Woods Nature Preserve.

**RESOLUTION R-07-17**, authorizing the City Manager of the City of Gladstone, Missouri to execute a contract with Woodfin Utility Services LLC for Meter Reading Services.

**RESOLUTION R-07-18**, authorizing the City Manager to execute on behalf of the City of Gladstone, Missouri the Bylaws of Mid-America Regional Council Insurance Trust (MARCIT) which were adopted by the members of MARCIT on November 3, 2006.

**APPROVAL OF A CLASS A&B LIQUOR BY THE DRINK LICENSE** for Multiple Investments, LLC, dba Show Me's, 6300 North Oak Trafficway. Managing Officer: Stephanie Hazelton.

**APPROVAL OF FINANCIAL REPORTS FOR JANUARY 2007.**

**REGULAR AGENDA**

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

8. Communications from the City Manager.
9. **SECOND READING BILL 07-03**, amending Title II, Chapter 105 of the City Code of Ordinances regulating the care, keeping, and licensing of animals within the City of Gladstone.
10. **FIRST READING BILL 07-05**, amending City Code Section 1.110.010 to change the name of the Recycling and Solid Waste Management Committee to the Environmental Management Advisory Committee.
11. **PUBLIC HEARING ON APPEAL OF DANGEROUS BUILDING ORDER** pursuant to Title IX, Chapter 200, Article 4, of the Gladstone City Code on property located at 3707 NE 56 Terrace. Property Owner: Avalon Thompson.
12. Other Business.
13. Questions from the News Media.
14. Adjournment.





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

**MONDAY, FEBRUARY 26, 2007**

**PRESENT:** Mayor Bill Cross  
Mayor Pro Tem Les Smith  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilman Mark Revenaugh  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Bill Cross opened the Regular February 26, 2007, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Following is a transcript of the meeting as provided by Action Court Reporters, Inc.**

CITY OF GLADSTONE, MISSOURI

CITY COUNCIL MEETING

TRANSCRIPT OF MEETING

February 26, 2007

City Hall  
Gladstone, Missouri

Attendance:

City Council Members:

Mr. Bill Cross, Mayor  
Mr. Les Smith, Mayor Pro Tem  
Ms. Carol Rudi, Councilman  
Mr. Mark Revenaugh, Councilman  
Mr. Wayne Beer, Councilman

Staff:

Mr. Scott Wingerson, Director  
Mr. Dave Ramsay, City Attorney  
Ms. Cathy Swenson, Clerk  
Mr. Kirk Davis, City Manager  
Mr. Chris Helmer, City Planner

Ms. Janet Wimer  
Certified Court Reporter

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ACTION COURT REPORTERS, INC.

816-454-4224      6 N.E. 53rd Terrace      fax 816-455-4488  
Kansas City, MO 64118

I N D E X

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PUBLIC HEARING

ITEM 1:

MAYOR CROSS: The meeting is called to order of the Monday, February 26th meeting.

ITEM 2:

MAYOR CROSS: Please note that all members are present this evening, and in fact, I think we have a few extra in attendance, which to all we welcome and we're glad to see people join and understand what's happening here in the City.

ITEM 3:

MAYOR CROSS: I would like, if it is at all possible, and I know it's not on the agenda, but I would like to add something on the agenda. Mr. Rose, where is Mr. Rose? Ryan, do you suppose it would be possible that we could get your two Boy Scouts to lead the Pledge of Allegiance?

MR. ROSE: Sure.

MAYOR CROSS: We'd love to have them, and can you get the flags for them and get us set up and we'll let these two Scouts introduce us and lead us in the Pledge of Allegiance. If I could have all of you stand, and we'll all participate.

(Wherein the Pledge of Allegiance was said.)

ITEM 4:

1 MAYOR CROSS: Item number 4 on the agenda is  
2 Approval of the February 12th City Council Meeting  
3 Minutes. Do I hear a motion for the approval of  
4 the minutes?  
5 COUNCILMAN REVENAUGH: Mayor Cross, motion to  
6 approve.  
7 COUNCILMAN BEER: Second.  
8 MAYOR CROSS: The move has been seconded that we  
9 approve the February 12th, 2007 City Council  
10 Meeting Minutes. Any discussion?  
11 (No response.)  
12 MAYOR CROSS: All those in favor, say aye.  
13 (All said aye.)  
14 MAYOR CROSS: Opposed?  
15 (No response.)  
16 MAYOR CROSS: The minutes of the February 12th is  
17 adopted, and I see here on my agenda, there's  
18 another change here that Mr. Davis or somebody has  
19 something to do with, special 4A.  
20 ITEM 4A:  
21 MAYOR PRO TEM SMITH: Mayor Cross, if I may, we're  
22 going to take that one away from you, and we would  
23 like to ask that you join the entire Council down  
24 in front of the desk. We have a presentation with  
25 you, actually. I went to St. Charles, so I do

1 know how to read. This evening, the City Council  
2 would like to offer the Mayor a couple of special  
3 presentations, if you will. Mayor Cross has been  
4 a great ambassador for our community and a friend  
5 to all of us. He was recently named Northlander  
6 of the Year by the Northland Regional Chamber of  
7 Commerce, and we believe it's the first time that  
8 a City Mayor or Councilmember has ever been  
9 bestowed the awards that Mayor Cross has received,  
10 so the Council has a couple of things for you this  
11 evening from us. If I may, for once, you don't  
12 have to read one.

13 MAYOR CROSS: Good. You'll do a better job.

14 MAYOR PRO TEM SMITH: Proclamation of the City  
15 Council, whereas Dr. Bill Cross, Mayor of the City  
16 of Gladstone, Missouri, has received many honors  
17 and special awards from organizations on the  
18 County, Regional and State levels, including the  
19 outstanding Missouri award from the 93rd General  
20 Assembly of the Missouri House of Representatives,  
21 and whereas Mayor Bill Cross was recently honored  
22 by the Northland Regional Chamber of Commerce for  
23 his service to the Northland community, as the  
24 recipient of the 2006 Northlander of the Year  
25 award, and whereas Mayor Bill Cross has served on

1 the Gladstone City Council since 2000, with two  
2 terms as Mayor, and who served as the first  
3 Gladstone Municipal Pool Manager, and retained  
4 that position for 17 years, has served the  
5 community as a teacher, coach and administrator  
6 for 52 years, serving as a mentor and role model  
7 for over 25,000 high school students and 10,000  
8 teachers in graduate programs. Has brought  
9 distinction to himself in the City through the  
10 exceptional public service he provides, which has  
11 earned him the greatest respect of Gladstone  
12 residents, officials, employees, Clay County,  
13 City, State officials, the business community and  
14 his many friends, neighbors and students in the  
15 Northland area and beyond. And whereas, Mayor  
16 Bill Cross serves as President of the Missouri  
17 Municipal League, Westgate Division, and is a  
18 Board member of the Missouri Municipal League,  
19 past President and Board member of the Clay County  
20 Coordinating Committee, a Westminster College  
21 Lifetime Achievement award recipient, past North  
22 Kansas City School Board member from 1992 to 1995,  
23 a member of both the Gladstone Area Chamber of  
24 Commerce and the Northland Chamber of Commerce,  
25 President of the Native Sons of Kansas City, Board

1 member of the Mid-America Regional Council, and  
2 has served his community in countless other  
3 capacities. And now, therefore, the City Council  
4 members of the City of Gladstone, Missouri,  
5 proudly convey the heartfelt congratulations from  
6 the Gladstone City Council and all the Gladstone  
7 residents, to Dr. Bill Cross, Mayor, City of  
8 Gladstone, in tribute to his many contributions to  
9 our City and the community and his selection as  
10 Northlander of the Year for 2006. Mayor Cross.  
11 (Applause.)

12 MAYOR PRO TEM SMITH: We just happen to have one  
13 other thing. Presented to Dr. Bill Cross, Mayor.  
14 In grateful appreciation of his dedication and  
15 outstanding service to the City of Gladstone,  
16 Missouri, presented this 12th day of February,  
17 2007 - you missed the last meeting, we were ready  
18 for you then - by the Gladstone City Council, Les  
19 Smith, Mayor Pro Tem, Councilmembers Carol Rudi,  
20 Wayne Beer, and Mark Revenaugh, we'd like to  
21 present you with the key to the City.

22 (Applause.)

23 MAYOR CROSS: You have no idea how much I  
24 appreciate this. In 52 years of teaching, I have  
25 never seen so many wonderful gifts, tokens, things



1 from the people in the community. This is a  
2 wonderful place to live. We back it as much as we  
3 can, the five of us work as hard as we can. We  
4 have support of all of you here by showing up  
5 tonight, by showing an interest. I know we're  
6 going to be imposing again on certain things, but  
7 on behalf of myself, my family and even a couple  
8 of my grandchildren here tonight, we appreciate  
9 this very, very much. This is a big surprise to  
10 me, and I thank you so much. He taught with me  
11 for 30 years, so he did get to know me.

12 MAYOR PRO TEM SMITH: Dr. Cross, congratulations  
13 and thank you for being such a good friend of our  
14 community. We appreciate it.

15 MAYOR CROSS: Thank you all.  
16 (Applause.)

17 ITEM 4B:

18 MAYOR PRO TEM SMITH: Next, we have a presentation  
19 by Clay County Field Representative Shawn  
20 Graybill, on behalf of Congressman Sam Graves, of  
21 a Congressional Record to Mayor Bill Cross.

22 MR. SHAWN GRAYBILL: Mayor, this is a speech that  
23 Congressman Graves made on the House floor,  
24 Thursday, February 8th, 2007. Madame Speaker, I  
25 proudly pause to recognize William C. Cross,

1 constituent of the 6th District of Missouri, for  
2 recently adding another profuse award to his  
3 resume, as he was named the Northlander of the  
4 Year by the Northland Chamber of Commerce at their  
5 annual banquet held January the 27th, 2007. Dr.  
6 Cross has lived one of the most admiral and  
7 distinguished lives that any of us could hope for  
8 as he is a teacher, a coach, and an administrator  
9 for 52 years. Bill Cross earned his Bachelor's  
10 Degree at Westminster College in Fulton, Missouri,  
11 obtained his Ph.D. at Kansas State University.  
12 Dr. Cross has been a mentor and a role model for  
13 over 25,000 high school students and an additional  
14 10,000 teachers in graduate programs. He has  
15 written and published multiple articles and  
16 authored books in the area of education. Dr.  
17 Cross has served as sponsor to over 100 college  
18 students in the classroom practical portion of the  
19 education major. He is frequently engaged as a  
20 speaker on the topics of business and education.  
21 But that's not all, Madame Speaker, Dr. Cross has  
22 earned two terms as a Mayor of the great City of  
23 Gladstone, Missouri. He has served on the Board  
24 of Directors at the Mid-America Regional Council,  
25 Missouri Municipal League, Missouri Municipal

1 League of Westgate Division, Headstart, Teaching  
2 and Reaching Youth, Clay County Core Main  
3 Committee, Shepherd Center of Kansas City, and as  
4 a committee member of the National League of  
5 Cities. Dr. Cross was a properly elected member  
6 of the North Kansas City School District. One  
7 special recognition I would like to address is  
8 that Dr. Cross is a fellow Eagle Scout with the  
9 Tribe of Micosay. There is so much more that this  
10 great person has done for his fellow man. If  
11 there ever was an example of a great person with  
12 the most distinguished recognition in this United  
13 States House of Representative, it is truly Dr.  
14 William C. Cross, teacher, civic leader, husband  
15 to Mary and father of three daughters and several  
16 grandchildren, active member of the North Cross  
17 United Methodist Church, valued friend and advisor  
18 to so many, Madame Speaker, I proudly ask you to  
19 join me in honoring Dr. William C. Cross, whose  
20 dedication and service to the people in the 6th  
21 District of Missouri, as exceptional.

22 MAYOR CROSS: Thank you so much. The thing about  
23 this is, State Representative Graves is never too  
24 busy to see anybody from this area of the State.  
25 You tell him where you're from, you're from the

1 Gladstone area, and he'll make an appointment and  
2 he will come see and visit with you. We are very  
3 fortunate to have so many outstanding Senators and  
4 Representatives from this area, and again, on  
5 behalf of all of my friends and everybody that had  
6 something to do with this, I thank you so, so  
7 much. You have no idea what this really means to  
8 me. I appreciate it.

9 (Applause.)

10 ITEM 4C:

11 MAYOR CROSS: There's certain things that we do  
12 that are very traditional and as some of these  
13 people have told you, several of us have been on  
14 the Council five years or longer, we thank that we  
15 can work together, we thank that we are in a  
16 progressive community, and so what I have tried to  
17 do is to change things just a little bit and do  
18 something that hasn't been done before, we are  
19 going to have some presentations made to other  
20 people, and they've been just as noteworthy, and  
21 they've been just as much - they're just not quite  
22 as old as I am. Someday, when they get to be my  
23 age, they'll be receiving all these wonderful  
24 tokens here. So at this time, I would like for  
25 some of my colleagues here is to give to gentlemen

1 and ladies who have served on committees here in  
2 the City of Gladstone. When we're up here on one  
3 Monday night, they're up here on the next Monday  
4 night, and then the information we get from them,  
5 we pass on, we learn, and as a result, we try and  
6 make worthwhile decisions. So at this time, I'm  
7 going to ask the liaisons for each of these  
8 Councilmembers here representing a group, to  
9 present to, not an organization, a person, a  
10 person in this situation, something that they can  
11 be remembered by for their dedicated hours that  
12 they have spent working with the City of  
13 Gladstone. Ms. Rudi, you can go first.

14 COUNCILMAN RUDI: Dave Reynolds, would you please  
15 come forward?

16 MAYOR CROSS: I might mention while he's coming up  
17 here, you won't believe this because he looks a  
18 heck of a lot younger than I did, but David was my  
19 student over 40 years ago.

20 MR. DAVE REYNOLDS: It was about that, yes.  
21 Somewhere between 20 and 50.

22 COUNCILMAN RUDI: Mr. Reynold has served on our  
23 Planning Commission and he's finished his term,  
24 and because of that, we're giving him a plaque in  
25 our appreciation. Certificate of Service

1 presented to Dave Reynolds, in recognition of his  
2 service and achievement in the betterment of our  
3 City, and his outstanding contribution as a member  
4 of the Planning Commission, January, 2004 through  
5 December, 2006, presented by the Mayor and the  
6 City Council of the City of Gladstone, Bill Cross,  
7 Mayor, thank you.

8 (Applause.)

9 COUNCILMAN RUDI: I might tell you that he's  
10 finished his term on the Planning Commission, but  
11 he's still a member of our Atkins-Johnson Farm  
12 Task Force, so we'll keep him busy doing that, and  
13 if you have any questions about that - can I do  
14 my--

15 MR. DAVE REYNOLDS: We're not going to be able to  
16 stop you.

17 COUNCILMAN RUDI: I know it. Okay. Atkins-Johnson  
18 is our log cabin that was built in the early 1800s  
19 and we are attempting to restore it, maintain it,  
20 so if anybody has money they want to give, contact  
21 me.

22 COUNCILMAN BEER: Ed Stanley, if you would come  
23 forward, please. This is Edwin Stanley, and  
24 likewise, this is also a plaque, as a Certificate  
25 of Service presented to Edwin Stanley, in

1 recognition of his service and achievements in the  
2 betterment of our City as a member, and his  
3 contributions, outstanding contribution as a  
4 member of the Planning Commission, from December,  
5 2004 to December, 2006, and this is presented by  
6 the Mayor and the City Council of the City of  
7 Gladstone, Bill Cross, Mayor.

8 MR. EDWIN STANLEY: Thank you very much. I really  
9 enjoyed it.

10 (Applause.)

11 MAYOR PRO TEM SMITH: Don McLaughlin. I'll tell  
12 you a Don McLaughlin story when I finish.  
13 Certificate of Service presented to Don  
14 McLaughlin, in recognition of his service and  
15 achievements in the betterment of our City and his  
16 outstanding contribution as a member of the  
17 Capital Improvements Program Committee, January,  
18 2001 to December, 2006, presented by the Mayor and  
19 City Council, Bill Cross, Mayor. Classic photo op  
20 right there. This is actually a real honor for  
21 me, because Don and I haven't always seen eye to  
22 eye, and we kind of came together a few years ago  
23 and I think we have a renewed respect for each  
24 other, and I can tell you that Don was  
25 instrumental in many of the things that we have

1       going on right now, including bringing economic  
2       development activities back into City Hall. We  
3       somewhat disagreed on the methods, but it was very  
4       effective, nonetheless, and we owe a debt of  
5       gratitude to Mr. McLaughlin, and it's a pleasure  
6       now that we see eye to eye a bit more often.  
7       You're a good man and a good citizen, Don.  
8       MR. DON McLAUGHLIN: Thank you. You can put your  
9       signs in my yard.  
10      COUNCILMAN REVENAUGH: LaVonne Boor, is she in the  
11      audience this evening? How about Mary Jo Payton?  
12      Okay, well, for the record, both of those folks  
13      have served on the Recycling and Solid Waste  
14      Committee, and for the record, we appreciate their  
15      service to our City, and we'll see that they get  
16      their plaques. Thank you.  
17      ITEM 5:  
18      MAYOR CROSS: Thank you very much, and from all my  
19      Councilmembers here, I think you very much for  
20      doing this for me. Now, I'll impose again and  
21      we'll break precedent just a little bit, and we'll  
22      do something just a little bit different. I hope,  
23      Mr. Smith, you have your glasses on and a fresh  
24      drink of water so that you may take over and  
25      handle this Consent Agenda.



1 MAYOR PRO TEM SMITH: Yes, sir, thank you. The  
2 next item on the agenda in the Consent Agenda.  
3 Madame Clerk, will you please explain and read the  
4 Consent Agenda?  
5 MS. SWENSON: The Consent Agenda allows the City  
6 Council to consider and approve routine items of  
7 business without discussion. Any member of the  
8 City Council, the City staff of the public may  
9 request to remove any item from the Consent Agenda  
10 and request it be considered under the regular  
11 agenda, if discussion or debate of the item is  
12 desired. Items not removed from the Consent  
13 Agenda will stand approved by motion, by any  
14 Councilmember's second and a unanimous vote to  
15 approve the Consent Agenda as published and  
16 modified.  
17 The Consent Agenda is as follows: Resolution R-07-  
18 14, accepting Temporary Construction Easements and  
19 Permanent Easements from property owners in  
20 conjunction with the Gladstone Community Center-  
21 Natatorium Project, (CB0662).  
22 Resolution R-07-15, authorizing acceptance of work  
23 under contract with Linaweaver Construction  
24 Incorporated, for the Northeast 76th Street and  
25 North Woodland Street Improvements, and

1 authorizing final payment in the amount of  
2 \$18,998.44.  
3 Resolution R-07-16, authorizing the City Manager  
4 to execute a lease agreement by and between the  
5 City of Gladstone, Missouri and the Conservation  
6 Commission of the State of Missouri for lease of  
7 the Maple Woods Nature Preserve.  
8 Resolution R-07-17, authorizing the City Manager  
9 of the City of Gladstone, Missouri to execute a  
10 contract with Woodfin Utility Services LLC for  
11 Meter Reading Services.  
12 Resolution R-07-18, authorizing the City Manager  
13 to execute on behalf of the City of Gladstone,  
14 Missouri, the Bylaws of Mid-America Regional  
15 Council's Insurance Trust (MARCIT) which were  
16 adopted by the members of MARCIT on November 3rd,  
17 2006.  
18 Approval of a Class A&B Liquor by the Drink  
19 License for Multiple Investments, LLC, d/b/a Show  
20 Me's, 6300 North Oak Trafficway. Managing  
21 Officer: Stephanie Hazelton.  
22 And approval of the financial reports for January,  
23 2007.  
24 MAYOR PRO TEM SMITH: Thank you. Provisions of the  
25 Consent Agenda allow for any member of the

1 audience to have an item removed for discussion.  
2 Does anyone wish to remove an item this evening?  
3 Any Staff member?  
4 MR. KIRK DAVIS: No, sir.  
5 COUNCILMAN RUDI: Mayor Pro Tem?  
6 MAYOR PRO TEM SMITH: Councilman Rudi?  
7 COUNCILMAN RUDI: I move to approve the Consent  
8 Agenda as presented.  
9 COUNCILMAN BEER: Second.  
10 MAYOR PRO TEM SMITH: There's a motion and a  
11 second. All in favor, please say aye.  
12 (All said aye.)  
13 MAYOR PRO TEM SMITH: Opposed, same sign?  
14 (No response.)  
15 ITEM 6:  
16 MAYOR PRO TEM SMITH: Item 6 is communications from  
17 the audience. If there is anyone in the audience  
18 who would like to address the Council on any item  
19 that's not on our agenda this evening, you may do  
20 so at this time. We ask that you step forward and  
21 state your name and address for the record,  
22 please.  
23 MS. KATHY RODRIGUEZ: Good evening Mayor Cross and  
24 City Councilmembers. My name is Kathy Rodriguez,  
25 and I am from Lee's Summit, Missouri. Thank you

1 for this opportunity to speak. I am with No More  
2 Homeless Pets, Kansas City. Shirley Oberkirk is  
3 passing out some information we have for you. We  
4 are the Co-Directors of the Feral Friends Program.  
5 We are here tonight to suggest a humane, effective  
6 solution for the feral and stray cat problem in  
7 Gladstone. No More Homeless Pets is dedicated to  
8 stopping the killing of homeless animals through  
9 spay and neuter of pets free-roaming, and feral  
10 cats. In the past year, we have helped caretakers  
11 fix nearly 2,000 feral and free-roaming cats. As  
12 you may know, we're working with the City of  
13 Riverside, Missouri, in this effort. A feral cat  
14 is an unsocialized cat. Compared to a stray cat,  
15 a feral cat is not tame and cannot be touched. It  
16 most likely has never had human contact. Either  
17 it was born outside or has lived outside long  
18 enough to resort back to being wild. Feral and  
19 stray cats live together in a group called a  
20 colony. These cats come from cats that are  
21 abandoned by their owners, lost cats or kittens  
22 that are born in the wild. How do we humanely  
23 deal with these cats? Well, the proven answer is  
24 trap, neuter, return, or TNR. TNR is a non-lethal  
25 way to reduce the population of homeless pets.

1 TNR stabilizes the number of cats through spay and  
2 neutering. Exactly what does that mean? Trap  
3 means to humanely trap all the cats in a colony.  
4 Neuter means to take the cats in their traps to a  
5 veterinarian to be spayed, neutered, vaccinated  
6 and ear-tipped, and treated as needed. Return  
7 means to take the cats back to their established  
8 outdoor area, which is their home. What is an  
9 ear-tip? An ear-tip is, when a cat is fixed and  
10 vaccinated, as part of the TNR effort, each cat's  
11 left ear is tipped. It is a universal sign that a  
12 cat has been fixed and vaccinated and is being  
13 maintained in a colony. How does TNR work? On  
14 the grassroots level, all the caretakers who  
15 practice TNR report the same result, the colony  
16 size decreases. Shirley and I can share  
17 caretaking a colony, when we started five years  
18 ago, we fed about 30 unaltered cats. We started  
19 trapping and fixing the cats and now the colony  
20 size is down to seven. All are fixed and  
21 vaccinated and the colony hasn't produced any  
22 kittens in the last three years. Other caretakers  
23 all over our City that I've worked with over the  
24 last several years reported the same results.  
25 Colony by colony, the number of feral and free-

1 roaming cats is declining, and it has been done  
2 humanely. On a community level, a number of  
3 communities have adopted TNR because it is  
4 effective. It is cost effective because it's far  
5 less expensive to fix and vaccinate a cat than it  
6 is to trap it, house it for four days and then to  
7 kill it. In the packet we've prepared for you,  
8 there's a handout titled TNR for Animal Control.  
9 The handout was with several agencies that have  
10 instituted TNR and the significant cost in savings  
11 that they have experienced. TNR is also effective  
12 at controlling population. Free-roaming cat  
13 numbers gradually decline. Finally, TNR  
14 effectively reduces the complaint calls, and refer  
15 again to the handout for animal control agencies  
16 to read in this information. Why trap and kill  
17 doesn't work. Eradication is expensive. It  
18 strains municipal budgets. Moreover, once the  
19 cats are removed, more cats move in and take  
20 advantage of the newly available space and  
21 resources. They breed quickly to form a new  
22 colony. The eradication process is never ending,  
23 and it is never effective. Communities concerned  
24 about their civic reputations find that TNR shows  
25 a progressive mindset and that most of its

1 citizens find TNR preferable to killing. Who are  
2 your caretakers? As in other communities, many of  
3 your residents feed and care for feral and free-  
4 roaming cats every day. Many are helping the cats  
5 and they are already emotionally invested in these  
6 cats, even though they cannot touch most of them.  
7 If given permission by the City to trap and fix  
8 the cats, many of your residents will carry out  
9 your TNR. In some communities, TNR is supported  
10 by the city's animal control division. Animal  
11 control works with the caretakers. We have  
12 several handouts in your packet discussing this  
13 option. Some of the myths that you may have heard  
14 is that feral and free-roaming cats tend to carry  
15 disease. On the contrary, they are quite healthy.  
16 Studies show that the occurrence of feline  
17 leukemia and FIV among feral cats is virtually  
18 identical to that of household cats, less than  
19 five percent. Trapping and removing the cats does  
20 not work. Not only do you have to continue to  
21 remove the cats, but it's extremely costly.  
22 Removal creates a vacuum whereby all the other  
23 will move into that vacated space. Feral cats and  
24 stray cats deplete wildlife. Studies show that  
25 the overwhelming cause of wildlife depletion is

1 the destruction of our natural habitat, due to  
2 manmade structures, chemical pollution, pesticides  
3 and drought. Every time we tear up our fields,  
4 fell a strand of trees, we destroy the habitat for  
5 songbirds and other wildlife. The last myth is  
6 that by feeding the cats, caretakers create your  
7 colonies. Feral cats naturally congregate and  
8 live in groups. They will not go away because  
9 someone stops feeding them. Moreover, these cats  
10 are outside because of irresponsible people who  
11 have failed to spay or neuter and chose to abandon  
12 their cats. The caretakers are not the bad guys.  
13 Our research has shown that how many cats live in  
14 the Gladstone area, based on the population and  
15 the number of households, we estimate there's over  
16 3,000 cats in the Gladstone area. We've received  
17 many calls from Gladstone residents asking for  
18 assistance in dealing with feral and free-roaming  
19 cats. We are here because trap, neuter, return  
20 does work. It's less expensive and more effective  
21 than killing the cats. If Gladstone sees that  
22 TNR, as a solution for its feral and stray cat  
23 problem, we are ready to work with the City in an  
24 advisory capacity. We will train your caretakers  
25 to trap and to help establish the neuter and



1       vaccination procedures. We are ready to work  
2       together in a humane way and an effective way to  
3       control the number of homeless pets in Gladstone.  
4       If you have any questions, we'd be happy to  
5       answer.  
6       MAYOR PRO TEM SMITH: Ms. Rodriguez, your comment  
7       is very timely. The Council has committed to  
8       addressing the feral cat issue with our ledger  
9       process which will be around April or May, June,  
10      and I would assume that you will be asked for some  
11      feedback then.  
12      MS. KATHY RODRIGUEZ: We'd be happy to help in any  
13      way.  
14      MAYOR PRO TEM SMITH: Thank you. If anyone else  
15      would like to address the Council this evening on  
16      any item that is not on our agenda?  
17      ITEM 7:  
18      MAYOR PRO TEM SMITH: Item 7 is the communications  
19      from the City Council. Mayor Cross, would you  
20      like to be first this evening?  
21      MAYOR CROSS: No comment this evening. I think  
22      I've said enough.  
23      MAYOR PRO TEM SMITH: Councilman Rudi?  
24      COUNCILMAN RUDI: Congratulations to Mayor Cross.  
25      You are deserving of everything that you've

1 received.

2 MAYOR CROSS: Thank you.

3 MAYOR PRO TEM SMITH: Councilman Revenaugh?

4 COUNCILMAN REVENAUGH: I'd like to add to those

5 congratulations and also mention that Councilman

6 Rudi and I had any opportunity to go to Jeff City

7 Wednesday as part of the Missouri Municipal League

8 meeting with the legislative conference. I'll

9 just say it's gratifying to see folks participate

10 in government by your presence here tonight. I

11 want to emphasize that it's equally important to

12 keep an eye - well, to monitor our legislators in

13 Jefferson City. I think they need the feedback

14 just as we need the feedback, and it was nice to

15 be able to develop a relationship with officials

16 from Liberty and North Kansas City, where in

17 Gladstone, the three of us got together with three

18 legislators and the State Senator for dinner last

19 Wednesday night, specifically to point out those

20 issues that we felt were important to our

21 communities, and by doing that, it showed them

22 that we were paying attention to what they're

23 doing in Jeff City and hopefully, somehow that

24 will at least enter their stream of consciousness

25 when they have to take a vote on the issue. So I

1       thank you all for being here tonight and thank you  
2       also for the opportunity to participate in that  
3       conference Wednesday.

4       MAYOR PRO TEM SMITH: Councilman Beer?

5       COUNCILMAN BEER: Only to say congratulations to  
6       Bill, long time friend, colleague, and thank you  
7       very much for your service for the City and to the  
8       school district, and I appreciate it.

9       MAYOR PRO TEM SMITH: Likewise, the accolades keep  
10      coming up and you're just a great man. We're all  
11      proud to be here associated with you, and Mary,  
12      your children and your grandchildren should be  
13      pretty proud of Papa; he's a good man. Thank you  
14      for all that you've done for us, Mayor.

15      ITEM 8:

16      MAYOR PRO TEM SMITH: Communication from the City  
17      Manager.

18      MR. DAVIS: Only kudos, Mayor. I have nothing  
19      else.

20      MAYOR PRO TEM SMITH: That was a record.

21      ITEM 9:

22      MAYOR PRO TEM SMITH: Item 9 is the second reading  
23      of Bill 07-03, amending Title II, Chapter 105 of  
24      the City Code of Ordinances regulating the care,  
25      keeping and licensing of animals within the City

1 of Gladstone.

2 COUNCILMAN BEER: Mayor Pro Tem Smith?

3 MAYOR PRO TEM SMITH: Councilman Beer?

4 COUNCILMAN BEER: Motion to place Bill 07-03 on its

5 second reading, and amended by the following two

6 provisions, which don't cause any substantial

7 change in the Bill, so we don't have to go through

8 the whole hearing process again on it, with the

9 two amended provisions. Basically, one is to

10 summarize a contents list and the second provision

11 of the amendment is a new numbering, sequencing

12 system that reflects the provisions in the

13 amendment.

14 COUNCILMAN RUDI: Second.

15 MAYOR PRO TEM SMITH: We have a motion and a second

16 for an amended second reading of the Bill. Is

17 there any discussion?

18 COUNCILMAN RUDI: Mayor Pro Tem Smith?

19 MAYOR PRO TEM SMITH: Councilman Rudi?

20 COUNCILMAN RUDI: I will keep this short. I stated

21 my opinions in the past. I just would like to

22 emphasize one more time that I believe that breed

23 specific ordinances would be more costly to the

24 City than if we just strengthen, which is what we

25 are doing. Strengthen our dangerous animal

1 ordinance. We just went through our mid-year  
2 budget adjustment and I believe that this cost  
3 will make this breed specific ordinance less  
4 desirable. Thank you.

5 MAYOR PRO TEM SMITH: Councilman Revenaugh?

6 COUNCILMAN REVENAUGH: Mayor Pro Tem Smith. I'm  
7 not going to debate it again because we've had  
8 plenty of public debate on this issue. And  
9 unfortunately, there's no gray area between breed  
10 specific and non-breed specific legislation. Our  
11 surrounding cities have decided to go with non-  
12 breed specific and if it's the will of this  
13 Council, then I heartily support the ordinance  
14 that ends up being enacted either way.

15 MAYOR PRO TEM SMITH: Thank you. Any discussion?

16 I'd just like to add, and Councilman Rudi, I  
17 appreciate you saying this, it's kind of been lost  
18 in the pit bull discussions, the fact that we are,  
19 we are overhauling our dangerous animal ordinance  
20 and I think with the exception of that specific  
21 legislation, and I'm going to emphasize because  
22 we've got some e-mails relative to bans, but we  
23 are not banning. But I think that what's getting  
24 lost is the hard work that we've done in getting a  
25 good dangerous animal control ordinance. I'm on

1 the boat. It's a major upgrade to what we've had  
2 before, and this Council is in full agreement on  
3 all of the other provisions except one, so that  
4 kind of gets lost in the other issue, but I think  
5 that we have done good work. Any other  
6 discussion?  
7 (No response.)  
8 MAYOR PRO TEM SMITH: All in favor, please say aye?  
9 (Mayor Cross, Mayor Pro Tem Smith, and Councilman  
10 Beer said aye.)  
11 MAYOR PRO TEM SMITH: Opposed, same sign?  
12 (Councilman Revenaugh and Councilman Rudi said  
13 nay.)  
14 MAYOR PRO TEM SMITH: Would you read the Bill,  
15 please?  
16 MS. SWENSON: I'm sorry, sir. May I ask who voted  
17 no?  
18 MAYOR PRO TEM SMITH: Councilmen Rudi and  
19 Revenaugh.  
20 MS. SWENSON: Second reading Bill 07-03, amending  
21 Title II, Chapter 105 of the City Code of  
22 Ordinances regulating the care, keeping and  
23 licensing of animals within the City of Gladstone.  
24 MAYOR PRO TEM SMITH: Councilman Beer?  
25 COUNCILMAN BEER: Motion to approve the second

1 reading of Bill 07-03, and to enact it was  
2 Ordinance 4.022.  
3 COUNCILMAN RUDI: Second.  
4 MAYOR PRO TEM SMITH: We've got a motion and a  
5 second. Any discussion?  
6 (No response.)  
7 MAYOR PRO TEM SMITH: Call the role, please?  
8 MS. SWENSON: Councilman Mark Revenaugh?  
9 COUNCILMAN REVENAUGH: No.  
10 MS. SWENSON: Councilman Wayne Beer?  
11 COUNCILMAN BEER: Yes.  
12 MS. SWENSON: Councilman Carol Rudi?  
13 COUNCILMAN RUDI: No.  
14 MS. SWENSON: Mayor Pro Tem Les Smith?  
15 MAYOR PRO TEM SMITH: Yes.  
16 MS. SWENSON: Mayor Bill Cross?  
17 MAYOR CROSS: Yes.  
18 MAYOR PRO TEM SMITH: Bill 07-03 has been enacted  
19 as Ordinance Number 4.022, as of this date.  
20 ITEM 10:  
21 MAYOR PRO TEM SMITH: Item 10 is the first reading  
22 of Bill 07-05, amending City Code Section  
23 1.110.010 to change the name of the Recycling and  
24 Solid Waste Management Committee to the  
25 Environmental Management Advisory Committee.

1 COUNCILMAN BEER: Mayor Pro Tem Smith?  
2 MAYOR PRO TEM SMITH: Councilman Beer?  
3 COUNCILMAN BEER: Motion to place Bill 07-05 on its  
4 first reading.  
5 COUNCILMAN REVENAUGH: Second.  
6 MAYOR PRO TEM SMITH: Motion and a second. Any  
7 discussion?  
8 COUNCILMAN RUDI: Mayor Pro Tem Smith, I just have  
9 one question for counsel. In this ordinance, it  
10 lists the boards authorized and it lists the Arts  
11 Council, which is their Arts Commission. Is that  
12 the reason that it's changing? And if we change  
13 that one, we authorize the Arts Commission? I was  
14 going to ask you this earlier and I didn't get to  
15 it in time.  
16 COUNCILMAN BEER: The motion I said earlier would  
17 propose that, and to the Bill be made which  
18 specifies Arts Commission as opposed to Arts  
19 Council.  
20 COUNCILMAN RUDI: I just wanted to be sure that  
21 that's how it's supposed to be.  
22 MAYOR PRO TEM SMITH: Yes, that's fine. You had  
23 previously changed the name and we didn't pick it  
24 up in this, and I'm sorry.  
25 COUNCILMAN RUDI: I didn't know if there was



1 something that overlapped.

2 MAYOR PRO TEM SMITH: Motion and a second. Is

3 there any discussion?

4 (No response.)

5 MAYOR PRO TEM SMITH: All in favor, please say aye?

6 (All said aye.)

7 MAYOR PRO TEM SMITH: Opposed, same sign?

8 (No response.)

9 MS. SWENSON: First reading Bill 07-05, amending

10 City Code Section 1.110.010 to change the name of

11 the Recycling and Solid Waste Management Committee

12 to the Environmental Management Advisory

13 Committee.

14 MAYOR PRO TEM SMITH: Councilman Beer?

15 COUNCILMAN BEER: Motion to approve Bill 07-05's

16 first reading and to place the Bill on a second

17 and final reading.

18 COUNCILMAN REVENAUGH: Second.

19 MAYOR PRO TEM SMITH: Does that motion include to--

20 COUNCILMAN BEER: In fact, it ought to include

21 changing that.

22 MAYOR PRO TEM SMITH: Does the second concur?

23 COUNCILMAN REVENAUGH: Yes.

24 MAYOR PRO TEM SMITH: Any discussion?

25 (No response.)

1 MAYOR PRO TEM SMITH: All in favor, please say aye?  
2 (All said aye.)  
3 MAYOR PRO TEM SMITH: Opposed, the same sign?  
4 (No response.)  
5 MS. SWENSON: Second reading Bill 07-05, amending  
6 City Code Section 1.110.010 to change the name of  
7 the Recycling and Solid Waste Management Committee  
8 to the Enviromental Management Advisory Committee.  
9 COUNCILMAN BEER: Mayor Pro Tem Smith?  
10 MAYOR PRO TEM SMITH: Councilman Beer?  
11 COUNCILMAN BEER: I move to place Bill 07-05 to  
12 accept a second and final reading, and to enact it  
13 as Ordinance 4.023.  
14 COUNCILMAN REVENAUGH: Second.  
15 MAYOR PRO TEM SMITH: Motion and a second. Any  
16 discussion?  
17 (No response.)  
18 MAYOR PRO TEM SMITH: Would you take the role,  
19 please?  
20 MS. SWENSON: Councilman Mark Revenaugh?  
21 COUNCILMAN REVENAUGH: Yes.  
22 MS. SWENSON: Councilman Wayne Beer?  
23 COUNCILMAN BEER: Yes.  
24 MS. SWENSON: Councilman Carol Rudi?  
25 COUNCILMAN RUDI: Yes.

1 to cross examine the witnesses, if you would like,  
2 and as well, to be represented by an attorney, if  
3 that's your preference.

4 MS. CINDY BENNETT: I finally got a hold of an  
5 attorney that would take the case. Her name is  
6 Frankie, and I can't pronounce her last name, but  
7 she's out of town, and she asked me to go ahead  
8 and ask for a continuance. The power company is  
9 supposed to come over there and turn the power on,  
10 if that's all it takes to keep you from tearing  
11 down my basement. I don't really have a clue why  
12 you all want to tear down the property. It's  
13 identical to every other property on that street.  
14 It looks the same as it did when I was a kid.

15 MR. RAMSAY: Mayor Pro Tem, there isn't a specific  
16 provision for a continuance. However, State  
17 statute and our City ordinances do provide that  
18 the homeowner is entitled to be represented by  
19 counsel, so it wouldn't be inappropriate for the  
20 City Council to reschedule this matter. It's at  
21 your discretion.

22 MAYOR PRO TEM SMITH: Councilmen discussion on it?

23 COUNCILMAN RUDI: I believe we should reschedule  
24 this, as counsel has a right to be here.

25 MAYOR PRO TEM SMITH: I agree with that. I think

1 MS. SWENSON: Mayor Pro Tem Les Smith?  
2 MAYOR PRO TEM SMITH: Yes.  
3 MS. SWENSON: Mayor Bill Cross?  
4 MAYOR CROSS: Yes.  
5 MAYOR PRO TEM SMITH: Very Good.  
6 ITEM 11:  
7 MAYOR PRO TEM SMITH: Item 11 is a public hearing  
8 on an appeal of dangerous building order pursuant  
9 to Title IX, Chapter 200, Article 4, of the  
10 Gladstone City Code on property located at 3707  
11 Northeast 56 Terrace. Property Owner: Avalon  
12 Thompson. We will open that public hearing. I  
13 believe Dave Ramsay, please proceed, and we'll go  
14 over what we have. This is a bit different than  
15 some public hearings we have. It's treated more  
16 like a court case, if you will, so please proceed.  
17 MR. RAMSAY: First of all, I'd like to determine  
18 who, if anyone, is here on behalf of either Ms.  
19 Thompson or anyone here who might want to--  
20 MS. CINDY BENNETT: I'm Avalon Thompson's daughter.  
21 MR. RAMSAY: Okay. What is your name?  
22 MS. CINDY BENNETT: Cindy Bennett.  
23 MR. RAMSAY: Ms. Bennett, you have the right to  
24 participate in this hearing and to call witnesses  
25 and to provide documents or evidence, materials,

1       that--

2       MS. CINDY BENNETT: The letter I got said the

3       reason you all wanted to tear it down is because

4       there's no electricity, no gas, no water. So if

5       the electricity is on and I don't have any

6       plumbing set up inside the building at the time,

7       so I don't need water. I don't have anything gas

8       except a hot water tank. But I don't have water

9       so I don't use the hot water tank. So I've got

10      power on over there. Why then would you feel you

11      still want to tear it down? It looks the same as

12      it did when I was a kid. The roof is less than 10

13      years old on this basement.

14      COUNCILMAN REVENAUGH: Mr. Ramsay, are we going to

15      debate this case now then? Is that what--

16      MS. CINDY BENNETT: Well, I just didn't want it

17      going out today.

18      MR. RAMSAY: Pardon me?

19      MS. CINDY BENNETT: They said, you know, that

20      someone was just making me come up here to say my

21      say, that's got power.

22      MR. RAMSAY: Okay. I think since you've asked for

23      a continuance, I think that's what the City

24      Council is going to do.

25      MAYOR PRO TEM SMITH: We want to give you an

1 opportunity to have a fair hearing, okay, which  
2 means that we have the City Attorney and the  
3 Building Inspector who have evidence, if you will,  
4 to present, and so I think it's in your best  
5 interest, if you wish to be represented by an  
6 attorney, that we go that route, rather than  
7 trying to piecemeal it this evening. Whether to  
8 continue or not to continue, and I think we want  
9 to give you the benefit of the doubt, and  
10 continue. That would be my recommendation and I  
11 think it would be in your best interest.  
12 Counselor, what do we need to do, as far as  
13 action, to continue this to the next meeting?  
14 MR. RAMSAY: I think just the Chair can do that.  
15 Now, there was a suggestion, Director Wingerson  
16 suggested a 60 day continuance because of what is  
17 building up on the agendas for the next few weeks.  
18 MR. WINGERSON: It's certainly the best suggestion.  
19 MAYOR PRO TEM SMITH: And this does not impede her  
20 ability to use the property in the meantime?  
21 MR. RAMSAY: No. As a matter of fact, it probably  
22 would give her an opportunity to get together with  
23 the Building Inspector and see if something could  
24 be resolved, so that possibly a hearing won't be  
25 necessary.

1 COUNCILMAN BEER: Mayor Pro Tem Smith, motion to  
2 continue for 60 days.  
3 COUNCILMAN RUDI: Second.  
4 MAYOR PRO TEM SMITH: Motion and a second. All in  
5 favor, please say aye?  
6 (All said aye.)  
7 COUNCILMAN REVENAUGH: Mayor Pro Tem Smith, I  
8 believe that would be approximately the 23rd.  
9 MAYOR PRO TEM SMITH: Councilman Revenaugh, I'm  
10 sorry.  
11 COUNCILMAN REVENAUGH: That's okay. I just thought  
12 there might be discussion in between the motion  
13 and the vote.  
14 MAYOR PRO TEM SMITH: I apologize, sir.  
15 COUNCILMAN REVENAUGH: Not a problem. We'll let it  
16 go.  
17 MAYOR PRO TEM SMITH: Was there any discussion?  
18 COUNCILMAN REVENAUGH: I guess not.  
19 MR. RAMSAY: And we will give written notification  
20 to the owners for the next scheduled hearing date.  
21 MAYOR PRO TEM SMITH: Councilman Rudi?  
22 COUNCILMAN RUDI: Mr. Napoli(ph), will you meet  
23 with them, please?  
24 MR. NAPOLI: Yes, I will.  
25 COUNCILMAN RUDI: Thank you.

1       ITEM 12:  
2       MAYOR PRO TEM SMITH: Item 12. Is there any other  
3       business to come before the Council this evening?  
4       (No response.)  
5       ITEM 13:  
6       MAYOR PRO TEM SMITH: Questions from the news  
7       media, but there is none.  
8       ITEM 14:  
9       MAYOR PRO TEM SMITH: Item 14 is adjournment.  
10      We're adjourned.  
11      (Meeting Adjourned.)  
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1 REPORTER'S CERTIFICATE

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3 I, JANET H. WIMER, Certified Court Reporter,  
4 Certified Shorthand Reporter, Certified Verbatim  
5 Reporter, do hereby certify that I personally appeared  
6 at the taking of the proceeding as set forth in the  
7 caption sheet hereof; that I then and there took down  
8 by use of the Stenomask closed microphone, the  
9 proceedings had at said time and that the foregoing is  
10 a full, true and correct transcript of such proceeding.

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15 Janet H. Wimer, CCR-CSR  
16 Action Court Reporters, Inc.  
17 P.O. Box 11066  
18 Kansas City, MO 64119  
19 (816) 454-4224

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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.**

There being no further business to come before the February 26, 2007, Gladstone Regular City Council Meeting, Mayor Pro Tem Les Smith adjourned the regular meeting.

Respectfully submitted:

D. Llane Whitaker  
Cathy Swenson, City Clerk  
Deputy

Approved as submitted: \_\_\_\_\_

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

For Smith  
Mayor Bill Cross Pro Tem  
Les Smith

Mar.



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MARCH 12, 2007**

**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 26, 2007, City Council Meeting Minutes.
5. **CONSENT AGENDA**

**RESOLUTION R-07-19**, authorizing acceptance of work under contract with SMI-CO Construction for the 2005 Water Main Replacements and authorizing final payment in the amount of \$7,403.47 for Project WP0590.

**RESOLUTION R-07-20**, authorizing acceptance of a proposal for consulting services from Elizabeth Fast, Spencer Fane Britt & Browne LLP in the amount of \$12,000.00 for the creation of a Legal Entity Structure for the City of Gladstone to be eligible to participate in both Federal and State Historic Tax Credit programs for the Atkins Johnson property within the City of Gladstone, Missouri.

**RESOLUTION R-07-21**, authorizing execution of a contract with the Kansas City North Umpires Association to provide Umpire Services for the City of Gladstone for one year and three optional terms of one year each at the cost of \$22.00 per league game and \$22.00 per tournament game.

**RESOLUTION R-07-22**, authorizing the Director of Public Safety to make application for Law Enforcement Grants under the Missouri Highway Safety Program and to execute all necessary documents to complete the application process.

**RESOLUTION R-07-23**, authorizing execution of a contract with Carroll Seating Company in the not to exceed total amount of \$100,697.00 for the Gladstone Community Center-Natatorium, Bleacher Package. Project CB0662.

**RESOLUTION R-07-24**, authorizing the City Manager of the City of Gladstone, Missouri to execute an agreement with the Missouri Department of Transportation for Transportation Enhancement Funds relating to the Community Center/Natatorium Streetscape project.

#### REGULAR AGENDA

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **PUBLIC HEARING:** on a request to rezone from R-1 (Single Family Residential) and C-2 (General Business) to CP-2 (Commercial District Planned) and a Site Plan Revision at property located at 5705 NE Antioch Road, 2603 NE 57 Terrace, and 2607 NE 57 Terrace (general location of property: 57<sup>th</sup> Terrace and NE Antioch Road). Applicant/Owner: Joseph Scola. (File #1294)
10. **FIRST READING BILL 07-06**, amending Ordinance No. 3.973 and being an Ordinance relating to Zoning Ordinance Regulations and the establishment of Use Districts within the City of Gladstone, Missouri. Applicant/Owner: Joseph Scola. (File #1294)
11. **FIRST READING BILL 07-07**, approving a Site Plan Revision for property located at 5705 NE Antioch Road, 2603 NE 57 Terrace, and 2607 NE 57 Terrace (general location of property: 57<sup>th</sup> Terrace and NE Antioch Road). Applicant/Owner: Joseph Scola. (File #1294)
12. Other Business.
13. Questions from the News Media.
14. Adjournment.



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

**MONDAY, MARCH 12, 2007**

**PRESENT:** Mayor Bill Cross  
Mayor Pro Tem Les Smith  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilman Mark Revenaugh  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
Executive Assistant/Acting City Clerk Diane Whitaker

**ABSENT:** City Clerk Cathy Swenson

Mayor Bill Cross opened the Regular March 12, 2007, City Council Meeting at 7:30 p.m. in the Gladstone City Council Chambers.

**Item 2. on the Agenda. ROLL CALL**

Mayor Cross noted that all Council members were present this evening.

**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 FEBRUARY 26, 2007, CITY COUNCIL MEETING MINUTES.**

Councilman Wayne Beer moved to approve the Regular February 26, 2007, City Council Meeting Minutes as presented. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross (5-0).

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

Following the Clerks reading, Councilman Wayne Beer moved to approve the Consent Agenda as presented. Councilman Carol Rudi seconded. The vote: All "aye" -

Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-19**, authorizing acceptance of work under contract with SMI-CO Construction for the 2005 Water Main Replacements and authorizing final payment in the amount of \$7,403.47 for Project WP0590. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-20**, authorizing acceptance of a proposal for consulting services from Elizabeth Fast, Spencer Fane Britt & Browne LLP in the amount of \$12,000.00 for the creation of a Legal Entity Structure for the City of Gladstone to be eligible to participate in both Federal and State Historic Tax Credit programs for the Atkins Johnson property within the City of Gladstone, Missouri. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-21**, authorizing execution of a contract with the Kansas City North Umpires Association to provide Umpire Services for the City of Gladstone for one year and three optional terms of one year each at the cost of \$22.00 per league game and \$22.00 per tournament game. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-22**, authorizing the Director of Public Safety to make application for Law Enforcement Grants under the Missouri Highway Safety Program and to execute all necessary documents to complete the application process. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-23**, authorizing execution of a contract with Carroll Seating Company not to exceed a total amount of \$100,697.00 for the Gladstone Community Center-Natatorium, Bleacher Package. Project CB0662. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-24**, authorizing the City Manager of the City of Gladstone, Missouri to execute an agreement with the Missouri Department of Transportation for Transportation Enhancement Funds relating to the Community Center/Natatorium Streetscape project. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

#### **COMMUNICATIONS FROM THE AUDIENCE.**

**Larry Newport, 2002 NE 69<sup>th</sup> Terrace**, asked about getting street lights at the bottom of the cul-de-sac by his home. Mr. Newport stated that there is one light at the top of the hill by his home, but the cul-de-sac is pitch black and there are no lights down there where it dead ends.

City Manager Kirk Davis asked Public Works Director Chuck Williams to meet with Mr. Newport, get the exact address and make sure it meets all the criteria for adding to the street light program. Mr. Davis stated that it sounds like it might.

**Joann Whitlock, 607 NE 67<sup>th</sup> Place**, asked why the City does not accept three-year rabies vaccines for dog tags.

Mayor Pro Tem Les Smith stated that we do now accept three-year vaccines and her question is very timely.

### **Item 7. on the Agenda.**

#### **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Mark Revenaugh** had no comments at this time.

**Councilman Wayne Beer** had no comments at this time.

**Councilman Carol Rudi** expressed her congratulations to staff for pursuing grants and the Transportation Enhancement Fund grant tonight is great news. Councilman Rudi also stated that it is exciting to see the contract approved and move forward for the bleachers for the natatorium.

**Mayor Pro Tem Les Smith** stated that it is exciting to see some inside things progressing with the natatorium as Councilman Rudi just stated. Mayor Pro Tem Smith had no other comments at this time.

**Mayor Bill Cross** stated that the City is making rapid progress in many areas and he is proud to be a citizen of Gladstone and to work with City staff. He thanked City Manager Davis.

### **Item 8. on the Agenda.**

#### **COMMUNICATIONS FROM THE CITY MANAGER.**

**City Manager Kirk Davis** stated that the next community center construction site tour is coming up in April and suggested everyone try to make that date on April 7 at 8:00 a.m. There is so much going on and everyone needs to get a chance to tour. Mr. Davis pointed out that we are now seeing marked improvements to the outdoor municipal pool area and are moving right along with the slide, spray areas, shade structures, and we are seeing a completely different facility.



City Manager Davis also stated that Council may be surprised to see an armored vehicle given to the City free from the National Guard. Mr. Davis stated that he hopes it is something that we never have to use, but during the hostage situation was needed. This will be available to area municipalities, if needed. It was literally a gift to us with no cost, no match, nothing.

Councilman Revenaugh asked if it was a tank with guns since Mr. Davis said "armored."

City Manager Davis stated no, it is just to carry people and no guns.

Councilman Wayne Beer asked where it was housed.

Mr. Davis replied it was either at Public Works or in the barn.

**Item 9, on the Agenda.** PUBLIC HEARING on a request to rezone from R-1 (Single Family Residential) and C-2 (General Business) to CP-2 (Commercial District Planned) and a Site Plan Revision at property located at 5705 NE Antioch Road, 2603 NE 57 Terrace, and 2607 NE 57 Terrace (general location of property: 57<sup>th</sup> Terrace and NE Antioch Road). Applicant/Owner: Joseph Scola. (File #1294)

Mayor Pro Tem Les Smith opened the Public Hearing and explained the hearing process and that we would first hear from Assistant City Manager Scott Wingerson who would make the staff presentation, followed by the applicant and finally comments from those in Favor and those Opposed.

#### **Staff Presentation**

Assistant City Manager Scott Wingerson stated that Planning Specialist Chris Helmer would make the balance of the presentation and wanted to comment that we were to include a PowerPoint to walk Council through the evolution of the project when applied for to the Planning Commission to the City Council, but we are having technical difficulty. There are paper documents in your packets which Chris will highlight the changes from one version to the next.

Chris Helmer apologized again for not having the PowerPoint available, but stated the site plans are in your packet. The one thing the PowerPoint included was the first site plan that came in January when staff first met with Mr. Noll to review prior to the pre-development meeting and made significant changes before the Planning Commission meeting on February 20. Once again we are discussing the site plan and rezoning located at 5705 NE Antioch Road and NE 57<sup>th</sup> Terrace.

The plan has taken on dramatic changes from the beginning. We have gone to the Planning Commission with lengthy discussion of design guidelines and further recommendations that needed to occur on site before approval by the Planning Commission. The first order of discussion was the building setback and want to point out that the design which will be very consistent with that of Plaza 57. Staff had concerns about consistency with the development on Antioch Road and wanted to mitigate any

adverse impact to surrounding further development. It will be very consistent with any designs and developments in the future.

Mr. Helmer stated that as far as the driveway egress and ingress on 57<sup>th</sup> Terrace, the Planning Commission discussed the lining up of the entryway with Plaza 57 as noted in your packet. Another area of discussion was accessibility on site with not only vehicle traffic but unloading and loading large vehicles and do not anticipate 18-wheelers entering on that site and hope that will not be a future problem.

Mr. Helmer continued to say that in order to meet the design criteria with Mr. Noll, moving Lot 1, which is a 2,000 square foot structure, further south, we were able to do that by moving the stormwater detention basin further to the south on the unimproved area of 57<sup>th</sup> street. As far as the drainage goes, we will not issue any permit until we negotiate all details as far as the drainage is concerned.

Another area of concern was landscaping and maintenance of the fence behind the larger Lot 2, a 12,000 square foot building. The Planning Commission condition was that the fence and landscaping would be maintained into perpetuity. Before moving forward with approval of landscaping, we will require a much more detailed layout as to what that would entail.

The overall goals when reviewing the site plan are three-fold to be consistent with development that will be occurring to the north of Plaza 57 and recognizing the residential property to the east. Mr. Helmer stated he would be happy to answer any questions from Council and that Mr. Noll is also present to answer questions relating to the engineering aspects or any design criteria.

### **Council Discussion**

Councilman Wayne Beer stated that he was at the Planning Commission meeting and one important aspect was aligning the streets which was a pretty important issue as far as the traffic flow in and out of the two centers onto Antioch Road. The original design showed the Scola plaza entrance closer to Antioch provided a pretty serious traffic issue and he is glad to see this has been worked out by moving further to the east. Also, the traffic splitting island incorporated at the entrance on the Antioch Road entrance will be a pretty important thing as far as traffic safety as well.

Councilman Beer continued to say that one of the issues with the Planning Commission was the zoning. His thoughts on the zoning was that the Planning Commission wished that this be zoned C-2 as opposed to C-3 that is being recommended to us.

Mr. Helmer said that is correct and he had omitted this important piece and that the original request was from R-1 to RP-3 and after a lengthy discussion it is pretty evident that the smaller lot building would be a drive-thru and under the C-2 classification that would still be fine. The Planning Commission had a difficult time justifying with the C-3 and ultimately were very happy with the design layout and looking forward to the approval of the C-2 zoning. That is correct with issues raised from the Planning Commission.

Councilman Beer stated that if he is correct, the recommendation is C-2 only as opposed to CP-2. Is there a reason why?

Assistant City Manager Scott Wingerson said that ordinance later in your agenda is from the current R-1 to C-2 to CP-2.

Councilman Beer stated that he had missed the CP. Thank you.

Councilman Carol Rudi said she had a comment about delivery truck issues and that may come in with the building permit and the possibility of large delivery trucks that the Planning Commission talked about it. We do not want any back-up on Antioch Road and no parking on 57<sup>th</sup> Terrace. It is definitely something to be considered as this is put together.

Assistant City Manager Wingerson stated that he wanted to highlight one more item. There is a provision for a cross-access easement on the south end for potential redevelopment to the south and makes a fairly well-coordinated development for the long term.

#### **Applicant Presentation**

Andy Noll, W.A. Noll and Associates, 105 West Kansas, Liberty, Missouri stated that he wanted to thank staff for working with him on this proposal for redevelopment that is sorely needed. Mr. Noll stated that the applicant is very excited about the potential for this corner and is ready to move forward and work with staff on this project. As Mr. Wingerson pointed out, there are long-term benefits for the people to the south so when it does develop, it will help this center provide great access to the south development. We request approval of this Agenda item.

Mayor Pro Tem Les Smith asked what the restrictions are to building an over or underground detention basin.

Mr. Wingerson commented that it would require a separate agreement the City Council would have to approve prior to or the same night as the building permit consideration. It is really a pretty common technique and used in many commercial parking lots. In fact, it is used on 57<sup>th</sup> Terrace on a public project just east of this location on underground stormwater detention. We will work with technical engineering on that part to ensure a roadway could be constructed in that area in the future without relocating that and it boils down to a maintenance agreement at that point.

Mayor Pro Tem Smith stated that we had talked a little about the width of the entrance at Lot 1. He is assuming that it has been cut narrow for traffic concerns in that area at the entrance.

Mr. Wingerson stated that from the Planning Commission consideration we have increased is slightly. What we are fighting there is the close proximity to the property line and to ensure that the radius is soft enough to allow the turn to the curve and stay within the

property line. There is more work to be done on that to mitigate the traffic conflict potential in exiting and entering the drive. We need to evolve that a little more.

Mayor Pro Tem Smith asked if the radius is sufficient for fire apparatus to move in and out in relation to the island.

Mr. Wingerson stated yes.

**There was no one to speak in Favor or Opposition to the Application**

Mayor Pro Tem Les Smith closed the Public Hearing.

**Item 10. on the Agenda.** **FIRST READING BILL 07-06**, amending Ordinance No. 3.973 and being an Ordinance relating to Zoning Ordinance Regulations and the establishment of Use Districts within the City of Gladstone, Missouri. Applicant/Owner: Joseph Scola. (File #1294)

Councilman Wayne Beer moved to place Bill 07-06 on First Reading. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Councilman Wayne Beer, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 07-06, Waive the Rule and place the Bill on Second and Final Reading. Councilman Mark Revenaugh seconded. The vote: The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Councilman Wayne Beer, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 07-06 and enact the Bill as **Ordinance 4.024**. Councilman Mark Revenaugh seconded. Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Councilman Wayne Beer, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

**Item 11. on the Agenda.** **FIRST READING BILL 07-07**, approving a Site Plan Revision for property located at 5705 NE Antioch Road, 2603 NE 57 Terrace, and 2607 NE 57 Terrace (general location of property: 57<sup>th</sup> Terrace and NE Antioch Road). Applicant/Owner: Joseph Scola. (File #1294)

Councilman Mark Revenaugh moved to place Bill 07-07 on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Councilman Wayne Beer, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Mark Revenaugh moved to accept the First Reading of Bill 07-07, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded. The vote: The vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Councilman Wayne Beer, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Mark Revenaugh moved to accept the Second and Final Reading of Bill 07-07 and enact the Bill as **Ordinance 4.025**. Councilman Carol Rudi seconded.

Mayor Pro Tem Les Smith stated that this is an exciting addition to Antioch Road and has been an eyesore for many years. It is encouraging to see it being resolved.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Carol Rudi, Councilman Wayne Beer, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

Councilman Wayne Beer stated he wanted to echo the comments of Mayor Pro Tem Smith in that it has been an eyesore for many years and we are ready to move forward. Let's get it done.

**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.**

There being no further business to come before the March 12, 2007, Gladstone Regular City Council Meeting, Mayor Pro Tem Les Smith adjourned the regular meeting.

Respectfully submitted:

Cathy Swenson  
G. Diane Whitaker, Acting City Clerk  
City Clerk Cathy Swenson

Approved as submitted: ☒

Approved as corrected/amended: ☐

Bill Cross  
Mayor Bill Cross



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MARCH 26, 2007**

**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 12, 2007, City Council Meeting Minutes.
- 4a. **PROCLAMATION:** designating April 6, 2007, as "ARBOR DAY" in Gladstone, Missouri, and urging residents to support efforts that focus on environmental betterment and the planting of trees.
- 4b. **PROCLAMATION:** designating April 2-8, 2007, as "PUBLIC HEALTH WEEK" in Gladstone, Missouri, and commending the Health Department's service to our community.
5. **CONSENT AGENDA**

**APPROVAL OF PARK FESTIVAL USE PERMITS** for the 11th Annual Gladstone Summertime Bluesfest in Oak Grove Park, 76th & North Troost, Friday and Saturday, June 8-9, 2007, and the 28th Annual Gladfest Celebration on Friday, Saturday and Sunday, October 5-7, 2007, in the Gladstone Central Park area, near 69th & N. Holmes, under the sponsorship of the Gladstone Area Chamber of Commerce and City of Gladstone.

**APPROVAL OF BEER LICENSE** for the Gladstone Summertime Bluesfest in Oak Grove Park, 76th & North Troost, (2-day license), June 8-9, 2007, Managing Officer: Amy Harlin; and the Gladfest Celebration in the Gladstone Central Park area, near 69th & N Holmes, (3-day license) October 5-7, 2007, Managing Officer: Amy Harlin.

**APPROVAL OF FINANCIAL REPORTS FOR FEBRUARY 2007.**

REGULAR AGENDA

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **FIRST READING BILL 07-08**, an Ordinance prohibiting dogs on the grounds of the Gladfest and Bluesfest Festivals in the City of Gladstone, Missouri.
10. Other Business.
11. Questions from the News Media.
12. Adjournment.



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

**MONDAY, MARCH 26, 2007**

**PRESENT:** Mayor Bill Cross  
Mayor Pro Tem Les Smith  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilman Mark Revenaugh  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Bill Cross opened the Regular March 26, 2007, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and noted that all City Council members were in attendance.

**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 12, 2007, CITY COUNCIL MEETING MINUTES.**

Councilman Carol Rudi moved to approve the Regular March 12, 2007, City Council Meeting Minutes as presented. Councilman Mark Revenaugh seconded. The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

**Item 4a. on the Agenda. PROCLAMATION:** designating April 6, 2007, as "ARBOR DAY" in Gladstone, Missouri, and urging residents to support efforts that focus on environmental betterment and the planting of trees.



Mayor Cross said he was honored to present proclamations to two groups this evening, and invited Councilman Wayne Beer to read and present the proclamation designating **April 6, 2007, as "ARBOR DAY"** in Gladstone, Missouri. Parks and Recreation Director Sheila Lillis accepted the proclamation, and thanked the Mayor and City Council members. Director Lillis invited everyone to this year's Arbor Day celebration at 10:00 AM, April 6, at Flora Park. Kindergartners from Oakwood Manor School will be on hand to help with the celebration and the planting of a tree.

**Item 4b. on the Agenda: PROCLAMATION:** designating April 2-8, 2007, as **"PUBLIC HEALTH WEEK"** in Gladstone, Missouri, and commending the Health Department's service to our community.

Mayor Cross invited Councilman Mark Revenaugh to read and present the proclamation designating April 2-8, 2007, as **"PUBLIC HEALTH WEEK"** in Gladstone, Missouri. Freddie Nichols, Clay County Health Department Board of Trustee member, accepted the proclamation and offered her thanks to Mayor Cross and City Council members.

Mayor Cross thanked Councilman Beer and Councilman Revenaugh for their assistance with the proclamations and thanked Director Lillis and Ms. Nichols for their work in the community.

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

Following the Clerks reading, Councilman Wayne Beer moved to approve the Consent Agenda as presented. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to approve **PARK FESTIVAL USE PERMITS** for the 11th Annual **Gladstone Summertime Bluesfest** in Oak Grove Park, 76th & North Troost, Friday and Saturday, June 8-9, 2007, and the 28th Annual **Gladfest Celebration** on Friday, Saturday and Sunday, October 5-7, 2007, in the Gladstone Central Park area, near 69th & N. Holmes, under the sponsorship of the Gladstone Area Chamber of Commerce and the City of Gladstone. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to approve a **BEER LICENSE** for the **Gladstone Summertime Bluesfest** in Oak Grove Park, 76th & North Troost, (2-day license), June 8-9, 2007, Managing Officer: Amy Harlin; and the **Gladfest Celebration** in the Gladstone Central Park area, near 69th & N Holmes, (3-day license) October 5-7, 2007, Managing Officer: Amy Harlin. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Councilman Wayne Beer moved to approve the **FINANCIAL REPORTS FOR FEBRUARY 2007**. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, and Mayor Bill Cross. (5-0).

Mayor Cross stated he noticed in the Financial Report that the sales tax increased slightly, which is encouraging, and asked Finance Director Debra Daily if she would like to comment on that.

Finance Director Daily replied that to date, on a cash basis, the City is about one half percent under where we were last year, and on an accrual basis, it is slightly more than that. Director Daily said sales tax revenues are slightly better than the previous year, but revenues are not where she would like them to be.

#### **REGULAR AGENDA**

##### **Item 6. on the Agenda.**

##### **COMMUNICATIONS FROM THE AUDIENCE.**

There were no comments from the audience.

##### **Item 7. on the Agenda.**

##### **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Mark Revenaugh** had no comments at this time.

**Councilman Carol Rudi** asked that a press release be issued that explains the requirements for confining an animal in the back of a pickup truck, based on the Ordinance that was just approved by City Council. Councilman Rudi said she recently followed a dog in a pickup truck through McDonalds and was certain the dog would fall out of the truck onto her windshield. Councilman Rudi said she would like people to know the hazards and that this is no longer allowed.

**Councilman Wayne Beer** had no comments at this time.

**Mayor Pro Tem Les Smith** stated that the gentleman who just left the meeting was Scott Burnett, a Jackson County legislator, who was here tonight to view the traffic enforcement presentation during the Open Study Session. Mayor Pro Tem Smith said he hopes the City continues to move forward on this, and he knows there was some legislation filed in Jefferson City that he assumes is still on the table regarding Red Light Cameras. Mayor Pro Tem Smith said hopefully the City will continue to move forward on this issue, because the overall objective is to maintain compliance on the city's roadways to keep them safe, and this should go a long ways to assist in that effort.

**Mayor Bill Cross** had no comments at this time.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis has no comments at this time.

**Item 9. on the Agenda.**

**FIRST READING BILL 07-08**, an Ordinance prohibiting dogs on the grounds of the Gladfest and Bluesfest Festivals in the City of Gladstone, Missouri.

Councilman Mark Revenaugh moved to place Bill 07-08 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Mark Revenaugh moved to accept the First Reading of Bill 07-08, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded. The vote: The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0). The Clerk read the Bill.

Councilman Mark Revenaugh moved to accept the Second and Final Reading of Bill 07-08 and enact the Bill as **Ordinance 4.026**. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0).

**Item 10. on the Agenda.**

**OTHER BUSINESS.**

Councilman Rudi said she volunteered at the Home Show this past weekend with the First Tier Suburbs Coalition. Councilman Rudi said she received an e-mail from the Mid America Regional Council saying that after Friday, they talked to approximately 150 people from First Tier Suburbs about the new loan program that they put in place for people to upgrade their homes. This was a very successful event and they were very pleased with it.

**Item 11. on the Agenda.**

**QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

Item 12. on the Agenda.      **ADJOURNMENT.**

There being no further business to come before the March 26, 2007, Gladstone Regular City Council Meeting, Mayor Bill Cross adjourned the meeting.

Respectfully submitted:

Cathy Swenson

Cathy Swenson, City Clerk

Approved as submitted: X

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

Bill Cross

Mayor Bill Cross

Apr.



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, APRIL 9, 2007**

**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, 2007, City Council Meeting Minutes.
5. **PROCLAMATION:** recognizing May 1-7, 2007 as **PUBLIC SERVICE APPRECIATION WEEK** in the City of Gladstone, Missouri.
6. Special Presentation by State Representative Jerry Nolte to Mayor Bill Cross.
7. **FIRST READING BILL 07-09**, declaring the results of the Tuesday, April 3, 2007, Gladstone General Election as certified by the Clay County Board of Election Commissioners that City Council Candidate **LES SMITH** has been elected to a Three Year Term on the Gladstone City Council.
8. REMARKS FROM THE MAYOR.
9. CITY COUNCIL OATH OF OFFICE: **LES SMITH**.
10. REMARKS FROM THE CITY COUNCIL.
11. ELECTION OF MAYOR AND OATH OF OFFICE.
12. REMARKS FROM THE CITY COUNCIL.
13. ELECTION OF MAYOR PRO-TEM.
14. REMARKS FROM THE CITY COUNCIL.

**REGULAR AGENDA.**

15. Communications from the Audience.
16. Communications from the City Council.
17. Introduction of the Past Mayors and City Council members.
18. Communications from the City Manager.
19. Other Business.
20. Questions from the News Media.
21. Adjournment.

Following the Adjournment of the Regular Council Meeting  
you are cordially invited to a Reception  
in the North and South Conference Rooms  
Honoring Past and Present City Council Members

Co-Hosted by the  
City of Gladstone and Gladstone Area Chamber of Commerce



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

**MONDAY APRIL 9, 2007**

**PRESENT:** Mayor Bill Cross  
Mayor Pro Tem Les Smith  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilman Mark Revenaugh  
  
City Manager Kirk Davis  
City Counselor David Ramsay  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

Mayor Bill Cross opened the Regular April 9, 2007, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and said it was wonderful to see so many former Mayors and City Councilmembers, and friends in the audience, who have worked so hard to make Gladstone the great city that it is. Mayor Cross said in looking across the street at the new Community Center/Natorium construction, it is unbelievable what this city has accomplished. Mayor Cross made note that all City Councilmembers were present at this meeting.

**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 26, 2007,  
CITY COUNCIL MEETING MINUTES.**

Councilman Carol Rudi moved to approve the Regular March 26, 2007, City Council Meeting Minutes as presented. Councilman Mark Revenaugh seconded the motion.



The vote: All "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0)

**Item 5. on the Agenda.** Councilman Carol Rudi read a **PROCLAMATION** designating May 1-7, 2007, as "**PUBLIC SERVICE APPRECIATION WEEK**" in Gladstone, Missouri. Councilman Rudi said this Proclamation is signed by the Mayor and all City Councilmembers.

City Manager Kirk Davis accepted the Proclamation on behalf of all City of Gladstone employees.

**Item 6. on the Agenda.** **SPECIAL PRESENTATION BY STATE REPRESENTATIVE JERRY NOLTE TO MAYOR BILL CROSS.**

Mayor Cross introduced State Representative Jerry Nolte, saying that Mr. Nolte has done a wonderful job in representing our city.

State Representative Nolte began by saying that Lieutenant Governor Pete Kinder, in his role as the official Senior Citizen Advocate for the State of Missouri, awards a Senior Service Award each year. This year the award goes to Mayor Bill Cross for all the wonderful things he has done for his community. Mr. Nolte said some highlights of Mayor Cross's many contributions are listed in the award, which he will not read at this time, as everyone here knows how much Bill Cross means to Gladstone.

Mr. Nolte said it was his great pleasure to present this award to Mayor Cross and to recognize his years of service and the fact that Gladstone is a much richer place for him having been here and giving so much service to our community.

Following applause, Mayor Cross thanked Mr. Nolte and his fellow City Councilmembers, who, he said, made this award possible. Mayor Cross said Mr. Nolte has served our community well, and encouraged him to keep up the good work.

Mayor Cross said the older one gets, the more honors one receives; people want to honor you before you pass on. Mayor Cross said he appreciates very much the honors that have been bestowed upon him by local, state, and national governments. Mayor Cross said it is wonderful to go into his study and see the plaques and trophies that have been given to him as a result of the work of the people of Gladstone.

**Item 7. on the Agenda.** **FIRST READING BILL 07-09**, declaring the results of the Tuesday, April 3, 2007, Gladstone General Election as certified by the Clay County Board of Election Commissioners that City Council Candidate **Les Smith** has been elected to a Three Year Term on the Gladstone City Council.

Councilman Mark Revenaugh moved to place Bill No. 07-09 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Mark Revenaugh,

Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Mark Revenaugh moved to accept the First Reading of Bill 07-09, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0) The Clerk read the Bill.

Councilman Mark Revenaugh moved to accept the Second and Final Reading of Bill 07-09 and enact the Bill as **Ordinance 4.027**. Councilman Wayne Beer seconded.

Roll Call Vote: The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith and Mayor Bill Cross. (5-0)

**Item 8. on the Agenda.**

**REMARKS FROM THE MAYOR.**

Mayor Cross said that as for the past year he has had difficulty speaking, he has asked Sergeant Richard King, Public Information Coordinator, to put together a PowerPoint presentation that exemplifies what everyone within the City has done in this last year, since he has been Mayor. Mayor Cross said he and his fellow City Councilmembers have worked religiously hard, and have gotten along extremely well. Mayor Cross invited everyone to view the PowerPoint presentation, as narrated by Sergeant King. (Please see the attached PowerPoint presentation copy).

Sergeant King began by saying it was his pleasure to present the 2006 Year in Review PowerPoint for the Mayor this evening. One of the first things that happened in 2006 was that the City continued the public meetings on the Downtown Village Center, which involved tremendous citizen input. The meetings were well attended and the crowds got bigger each time the meetings were held. The end result of the meetings was a new Downtown Village Center Master Plan as shown on the PowerPoint slide.

Sergeant King said moving into spring, the City celebrated Arbor Day, and for the past few years the City has gathered with the students from Oakwood Manor Elementary School to plant trees. Our City is a Tree City and we have been very successful with that recognition for several years. Sergeant King pointed out that Mayor Cross was invited to participate in the Easter Parade at Zona Rosa, and addressed the crowd about issues of importance to Northlanders. Sergeant King reported that Mayor Cross has said a personal honor for him was receiving the Outstanding Missourian award this past year. Mayor Cross was nominated by State Representative Jerry Nolte, and the recognition was presented by Speaker of the House of Representatives Rod Jettin in Jefferson City. It was a pleasure for many from Gladstone to attend this event in support of the Mayor.

Sergeant King said the City participated in its first Wellness Challenge last year, and the second Wellness Challenge was just wrapped up today. Our City did win the Challenge last year, and everyone worked very hard with both challenges.

Sergeant King continued by saying the citizen group, Gladstone on the Move, suggested the City needed to work on neighborhood revitalization. That effort started in 2006, with the Bolling Heights area, whose citizen group, the *Bolling Heights Community Link*, is very active. This group is neighbors helping neighbors with yard clean-up and landscaping projects. Sergeant King said the City has been working with rental property owners throughout the City and has conducted Crime Free Multi-Housing Training for Gladstone property managers and owners, who are learning how to work with the City on crime issues and code problems. This is a program that has been well received and will help to improve the quality of life for the folks that are renters.

Sergeant King continued with the PowerPoint presentation by pointing out that Mayor Cross was President of the Clay County Coordinating Committee, and during his term on this Committee, he introduced a friend in the history realm, John Dillingham, who spoke to a group one evening about the history of our area. While President of this Committee, Mayor Cross presented an American flag to the Assistance League of Kansas City, who is based in Gladstone, in honor of their service to the community.

The next PowerPoint slide showed pictures of the City's municipal pool before, during and following renovations. Sergeant King reported that when the pool opens on May 26, 2007, it will be a brand new pool, with new shade features, "zero depth" entry, shade seating in the water, new flume slides, and new play features for the children. These improvements will be making "a splash" in May 2007. The City Council led Northlanders in celebrating the July 4<sup>th</sup> holiday in Oak Grove Park. There was a great concert with one of the best fireworks display seen anywhere.

Mayor Cross was President of the Westgate Division of the Missouri Municipal League this past year, and in that capacity, he presented the Missouri Municipal League Leadership Award to Pastor Bob Baier, of Antioch Bible Baptist Church. During this past year there was a farewell coffee to reminisce about the Community Building that sat in Central Park for many years. At the farewell, there was a chance to visit and share memories before the building was demolished.

The Gladfest Parade was featured in a following slide, showing photos of City Council members who participate in the parade each year. Gladstone Public Safety officers and the Honor Guard were shown leading the parade as it progressed along the parade route. Sergeant King pointed out photos of the Community Center groundbreaking ceremony. The construction site has gone from a big hole in the ground to walls that are springing up seemingly overnight. The Mayor, City Council, Parks and Recreation Advisory Board members, and others participated in the actual groundbreaking. Sergeant King pointed out photos of the old Community Building's demolition and the excavation and early stages of construction for the new Community Center/Natorium.

Sergeant King reported the first two issues of our community magazine, "Coming Home to Gladstone", were mailed to residents. Friday Fright Night, a fun event for children at Halloween time, was featured on a slide. This event, a partnership with the Gladstone Area Chamber of Commerce and local businesses, provides children a safe environment in which to "trick or treat". The Gladstone Arts Commission was officially formed this past year, which is a rebirth of an existing group that will look at the arts as a whole for the City of Gladstone. This group has received recognition in the newspaper recently for some of the things they will be doing. Moving into the holiday season, in 2006, efforts through the Mayor's Holiday Tree event raised \$12,127.50. The money comes from the community and is divided between the Northland Christmas Store and Neighbors Helping Neighbors, to benefit those in need in our community.

The Gladstone on the Move Committee recommended a citizen leadership class. The Future Leaders Academy classes are in progress. There are 23 interested Gladstone citizens in the Academy who are learning more about the integral workings of the City, as well as leadership opportunities. These classes are an opportunity to involve some new people in our community. Sergeant King continued by saying there was growth in our City last year, with Northtowne Mazda relocating on North Oak Trafficway. A new showroom is included in the improvements at this site. Rod's Hallmark expanded their store and it is now the largest privately owned Hallmark store in the country. Plaza 57 was constructed and is now occupied, and generating new revenues for the City. Lawson Bank expanded. Goens Rental moved to the former Ryan's Steakhouse location on North Oak Trafficway, and updated their facility. Tower Plaza, at 64<sup>th</sup> and North Prospect, is under construction, and will be the new home of Tiffany And, a new retail shop coming into Gladstone. BankLiberty will occupy the corner across the street from Tiffany And.

There are new residential opportunities in our City, with the Reveda development and The Preserve located at 68<sup>th</sup> and Antioch. The former Kentucky Fried Chicken is now Church's Chicken, with the property greatly improved. A new event for the City this year was the flashlight Easter Egg Hunt, which took place in Oak Grove Park. It took a lot of hands to put goodies in the hundreds of plastic eggs so over 750 children could enjoy this fun event.

Sergeant King concluded by saying it was a tremendous year for the City of Gladstone, with a great many accomplishments. Many recognitions were received by the Mayor and others in our City during this past year.

Following applause, Mayor Cross thanked Sergeant King, and jokingly said Sergeant King really "padded" things to make him look good! Mayor Cross said it has been a lot of work this past year, but it has been fun, and the five City Councilmembers have all worked together, and the accomplishments would not have been possible without the four other Councilmembers. Mayor Cross said he was so pleased there were over 700 children looking for Easter eggs in the park. What a great turnout! If that many turned out the first year, how many will there be next year? Gladstone is becoming well known throughout

the metropolitan area. With the Management Team and the hard working Staff the City has, City Councilmembers feel like anything is possible for Gladstone to accomplish.

City Manager Kirk Davis stated there is a surprise that is not on the agenda. City Manager Davis invited the Mayor's wife, Mary Cross to join him in the front of the room. City Manager Davis said Mayor Cross has been a supporter of City staff through thick and thin. He always asks how the City employees are doing and how projects or issues are progressing. Mayor Cross came in to City Hall every Tuesday morning to ask about how the Council meeting went and did he do the right thing. Over the course of time, Staff has appreciated all the support provided by Mayor Cross. The Leadership Team has a special gift to present, and the artist is with us this evening. City Manager Davis unveiled a portrait of Mayor Cross by artist, Myrna Williams, wife of Public Works Director Chuck Williams, and presented it to Mary Cross as a gift from the Leadership Team.

Following applause, Mayor Cross thanked Myrna Williams and said since she and her husband have come on board with the City, the City's accomplishments have increased.

City Manager Davis asked Mrs. Williams how long she had been an artist.

Mrs. Williams replied she began classes this past fall.

Mayor Cross jokingly said she had nothing to work with and she turned out such a great portrait. Mayor Cross thanked Mrs. Williams and the Leadership Team for the wonderful gift. Mayor Cross said there are many in the audience who have been past Mayors and Councilmembers, and they know how much work is involved, and it is fun to see your own city progressing. Mayor Cross said he remembers 30 years ago when the OK was given by the City Council to go ahead with the Municipal Pool, and everyone was saying no City pool ever made it, and the Gladstone pool would never make it. Our City did make it and the pool was paid off within 10 years. There is now new improvements taking place at the pool and in its vicinity, with the new Community Center/Natatorium.

Mayor Cross said if it were not for his four colleagues, the cooperation of the citizens, people coming to the City Council meetings and expressing themselves, and the City staff here, none of this would be possible. Mayor Cross said he was not certain where the portrait would go, it might be hidden a little bit. Mayor Cross jokingly said the portrait looks exactly like him, which is what worries him! Mayor Cross said on behalf of his wife, Mary, and his family, they appreciate this gift so much.

**Item 9. on the Agenda.**

**CITY COUNCIL OATH OF OFFICE: LES SMITH.**

City Clerk Cathy Swenson gave the oath of office to **Les Smith** for a three-year term on the Gladstone City Council, followed by applause from the audience.

**Item 10. on the Agenda.**

**REMARKS FROM THE CITY COUNCIL**

**Mayor Pro Tem Les Smith** said it is a lot more fun watching campaigns than doing them. Mayor Pro Tem Smith said there were a lot of people who came to bat for us this year, and he says "for us" because he does not believe his election was about getting re-elected. He believes his election and the 70 percent of the votes he received, was a mandate to continue in the direction that we are taking this City. It began with Gladstone on the Move, and even long before that. There are people present this evening that built the bridge that the City is going across right now. Mayor Pro Tem Smith said he really believes that this election was a referendum on those things that we have going on, from the Community Center to the Village Center to North Oak Trafficway to Gladstone Plaza. The folks said, yes, you are going in the right direction. Mayor Pro Tem Smith said it is a credit to everyone in this room and the four other Councilmembers that we are heading in the right direction, and the people support that. Mayor Pro Tem Smith said a lot of people had a part in that, including fellow City Councilmembers and many in the audience, who helped with the campaign. Mayor Pro Tem Smith said jokingly, he thought he would get a week's reprieve from his mother (who was in the audience), but she did not wait 24 hours to begin nagging him about something else!

Mayor Pro Tem Smith said his biggest and best supporter is his mother, Carmelina, and he thanked her. Mayor Pro Tem Smith introduced his son, Jason, and said his daughter, Jennifer is away at school at Oklahoma State University, who did beat City Manager Davis's Cornhuskers in football this year! Mayor Pro Tem Smith said a couple of guests who are very special are present, and said there have been a lot of changes in his family in the last year or two, and he thanked Laura Gay, and introduced her son, Sam. Mayor Pro Tem Smith said Laura Gay provided support to him in a way that he had never had before, and that she probably worked harder on this campaign than he did, and he offered his thanks to her.

Mayor Pro Tem Smith congratulated Mayor Cross and said he has set the table wonderfully for this coming year. Mayor Pro Tem Smith said he hopes that City Councilmembers will continue on the path that Mayor Cross has set them on, and he congratulated Mayor Cross on an outstanding term as Mayor, and thanked him for being a good friend.

**Councilman Wayne Beer** congratulated Mayor Pro Tem Smith on his re-election, and said "job well done".

**Councilman Carol Rudi** congratulated Mayor Pro Tem Smith, and thanked Carmelina Smith and Laura Gay, saying jokingly she was sure they did work harder on the campaign!

**Councilman Mark Revenaugh** congratulated Mayor Cross and agreed with Mayor Pro Tem Smith that Mayor Cross has led City Councilmembers on the right path that is going to make the whole community more vibrant and alive, and Councilmembers all appreciate his work on their behalf. Councilman Revenaugh congratulated Mayor Pro Tem Smith on

his decision to sign up for another three-year term to serve the community. City Council is gratified and the entire community will be better off as a result of Mayor Pro Tem Smith's decision.

**Mayor Bill Cross** had no comments at this time.

**Item 11. 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 Mark Revenaugh seconded the motion. Councilman Carol Rudi said she would like for Council to elect "soon to be Mayor" Les Smith by acclamation.

The vote: All "aye" – Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Les Smith, Mayor Bill Cross. (5-0)

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, followed by applause from the audience.

**Item 12. on the Agenda.**

**REMARKS FROM THE CITY COUNCIL**

**Councilman Carol Rudi** congratulated Mayor Smith and thanked former Mayor Cross for having led City Council this past year, and setting the standard that they can all aspire to. Councilman Rudi said she knows Mayor Smith will do a good job. He is talented and bright and is very well spoken, and will do a very good job for the City as Mayor. Councilman Rudi said she will be very proud of Mayor Smith at the end of the year.

**Councilman Wayne Beer** congratulated Mayor Smith on his selection as Mayor and thanked former Mayor Cross for his work in the past year. Councilman Beer said as Councilman Rudi mentioned, former Mayor Cross set a high standard that he knows Mayor Smith will be able to meet. There is a full agenda for the next year, and Mayor Smith is up to the task.

**Councilman Bill Cross** had no comments at this time.

**Councilman Mark Revenaugh** had no comments at this time.

**Mayor Les Smith** had no comments at this time.

**Item 13. on the Agenda.**

**ELECTION OF MAYOR PRO TEM**

Mayor Les Smith invited nominations for the office of Mayor Pro Tem. Councilman Carol Rudi nominated **Councilman Mark Revenaugh** as Mayor Pro Tem of the City of Gladstone, and moved that the nominations cease and that Councilman Mark Revenaugh

be elected Mayor Pro Tem by acclamation. Councilman Wayne Beer seconded the motion. There being no further nominations, Mayor Smith called for a vote.

The Vote: all "aye" - Councilman Mark Revenaugh, Councilman Wayne Beer, Councilman Carol Rudi, Councilman Bill Cross, Mayor Les Smith. (5-0)

**Item 14. on the Agenda.**      **REMARKS FROM THE CITY COUNCIL**

**Mayor Les Smith** congratulated Mayor Pro Tem Revenaugh.

**Councilman Wayne Beer** congratulated Mayor Pro Tem Revenaugh on his selection as Mayor Pro Tem, and knows he will be called upon from time to time to fill in for the Mayor's duties, and he knows he is up to the task.

**Councilman Carol Rudi** congratulated Mayor Pro Tem Revenaugh, and said he will do a great job. Councilman Rudi said she has seen Mayor Pro Tem Revenaugh preside at meetings in the past, and he does a really good job; he participates in a lot of activities for the City and she knows he will continue to help the Mayor with that this year.

**Councilman Bill Cross** agreed with Councilman Rudi, and said those who have served in this capacity know there is a lot of work involved in the position of Mayor Pro Tem. There are places to go, things to do, and involves working with the Mayor and the Staff. Councilman Cross said he knows Mayor Pro Tem Revenaugh can do it, and challenged Mayor Pro Tem Revenaugh to keep up the good job that Mayor Smith did this past year helping him when he served as Mayor.

**Mayor Pro Tem Mark Revenaugh** had no comments at this time.

**REGULAR AGENDA**

**Item 15. on the Agenda.**      **COMMUNICATIONS FROM THE AUDIENCE**

**Gladstone Area Chamber of Commerce President Amy Harlin** stated on behalf of the Board of Directors and the entire membership of the Gladstone Area Chamber of Commerce, it is her honor to say a special thank you and recognize Mayor Cross and Mary Cross for their service throughout this past year, and their dedication to the Chamber. Ms. Harlin said when she thought about what she wanted to say she was awed with the word "dedication". Ms. Harlin said it is amazing to her that these two people never missed a Chamber luncheon, a ribbon cutting, or an "after hours" event. On good days and bad days, in good weather or bad weather they were there. Ms. Harlin thanked them for their service, and said when she began to think of the right thing to do to honor them, what struck her was what tremendous friends they have always been to the Chamber. The symbol of friendship is the yellow rose, as many are wearing this evening. Ms. Harlin said she wanted to give the Crosses something beautiful this evening as well as a lasting tribute for their friendship to the Chamber. Ms. Harlin presented a bouquet of yellow roses to



Mary Cross and a yellow rose bush for their home in recognition of their service throughout the year.

Applause ensued from the audience.

**Donald Harper, 1606 NE 68 Terrace**, addressed Mayor Smith and City Councilmembers by saying in this room full of dignitaries, the only title he really carries is citizen of Gladstone, and he felt it might be appropriate for a word in that regard to say thanks to all the folks sitting at the Council table. Mr. Harper said he is at enough meetings and activities around the City to know what kind of time City Councilmembers put into the job and the dedication involved. The Public Service Proclamation was very appropriate for the City staff, as he sees them doing a lot. Every time he is volunteering at an event, he always sees City Councilmembers working twice as long and hard as the rest of the volunteers. Mr. Harper said as a Gladstone citizen, he wanted to say "thanks" to all of the City Council for their time, devotion, and dedication to our City.

Following applause, Mayor Smith thanked Mr. Harper.

**Item 16. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL**

**Councilman Wayne Beer** said that Mr. Harper titled himself as just a citizen of Gladstone, and addressed Mr. Harper by saying it is not just a citizen of Gladstone; without the citizens of Gladstone, there would not be a Gladstone. It is because of the citizens of Gladstone that things are happening. Councilman Beer thanked Mr. Harper for being one of them.

**Councilman Carol Rudi** stated that Mr. Harper also serves on the Gladstone Parks and Recreation Advisory Board, as well as do other people in the audience. Mr. Harper is at a lot of activities and is very involved, and City Council does appreciate Mr. Harper and all who volunteer for the City. Councilman Rudi thanked Mr. Harper for his service to the community.

**Councilman Bill Cross** said he has worked with Mr. Harper a lot, and knows how dedicated and how hard he works for the City.

**Mayor Pro Tem Mark Revenaugh** had no comments at this time.

**Mayor Les Smith** had no comments at this time.

**Item 17. on the Agenda**

**INTRODUCTION OF THE PAST MAYORS AND CITY COUNCIL MEMBERS.**

Mayor Smith stated Councilman Beer was the driving force in organizing what is hoped will be a tradition in the City. Mayor Smith said in looking around the room, while he was hanging around with his father, Everett, there are people present who bounced him on their

knee a little bit. Mayor Smith said those past and present Mayors and Councilmembers are the history of Gladstone. The City has a very involved citizenry, and has also had a very involved group of folks who have served the community for many years. Mayor Smith invited Councilman Beer to introduce the former Mayors and Councilmembers who were present this evening.

Councilman Beer began by introducing Mrs. Carmelina Smith, who happens to be the wife of the late Mayor Everett Smith, and the mother of current Mayor Les Smith. Councilman Beer asked past Mayors and Councilmembers to stand as they were introduced and recognized. Councilman Beer said jokingly without Carmelina Smith it would be difficult to be working with Mayor Smith this evening. Councilman Beer said also present this evening are several others who have been very important to Gladstone's past 55 years of growth and development. Councilman Beer said the main reason he wanted to recognize these folks this evening, which by the way was suggested to him by others, is because without their efforts prior to this Council's term, it would be very difficult to be doing the things that are being done today. They laid the foundation, and as the Mayor mentioned, they built the bridge across which is now being crossed. Without their efforts, some of the things that are occurring now would not be possible, such as the fantastic Community Center that is under construction across the street from City Hall.

The Community Center, which is planned to be the focus for a new downtown development was made possible by former Mayors and Councilmembers. Their efforts made it possible, and the current Council was able to help carry it on today. Many in attendance tonight were here at the time of the original development of Gladstone Plaza. This Council is now in the position to see its redevelopment along with those folks who were present during the initial development. Councilman Beer said this is a pretty good night tonight, and he felt with the installation of the new Council and new Mayor, recognition of all the past Mayors and Councils was terribly important.

Councilman Beer introduced Bob Ashcroft, Anita Newsom, C. Milton Wallace, Shirley Smith, Larry Whitton, Lee Bussinger, Bernie Jezak, Art Hammen, Dick Davis, and Dave Fricke. Councilman Beer thanked those introduced for their service to Gladstone; without their service what is happening today would not be possible. Following applause from the audience, Councilman Beer said upon adjournment of this Council meeting, past Mayors and Councilmembers are invited to remain in the Council Chambers for a quick picture of the group, while the audience goes to the conference rooms, where there will be a reception honoring the past and present City Councilmembers.

**Item 18. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis stated it was good to see so many friends in the audience.

**Item 19. on the Agenda.**

**OTHER BUSINESS.**

There was no other business.

City of  
**Gladstone,  
Missouri**  
*Progress Through People*

2006

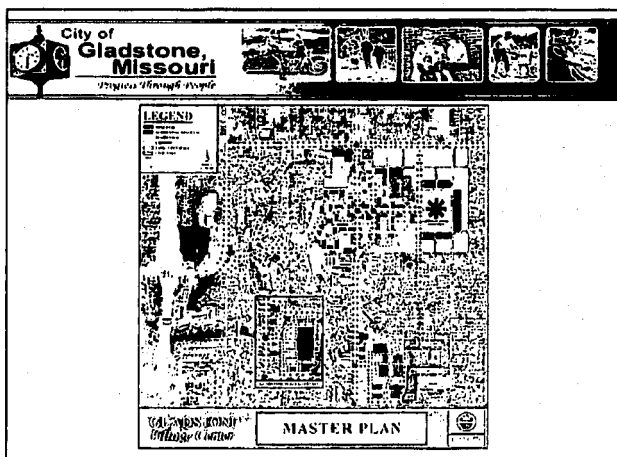
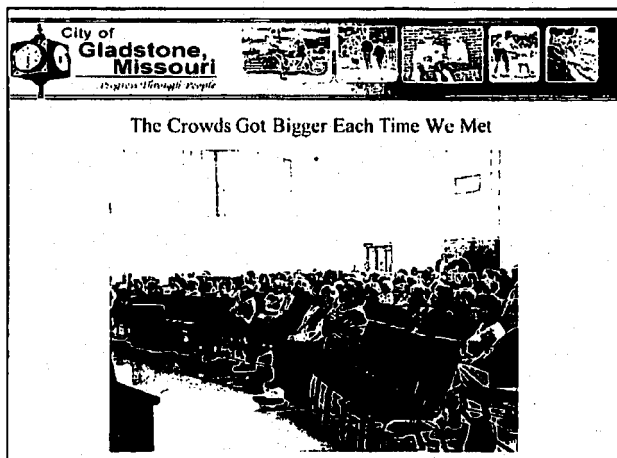


*The Year in Review*

City of  
**Gladstone,  
Missouri**  
*Progress Through People*

We continued Public Meetings on the Downtown Village Center





City of  
**Gladstone,  
Missouri**  
*Progress Through People*





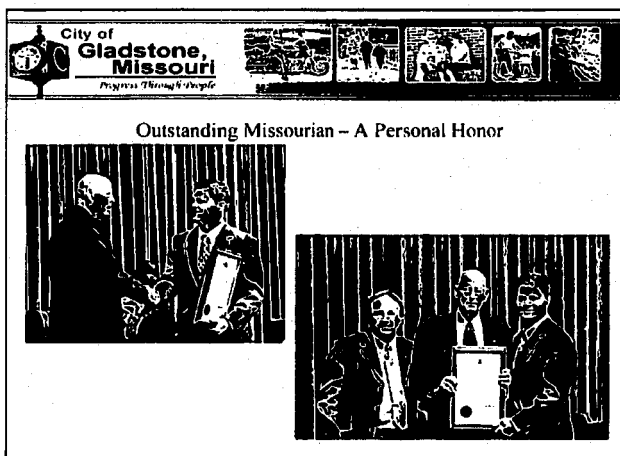
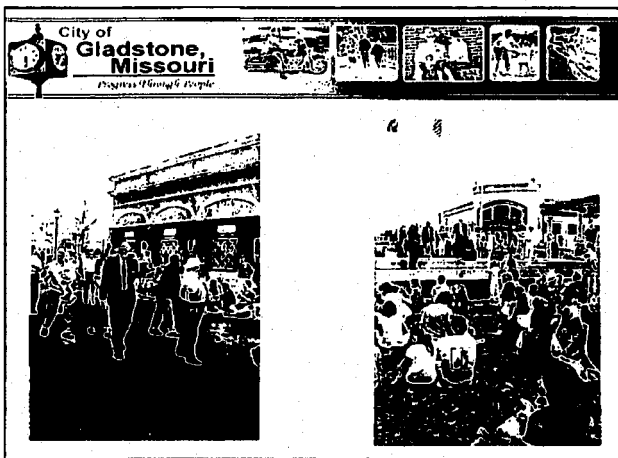
Arbor Day...A Time to Celebrate Earth

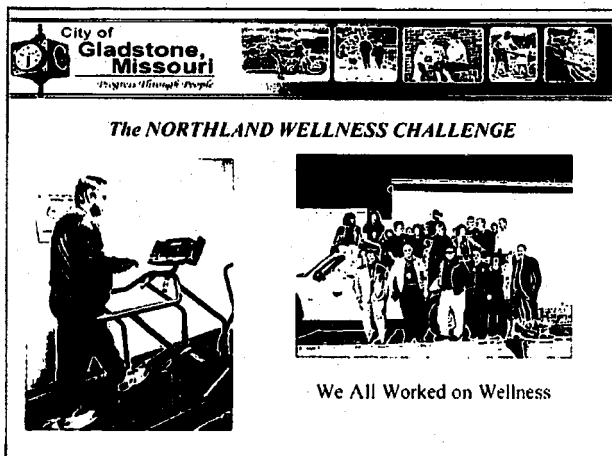
City of  
**Gladstone,  
Missouri**  
*Progress Through People*





Join us on April 6<sup>th</sup> at Flora Park





Neighborhood Revitalization  
Started in


Bolling Heights with the new  
*Bolling Heights*  
*Community Link*


Neighbors helped Neighbors

Yard Clean-up and  
Landscaping Projects




**City of Gladstone, Missouri**  
Progress Through People






**Crime Free Multi-Housing  
Training for Gladstone Property  
Managers and Owners**




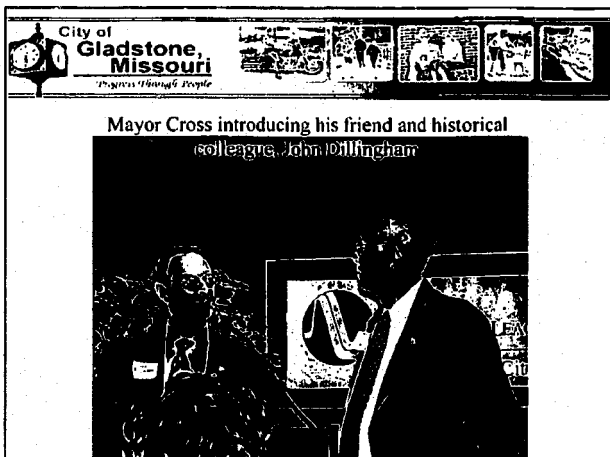
**A program embraced by the  
rental community in Gladstone**


**City of Gladstone, Missouri**  
Progress Through People




**Mayor Cross was President of the Clay County  
Nominating Committee**









City of  
**Gladstone,  
Missouri**  
*Progress Through People*





Mayor Cross presented a flag flown over the State Capital to the Assistance League of Kansas City, based in Gladstone, in honor of their service to the community.





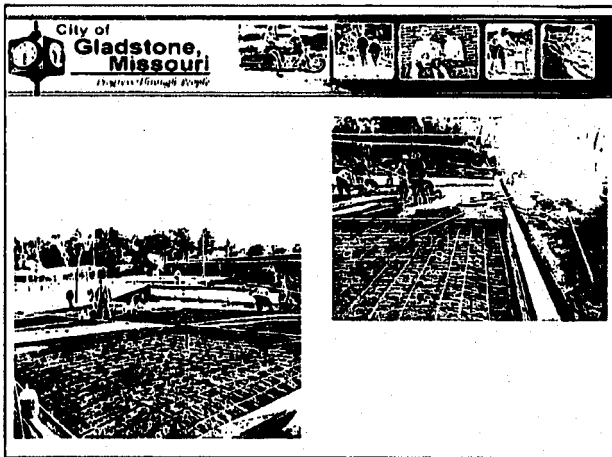
City of  
**Gladstone,  
Missouri**  
*Progress Through People*

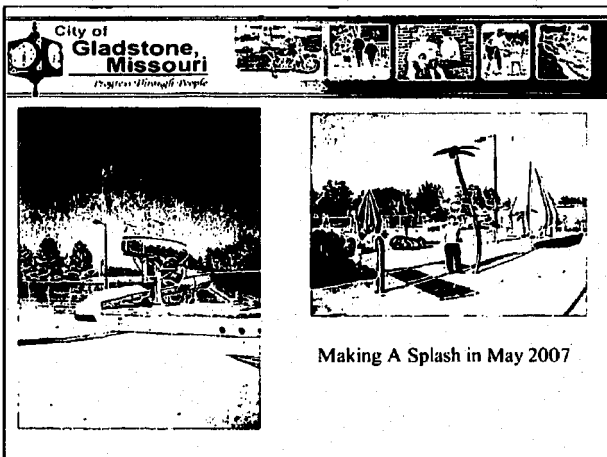


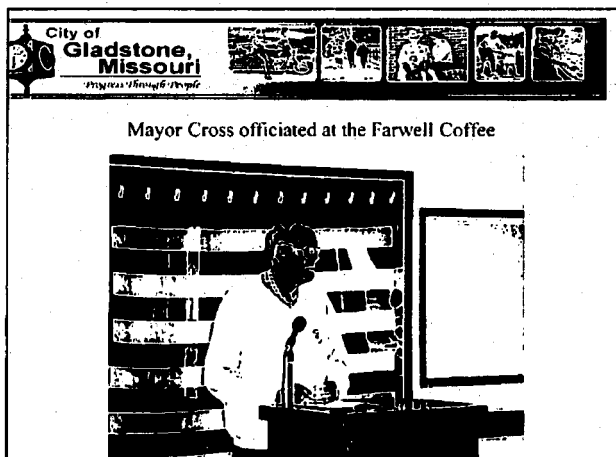
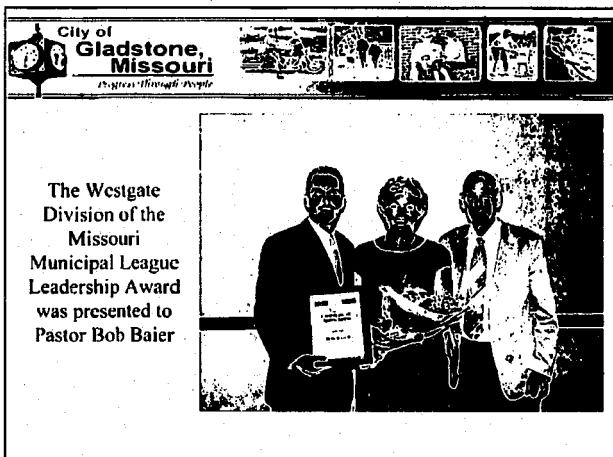


*Everyone enjoys the pool!*







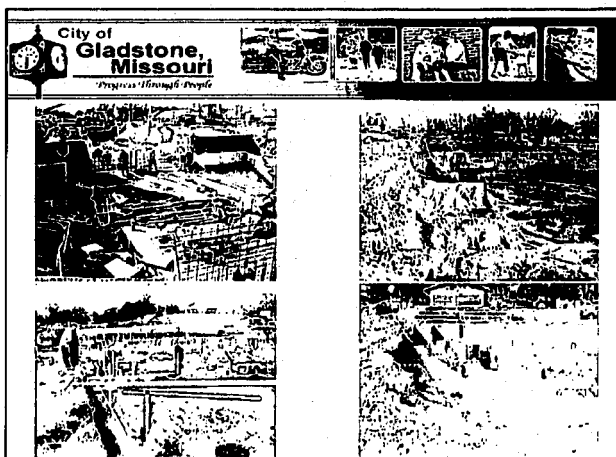
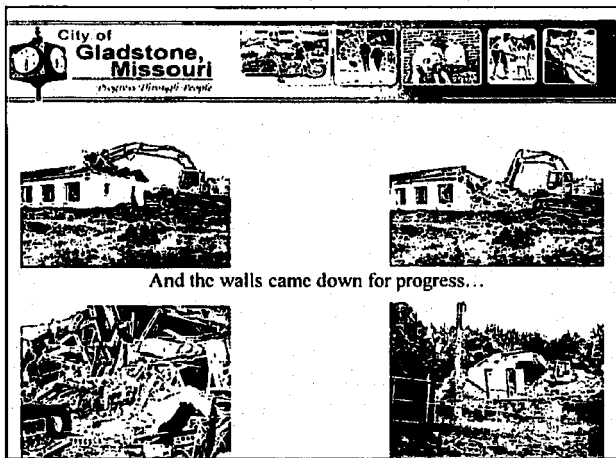
















City of  
**Gladstone,  
Missouri**  
*Progress Through People*





**A Partnership with the  
Chamber that benefits the  
children**

**Friday Fright Night**  
A safe environment for a fun  
event





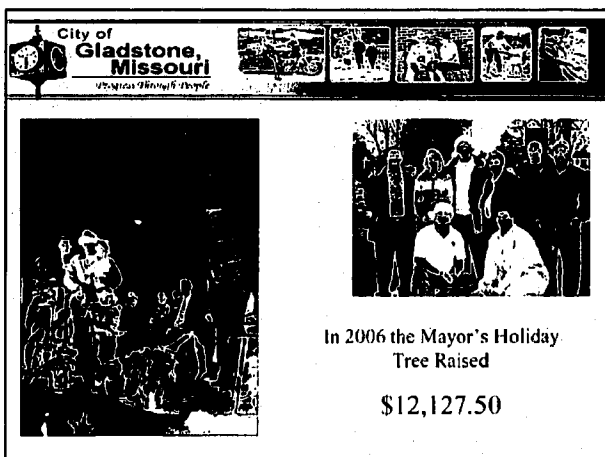
City of  
**Gladstone,  
Missouri**  
*Progress Through People*

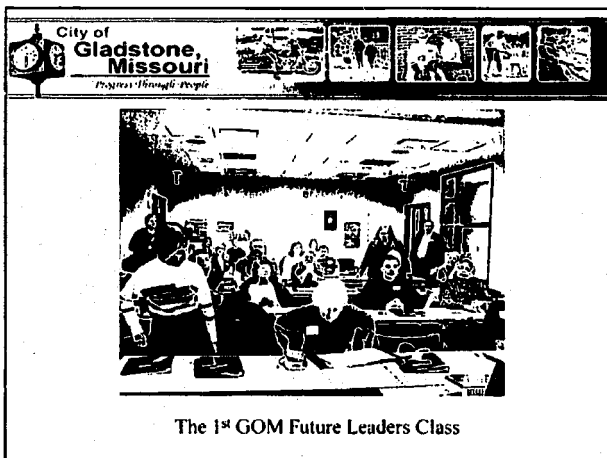


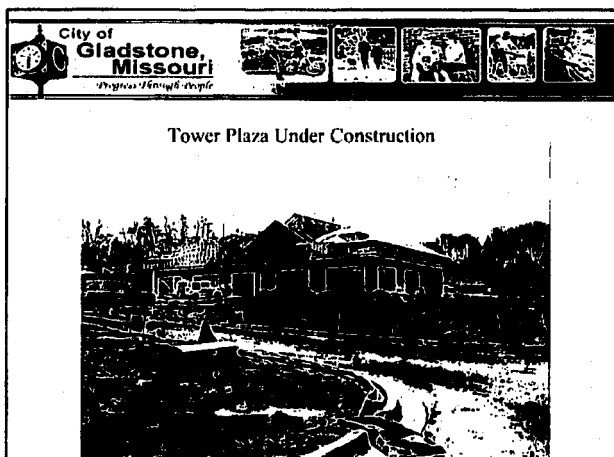


**Complete with Storytelling and  
Goodies**











City of  
**Gladstone,  
Missouri**  
*Progress Through People*




New Residential Opportunities




City of  
**Gladstone,  
Missouri**  
*Progress Through People*

Church's Chicken  
Before

And After





City of  
**Gladstone,  
Missouri**  
*Progress Through People*




Ever wonder about a flashlight  
Easter egg hunt?

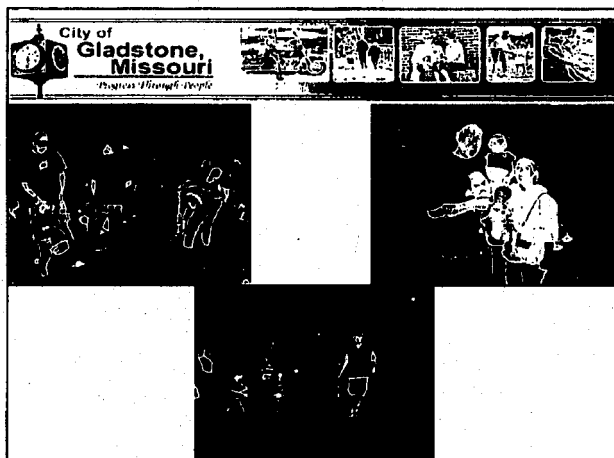


It takes a lot of eggs and  
many hands to put  
goodies in them!

City of  
**Gladstone,  
Missouri**  
*Progress Through People*





**Item 20. on the Agenda.**

**QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

**Item 21. on the Agenda.**

**ADJOURNMENT**

There being no further business to come before the April 9, 2007, Gladstone City Council Meeting, Mayor Les Smith adjourned the Regular Meeting and invited everyone to attend the reception honoring the past and present City Councils, which was co-hosted by the Gladstone Area Chamber of Commerce and the City of Gladstone, and invited everyone to sign the guest book located outside the conference rooms.

Respectfully submitted:



Cathy Swenson, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

  
Mayor Les Smith



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, APRIL 23, 2007**

**OPEN STUDY SESSION: 5:00 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 9, 2007, City Council Meeting Minutes.
5. **PROCLAMATION:** designating May 6<sup>th</sup>-12<sup>th</sup>, 2007, as "**BUILDING SAFETY WEEK**" in Gladstone, Missouri. Sponsored by the International Code Council.
6. **CONSENT AGENDA**

**RESOLUTION R-07-25**, authorizing execution of contracts with Musselman & Hall Contractors, American Marking & Paving, and Superior Bowen Asphalt Company, LLC, for the 2007 Street Maintenance Programs, Projects TP0703, TP0704, and TP0811.

**RESOLUTION R-07-26**, accepting Temporary Construction Easements and Right-of-Ways from certain property owners in conjunction with the Community Center Streets reconstruction Project IN0615.

**RESOLUTION R-07-27**, accepting a Permanent Water Line Easement for the Gladstone Raw Water Main from Briarcliff Development Company.

## APPROVAL OF FINANCIAL REPORTS FOR MARCH 2007.

### REGULAR AGENDA

7. Communications from the Audience.
8. Communications from the City Council.
9. Communications from the City Manager.
10. **PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to Selective Site Consultants for operation of a Communications Tower Facility on property located at 6221 North Chestnut. Applicant: Selective Site Consultants, Incorporated. Owner: Cascone Land Company. File No. 1295

**AUDIENCE NOTE:** This Public Hearing will be opened and immediately continued until the May 14, 2007, City Council meeting at the request of the applicant.

11. **FIRST READING BILL 07-10**, repealing Ordinance No. 3.992, and enacting a new Ordinance levying Sewer Service Charges and Commodity Rate Charges in the City of Gladstone, Missouri.
12. **CONTINUED PUBLIC HEARING ON APPEAL OF DANGEROUS BUILDING ORDER** pursuant to Title IX, Chapter 200, Article 4, of the Gladstone City Code on property located at 3707 NE 56 Terrace. Property Owner: Avalon Thompson.
13. Other Business.
14. Questions from the News Media.
15. Adjournment.

CITY OF GLADSTONE, MISSOURI

CITY COUNCIL MEETING

TRANSCRIPT OF MEETING

April 23, 2007  
7:30 p.m.  
City Hall  
Gladstone, Missouri

Attendance:

City Council Members:

Mr. Les Smith, Mayor  
Mr. Mark Revenaugh, Mayor Pro Tem  
Mr. Bill Cross, Councilman  
Ms. Carol Rudi, Councilman  
Mr. Wayne Beer, Councilman

Staff:

Mr. Scott Wingerson, Assistant City Manager  
Mr. Dave Ramsay, City Attorney  
Ms. Cathy Swenson, City Clerk  
Mr. Kirk Davis, City Manager

Ms. Janet Wimer  
Certified Court Reporter

1

I N D E X

- 2 Meeting Begins.....page 3
- 3 Item 1.....page 3
- 4 Item 2.....page 3
- 5 Item 3.....page 3
- 6 Item 4.....page 3
- 7 Item 5.....page 4
- 8 Item 6.....page 6
- 9 Item 7.....page 8
- 10 Item 8.....page 11
- 11 Item 9.....page 15
- 12 Item 10.....page 16
- 13 Item 11.....page 16
- 14 Item 12.....page 20
- 15 Item 13.....page 80
- 16 Item 14.....page 80
- 17 Item 15.....page 80
- 18 End of Meeting.....page 80
- 19 Reporter's Certificate.....page 81

20

E X H I B I T S

- 21 1 Notice and Order
- 22 2 Certified Mail
- 23 3-10 Photographs
- 24 A (10) Photographs
- 25

1                   CITY COUNCIL MEETING

2                   ITEM 1:

3                   MAYOR SMITH: Good evening. I'd like to  
4 call to order the April 23, 2007, Gladstone City  
5 Council Meeting. I apologize for getting started  
6 so late this evening, but we've been in a work  
7 session.

8                   ITEM 2:

9                   MAYOR SMITH: Madam Clerk, could you  
10 please note that all Council Members are present.

11                  ITEM 3:

12                  MAYOR SMITH: Would you please stand and  
13 join us in the Pledge of Allegiance.

14                  (WHEREIN, the Pledge of Allegiance was  
15 said.)

16                  ITEM 4:

17                  MAYOR SMITH: Thank you. The first item  
18 of business is approval of the April 9th, City  
19 Council Meeting Minutes.

20                  COUNCILMAN CROSS: Mayor Smith.

21                  MAYOR SMITH: Councilman Cross.

22                  COUNCILMAN CROSS: I move that we approve  
23 the minutes of the Regular, April 9th, Council  
24 Meeting.

25                  MAYOR PRO TEM REVENAUGH: Second.



1 MAYOR SMITH: Motion and second. Any  
2 discussion?

3 (WHEREIN, there was no response.)

4 MAYOR SMITH: All in favor, please  
5 indicate by saying aye?

6 (WHEREIN, all Council Members said aye.)

7 MAYOR SMITH: Opposed, same sign.

8 (WHEREIN, there was no response.)

9 ITEM 5:

10 MAYOR SMITH: Next we have a  
11 Proclamation. Who will be accepting this? Mr.  
12 Napoli.

13 MR. NAPOLI: I will.

14 MAYOR SMITH: Whereas, through our  
15 continuing attention to building safety, we enjoy  
16 the comfort of structures that are safe and sound  
17 and, whereas, the dedicated members of the  
18 International Code Council, including building  
19 safety and fire prevention officials, architects,  
20 engineers and others in the construction industry,  
21 develop and enforce the codes to safeguard  
22 Americans in the buildings where we live, work,  
23 play and learn and, whereas, the building safety  
24 codes provide safeguards to protect the public from  
25 natural disasters that can occur all across the

1 country, such as snow storms, hurricanes,  
2 tornadoes, wild land fires and earthquakes,  
3 building safety codes also work to minimize other  
4 potential building catastrophes and, whereas,  
5 building safety week, sponsored by the  
6 International Code Council Foundation, is an  
7 excellent opportunity to educate the public and is  
8 a perfect time to increase public awareness of the  
9 role building safety and fire prevention officials,  
10 local and state building departments, and federal  
11 agencies play in protecting lives and property and,  
12 whereas, this year's theme, Building Smarter for  
13 Disasters and Everyday Life, encourages all  
14 Americans to raise our awareness and building  
15 safety and to take appropriate steps to ensure that  
16 the places where we live, work, play and learn are  
17 safe.

18               Countless lives have been saved because  
19 of the building safety codes adopted and enforced  
20 by local and state agencies and, whereas, this  
21 year, as we observe building safety week, we ask  
22 all Americans to consider projects to improve  
23 building safety at home and in the community and to  
24 recognize the local building, safety and fire  
25 prevention officials and the important role that

1 they play in public safety. Now, therefore, I, Les  
2 Smith, the Mayor of the City of Gladstone,  
3 Missouri, on behalf of the Members of the Gladstone  
4 City Council and all Gladstone residents, do hereby  
5 proclaim, May 6th to 12th, 2007, as Building Safety  
6 Week. Alan, congratulations.

7 MR. NAPOLI: Thank you. I appreciate it.

8 MAYOR SMITH: Thank you for what you do.

9 MR. NAPOLI: Thank you.

10 ITEM 6:

11 MAYOR SMITH: Item 6 on the agenda is the  
12 Consent Agenda. Madam Clerk, would you please  
13 explain and read the Consent Agenda?

14 MS. SWENSON: The Consent Agenda allows  
15 the City Council to consider and approve routine  
16 items of business without discussion. Any Member  
17 of the City Council, the City Staff, or the public,  
18 may request to remove any item from the Consent  
19 Agenda and request it be considered under the  
20 Regular Agenda, if discussion of the item is  
21 desired. Items not removed from the Consent Agenda  
22 must be approved upon a motion by a Council Member,  
23 second, and unanimous vote to approve the Consent  
24 Agenda. The Consent Agenda is as follows:  
25 Resolution R-07-25, authorizing execution of

1 contracts with Musselman & Hall Contractors,  
2 American Marking & Paving, and Superior Bowen  
3 Asphalt Company, LLC, for the 2007 Street  
4 Maintenance Programs, Project TP0703, TP0704 and  
5 TP0811. Resolution R-07-26, accepting Temporary  
6 Construction Easements and Right-of-Ways from  
7 certain property owners in conjunction with the  
8 Community Center Streets reconstruction project.  
9 Resolution R-07-27, accepting a Permanent Water  
10 Line Easement for the Gladstone Raw Water Main from  
11 the Briarcliff Development Company and Approval of  
12 the Financial Reports from March, 2007.

13 MAYOR SMITH: Thank you. The Consent  
14 Agenda allows for members of the audience, Staff,  
15 or Council to have an item removed before  
16 discussion. Is there anyone in the audience who  
17 would like an item removed for discussion this  
18 evening?

19 (WHEREIN, there was no response.)

20 MAYOR SMITH: Staff.

21 MR. DAVIS: No, sir.

22 MAYOR SMITH: Council.

23 COUNCILMAN RUDI: Mayor Smith.

24 MAYOR SMITH: Councilman Rudi.

25 COUNCILMAN RUDI: I move to approve the

1 Consent Agenda as presented.

2 COUNCILMAN CROSS: Second.

3 MAYOR SMITH: There's been a motion and a  
4 second. All in favor, please say aye.

5 (WHEREIN, all Council Members said aye.)

6 MAYOR SMITH: Opposed, same sign.

7 (WHEREIN, there was no response.)

8 MAYOR SMITH: Thank you.

9 ITEM 7:

10 MAYOR SMITH: Is there anyone in the  
11 audience who would like to address the Council on  
12 any issue this evening that is not on our Regular  
13 Agenda? If there is, you may do so at this time.

14 (WHEREIN, there was no response.)

15 MAYOR SMITH: Hearing none, move on to  
16 Communications from the City Council.

17 MS. FORSLUND: I'm sorry.

18 MAYOR SMITH: I'm sorry. Please give us  
19 your name and address for the record, please?

20 MS. FORSLUND: Sure. I'm Kim Forslund at  
21 3515 N.E. 61st Terrace.

22 MAYOR SMITH: Okay.

23 MS. FORSLUND: I'm here in regard to the  
24 recent passing of the dog ordinance. The addition  
25 of Bull Terrier to the dangerous dog list. We have

1 packets to distribute for you. I also have some  
2 pictures from the internet and also some family  
3 photographs, if I may bring those to you?

4 MAYOR SMITH: Please.

5 MS. FORSLUND: If a Bull Terrier isn't  
6 your thing, you may not know what they look like  
7 compared to typical Pit Bull type dogs.

8 MAYOR SMITH: Okay.

9 MS. FORSLUND: They are not Pit Bulls.  
10 They are not considered Pit Bulls. They are AKC  
11 Registered. A regular Pit Bull is not. We spent  
12 years researching breeds for our family and decided  
13 on a Bull Terrier after visiting several breeders  
14 over several years.

15 The packet that is before you, lists  
16 different dog ordinances in different cities  
17 nearby. Liberty, I believe, does include Bull  
18 Terrier, but it was written in 1987, that portion  
19 that included a Bull Terrier. It is the only city  
20 in the surrounding area that does so. Manhattan,  
21 Kansas has 13 breeds listed, None of which are Bull  
22 Terrier. KCK and KCMO, even Independence,  
23 Missouri, does not list Bull Terrier as a dangerous  
24 breed. Also, there are letters from two local  
25 Veterinarians that urge you to take Bull Terrier

1 off the dangerous dog list. They are highly social  
2 and wonderful family pets. They are not aggressive  
3 dogs. Also, in the packet is some information from  
4 the American Temperament Test Society percentage  
5 ratings. It's a list and I just included the first  
6 two pages, but you're free to hop online for that.  
7 Bull Terrier has a higher rating than Basset Hound  
8 or Beagle and many, many others. And it's 10  
9 percent higher than the average of all breeds  
10 together in temperament testing.

11               So I guess my question for you all  
12 tonight is, would you be willing to consider either  
13 doing more research, or based on your own  
14 discussions and your findings, removing this breed  
15 from the dangerous dog list, not tonight, but in  
16 the future?

17               MAYOR SMITH: I cannot speak for the rest  
18 of the Council, I'll let them do so, but I think  
19 anytime we have new information provided to us,  
20 that we probably have responsibility to research  
21 that. And together with legal counsel, I think we  
22 - I would be willing to consider doing that.  
23 Probably would be willing to do that.

24               MS. FORSLUND: Okay. I appreciate it.

25               MAYOR SMITH: Any comments?

1 (WHEREIN, there was no response.)  
2 MS. FORSLUND: Thank you for your time.  
3 MAYOR SMITH: Thank you. Anyone else in  
4 the audience who'd like to address the Council this  
5 evening? Ma'am, can we keep these pictures and  
6 whatnot?  
7 MS. FORSLUND: Absolutely. They're just  
8 copies.  
9 MAYOR SMITH: Okay. Thank you.  
10 ITEM 8:  
11 MAYOR SMITH: Communications from Council  
12 Members.  
13 COUNCILMAN CROSS: Mayor Smith.  
14 MAYOR SMITH: Councilman Cross.  
15 COUNCILMAN CROSS: I would like to  
16 commend the Staff, and I guess the department  
17 heads, for their driving force for a City Manager.  
18 The preparation that they spent in putting together  
19 that budget is outstanding. They really did an  
20 excellent job. They made it understandable, so  
21 that somebody, with my education and background,  
22 could read and understand it, even though I'm  
23 certainly not an expert on finance. And the second  
24 thing, that workshop that we spent in there for an  
25 hour and a half, was very good, very informative



1 and all of our questions were answered.

2 MAYOR SMITH: I believe you have just a  
3 small bit of news. Don't you?

4 COUNCILMAN CROSS: Well, yes. I thought  
5 I probably told everybody. You can't tell this,  
6 but I became a grandfather again three hours ago.  
7 I think that's seven or eight now. Eight, eight  
8 grandchildren. I'm fortunate to have them living  
9 here close by. Thrilled that all of them appear,  
10 at this time, to be healthy. I won't say wealthy  
11 and wise. What a thrill it is to see a daughter  
12 reproduce. And, of course, she gets all the credit  
13 rather than a son-in-law.

14 But time goes so fast when you're  
15 sitting in a hospital waiting, but you see your  
16 daughter in pain, but you know what the end result  
17 is and it's all worth it. I know, because they  
18 keep on trying. But if you don't have one, sure do  
19 want one. Didn't mean to get on my soap box, but I  
20 love this one already.

21 MAYOR SMITH: Congratulations, Bill and  
22 Mary, both of you. Councilman Beer.

23 COUNCILMAN BEER: Yes, Mayor Smith. I  
24 just wanted to make a comment actually that one of  
25 the Resolutions, or one of the Items on the Consent

1 Agenda, was - was accepting construction easements  
2 for the street surrounding the Community Center and  
3 City Hall. That's going to be a pretty remarkable  
4 upheaval, I suppose, in the traffic flow for a  
5 little bit awhile. And so everyone who is here  
6 this evening, keep in mind that coming up, we're  
7 going to start tearing up the streets and making  
8 things a mess, as if they weren't already a mess.  
9 And that's it.

10 MAYOR SMITH: Councilman Cross.

11 COUNCILMAN CROSS: Do you see that - have  
12 you seen that wall that's going up there? Somebody  
13 can put up a wall, a real high wall there, and it's  
14 fun to go by each day and see something added on to  
15 it knowing this is part of Gladstone, this is what  
16 our citizens voted for. I think it's going to be  
17 something that we are proud of.

18 MAYOR SMITH: Absolutely.

19 COUNCILMAN CROSS: Pardon me, Mayor.

20 MAYOR SMITH: That's all right.

21 Councilman Rudi.

22 COUNCILMAN RUDI: I was just going to  
23 offer congratulations to Councilman Cross and his  
24 wife Mary and their daughter Carol, and her  
25 husband, whose name I've forgotten, on the birth of

1 their grandson.

2 MAYOR SMITH: Dad.

3 COUNCILMAN RUDI: Yeah. And the dad.

4 COUNCILMAN CROSS: Thank you, Carol.

5 MAYOR SMITH: Mayor Pro Tem Revenaugh.

6 MAYOR PRO TEM REVENAUGH: Nothing at this

7 time. Thank you.

8 MAYOR SMITH: The only item I have is

9 that we need to appoint a Council Representative to

10 the GEBC Board. And I would like for the Council's

11 ratification to appoint Mayor Pro Tem Revenaugh.

12 Motion, perhaps?

13 COUNCILMAN BEER: In fact, I would like

14 to make that motion.

15 COUNCILMAN RUDI: And I would second.

16 MAYOR SMITH: Is there any discussion?

17 MAYOR PRO TEM REVENAUGH: Did I miss a

18 meeting?

19 MAYOR SMITH: All in favor, please say

20 aye.

21 (WHEREIN, all Council Members said aye.)

22 MAYOR SMITH: Opposed, same sign.

23 (WHEREIN, there was no response.)

24 MAYOR SMITH: Thank you. That would be

25 7:30 a.m., third Friday of the month.

1 MAYOR PRO TEM REVENAUGH: Thank you.

2 MAYOR SMITH: You're welcome.

3 ITEM 9:

4 MAYOR SMITH: City Manager Davis.

5 MR. DAVIS: A couple of things. Number  
6 one, beautification is next week, as everybody  
7 knows, Friday, Saturday and Sunday. The following  
8 weekend is the first brush disposal weekend out at  
9 Public Works. And finally, you talked about roads  
10 being closed. The - Holmes, between 69th and 70th,  
11 is going to be closed, I think starting the 24th,  
12 for construction to help with construction of the  
13 Community Center. It will be closed for a few  
14 days. More than that, 69th Street from Holmes to  
15 Troost, Holmes from 69th to 72nd to 72nd Terrace,  
16 you approved a pretty aggressive road maintenance  
17 program tonight. North Oak is part of that. I  
18 think you're going to see a lot of road  
19 construction in this general area the next two or  
20 three months.

21 MAYOR SMITH: Very good.

22 COUNCILMAN RUDI: Mayor Smith, I have  
23 just one question. You're not going to come to us  
24 and say no one can get to work and you want it  
25 closed?

1 MR. DAVIS: No. But we're going to be -  
2 the employees - employees are going to be parking,  
3 probably, offsite. There will be a memo that goes  
4 out to them this week that will address some of the  
5 pool parking issues that we might have this summer.

6 MAYOR SMITH: Very good.

7 ITEM 10:

8 MAYOR SMITH: Item 10 is a Public Hearing  
9 for consideration of a Special Use Permit subject  
10 to certain conditions to Selective Site Consultants  
11 for operation of a Communications Tower Facility on  
12 property located at 6221 North Chestnut, Applicant  
13 is Selective Site Consultants, Incorporated, the  
14 Owner, Cascone Land Company, File Number 1295. The  
15 hearing is open and will be immediately continued  
16 until the May 14, 2007 City Council Meeting at the  
17 request of the applicant.

18 ITEM 11:

19 MAYOR SMITH: Item 11 is First Reading  
20 Bill of 07-10, repealing Ordinance Number 3.992 and  
21 enacting a new Ordinance levying Sewer Service  
22 Charges and Commodity Rate Charges in the City of  
23 Gladstone, Missouri.

24 COUNCILMAN BEER: Mayor Smith.

25 MAYOR SMITH: Councilman Beer.

1 COUNCILMAN BEER: Motion to place Bill  
2 07-10 on its First Reading.  
3 MAYOR PRO TEM REVENAUGH: Second.  
4 MAYOR SMITH: Motion and a second. Any  
5 discussion?  
6 (WHEREIN, there was no response.)  
7 MAYOR SMITH: All in favor, please say  
8 aye.  
9 (WHEREIN, all Council Members said aye.)  
10 MAYOR SMITH: Opposed, same sign.  
11 (WHEREIN, there was no response.)  
12 MAYOR SMITH: Madam Clerk, if you'd  
13 please read the bill.  
14 MS. SWENSON: First Reading Bill 07-10,  
15 repealing Ordinance Number 3.992 and enacting a new  
16 Ordinance levying Sewer Service Charges and  
17 Commodity Rate Charges in the City of Gladstone,  
18 Missouri.  
19 COUNCILMAN BEER: Mayor Smith.  
20 MAYOR SMITH: Councilman Beer.  
21 COUNCILMAN BEEK: Motion to approve the  
22 First Reading of Bill - or to accept the First  
23 Reading of Bill 07-10, to waive the rule, and place  
24 the bill on its second and final reading.  
25 MAYOR PRO TEM REVENAUGH: Second.

1 MAYOR SMITH: Motion and a second. Any  
2 discussion?  
3 (WHEREIN, there was no response.)  
4 MAYOR SMITH: All in favor, please say  
5 aye?  
6 (WHEREIN, all Council Members said aye.)  
7 MAYOR SMITH: Opposed, same sign.  
8 (WHEREIN, there was no response.)  
9 MAYOR SMITH: Madam Clerk.  
10 MS. SWENSON: Second Reading Bill 07-10,  
11 repealing Ordinance Number 3.992 and enacting a new  
12 Ordinance levying Sewer Service Charges and  
13 Commodity Rate Charges in the City of Gladstone,  
14 Missouri.  
15 MAYOR SMITH: Councilman Beer.  
16 COUNCILMAN BEER: Motion to approve the  
17 Second Reading of Bill 07-10 and to enact the Bill  
18 as Ordinance Number 4.028.  
19 MAYOR PRO TEM REVENAUGH: Second.  
20 MAYOR SMITH: Motion and second. Any  
21 discussion?  
22 COUNCILMAN BEER: Mayor Smith.  
23 MAYOR SMITH: Councilman Beer.  
24 COUNCILMAN BEER: Just for the benefit of  
25 those in the audience tonight. This is an increase

1 in the sewer rates that is a pass through from  
2 Kansas City. Kansas City has increased their sewer  
3 rates to us. And since we use Kansas City's  
4 services for sewer - for sewage--  
5 MAYOR SMITH: Treatment.  
6 COUNCILMAN BEER: --treatment. Thank  
7 you, sir. For sewage treatment, this is just a  
8 pass through to cover the cost of the increase from  
9 Kansas City.  
10 MAYOR SMITH: Not welcome, none the less.  
11 COUNCILMAN BEER: Exactly. Not welcome.  
12 MAYOR SMITH: Any discussion?  
13 (WHEREIN, there was no response.)  
14 MAYOR SMITH: Madam Clerk, will you  
15 please call the roll.  
16 MS. SWENSON: Councilman Wayne Beer.  
17 COUNCILMAN BEER: Aye.  
18 MS. SWENSON: Councilman Carol Rudi.  
19 COUNCILMAN RUDI: Aye.  
20 MS. SWENSON: Councilman Bill Cross.  
21 COUNCILMAN CROSS: Aye.  
22 MS. SWENSON: Mayor Pro Tem Mark  
23 Revenaugh.  
24 MAYOR PRO TEM REVENAUGH: Aye.  
25 MS. SWENSON: Mayor Les Smith.



1 MAYOR SMITH: Aye. Bill 07-10 has been  
2 enacted as Ordinance Number 4.028 as of this date.

3 ITEM 12:

4 MAYOR SMITH: Item 12 is the Continued  
5 Public Hearing on Appeal of Dangerous Building  
6 Order pursuant to Title IX, Chapter 200, Article 4,  
7 of the Gladstone City Code on property located at  
8 3707 N.E. 56th Terrace, Property Owner, Avalon  
9 Thompson. Public Hearing will be, in essence, led  
10 by City Counselor, Dave Ramsay. Counselor, the  
11 hearing is open.

12 MR. RAMSAY: Mr. Mayor and Members of  
13 Council, I'd like to call as my first witness in  
14 this hearing, Alan Napoli, Head of the Codes  
15 Enforcement Department of the City. Might also -  
16 Ms. Pinnick, are you here? You're certainly  
17 welcome to sit up in the front, if you'd like, and  
18 ask questions after--

19 MR. WICHMAN: Just so you know, we're  
20 neighbors that came to support any statements that  
21 were made. You know, I don't know if you want to  
22 hear from us or not.

23 MR. RAMSAY: Certainly. Please state  
24 your name and occupation for the Panel.

25 MR. NAPOLI: Alan Napoli, Building

1 Official for the City of Gladstone.

2 MR. RAMSAY: How long have you been  
3 employed in that position?

4 MR. NAPOLI: A little over 18 years.

5 MR. RAMSAY: And are you familiar with  
6 property located within the City of Gladstone at  
7 the address of 3707 N.E. 56th Terrace?

8 MR. NAPOLI: Yes. I am.

9 MR. RAMSAY: And what brought your  
10 attention to that property?

11 MR. NAPOLI: We had received complaints  
12 from neighbors about the structure being vacant, a  
13 lot of accumulation of trash, rubbish, vehicles  
14 parked on the grass, the state of disrepair that it  
15 was in, the fact that it had been unoccupied for  
16 several years and we went out and had some pictures  
17 taken.

18 Based on what's there, what the use  
19 should be and is, it was considered to be a  
20 dangerous building as it's not being used what it's  
21 supposed to be for. And that was our  
22 determination.

23 MS. PINNICK: What is the building being  
24 used for?

25 MR. RAMSAY: Let me - Ms. Pinnick, if

1 you'd like to ask questions, we'll let him go  
2 through his presentation and then you can cross  
3 examine him, if that's all right.

4 MS. PINNICK: Yeah.

5 MR. RAMSAY: Mr. Mayor, let me go through  
6 a series of exhibits with Mr. Napoli, which will  
7 help fill out the record and give the Council an  
8 idea of - a more specific idea of what - what we're  
9 referring to here.

10 MS. PINNICK: Wouldn't I be able to  
11 examine the pictures and stuff first?

12 MR. RAMSAY: Sure. Do you have any other  
13 copies?

14 MS. PINNICK: And have I agreed to them  
15 or sign a protest in some way before the Council  
16 sees them?

17 MR. RAMSAY: Why don't you sit up here  
18 and I will show each of them to you as we get to  
19 them. First, Mr. Napoli, let me show you what's  
20 been marked as Exhibit Number 1 and ask if you can  
21 identify that document?

22 MR. NAPOLI: Yes. This is a Notice and  
23 Order that was sent to Avalon Thompson at a  
24 residence in Dickson, Texas indicating the property  
25 and also what violations, conditions listed of

1 violations of the property.

2 MR. RAMSAY: And let me also show you  
3 Exhibit Number 2 and ask if you can identify that  
4 document?

5 MR. NAPOLI: Yes. This is the letter  
6 that - cover letter that was sent to Ms. Avalon  
7 Thompson letting her know that this was a  
8 notification that the property was in violation of  
9 our Dangerous Buildings and that the Notice and  
10 Order was enclosed as to what she needed to do,  
11 which was, in our opinion, to demo the property.

12 MR. RAMSAY: Now was a copy of Exhibit 1  
13 enclosed with - with Exhibit 2?

14 MR. NAPOLI: Yes. It was.

15 MR. RAMSAY: And is - were these sent -  
16 prepared and sent in accordance with your customary  
17 practices and consistent with the ordinances of the  
18 City of Gladstone?

19 MR. NAPOLI: Yes. They were.

20 MR. RAMSAY: Mr. Mayor, I would ask you  
21 to include Exhibits 1 and 2 in the official record?

22 MAYOR SMITH: Let the record show as  
23 having it been presented and accepted.

24 MR. RAMSAY: Let me show you a - just for  
25 the record, Ms. Pinnick is reviewing these

1 photographs that we intend to offer as exhibits.

2 MS. PINNICK: I don't know what those are  
3 pictures of. It's not my concern. Maybe it's my  
4 basement 20 years ago or something, but it's not  
5 there now.

6 MR. RAMSAY: Mr. Napoli, I'm going to  
7 hand you what's been marked on the back as Exhibit  
8 Number 3. It appears to be a photograph. Can you  
9 identify that for us?

10 MR. NAPOLI: Yes. This is a picture of  
11 the property in question on the south, southeast  
12 corner, showing a pile of wood that's just been  
13 tossed out there, some other debris, an old truck  
14 bed or cover, of some sort, with several tires on  
15 it. It also shows the back end of the foundation  
16 with the roofing material just hanging over. And  
17 you see some blocks that are laying on top of the  
18 roof and some foam. Apparently, that was filling  
19 in around some cracks and gaps there.

20 MR. RAMSAY: And let me show you Exhibit  
21 Number 4, also a photograph, and ask you to  
22 identify that? What is--

23 MR. NAPOLI: This is the same structure.  
24 This is the north side of the foundation. Some  
25 mold, what appears to be some roofing tar cans,

1 some more cinder blocks sitting on the roof. Also,  
2 the vent stacks from the house that are rusted and  
3 leaning.

4 MR. RAMSAY: Then let me direct your  
5 attention to Exhibit 6, also a photograph, and ask  
6 you to explain that photograph for us?

7 MR. NAPOLI: This is a picture of the  
8 west side and north side of the structure. The  
9 west side is where the foundation is accessible  
10 from. It also shows where the gas meter would be  
11 sitting, as there is no gas meter there. Also, the  
12 power pole that the meter is sitting on, which has  
13 a yellow tag on it, which indicates that there is  
14 no electricity to the structure. Also, it shows  
15 where the phone box is held.

16 Also, if you'll notice, that that pole  
17 is leaning away from the building and there is no -  
18 well, it's not properly supported. Also, shows at  
19 the front porch, a well area there of debris that's  
20 stored around the front of the foundation.

21 MR. RAMSAY: Next, I'll show you Exhibit  
22 6, another photograph.

23 MR. NAPOLI: This is a picture of a  
24 pickup truck that's been parked out on the property  
25 that is current - was unlicensed and parked on the

1 grass, not where it was approved to be parked.

2 MR. RAMSAY: Now Exhibit 7, another  
3 photograph of the property.

4 MR. NAPOLI: This is another picture of  
5 the west side of the structure, which is, like I  
6 said earlier, where you enter the foundation area  
7 there. It gives you a different view of the  
8 debris, where the door entering the foundation area  
9 is. Also, the utilities are also there, too.

10 MR. RAMSAY: Let me now show you Exhibit  
11 Number 8, another photograph.

12 MR. NAPOLI: This picture here shows the  
13 pickup truck that's parked on the grass. It also  
14 shows tire marks where they've been driving to and  
15 from the property on the grass and not using the  
16 drive that is there.

17 MR. RAMSAY: And finally, Exhibit 9,  
18 another photograph.

19 MR. NAPOLI: This is a picture of the  
20 Notice and Order of the - and the courtesy notice,  
21 and also the dangerous building inspection of the  
22 property, that was sent to Ms. Avalon Thompson that  
23 was posted at the property.

24 MR. RAMSAY: Mr. Napoli, in addition to  
25 December 4 of 2006, when these photographs were

1 taken, have you been to or near the premises since  
2 that period of time?

3 MR. NAPOLI: Yes. I have.

4 MR. RAMSAY: And on how many occasions?

5 MR. NAPOLI: On several occasions.

6 MR. RAMSAY: When was the most recent  
7 occasion?

8 MR. NAPOLI: Today was the most recent.  
9 This afternoon, I drove by.

10 MR. RAMSAY: Other than the fact that  
11 there is some snow shown in those photographs, has  
12 there been a significant change in the property  
13 from the time those photographs were taken?

14 MR. NAPOLI: No significant change. The  
15 only thing I did notice is the pickup truck is no  
16 longer there.

17 MR. RAMSAY: Thank you. Mr. Mayor, I ask  
18 that you make Exhibits 3 through 9 part of the  
19 official record.

20 MAYOR SMITH: Done.

21 MS. PINNICK: So we're taking into effect  
22 now, the pictures that were taken last December?

23 MAYOR SMITH: Counselor, should I--

24 MS. PINNICK: Is that true?

25 MAYOR SMITH: Excuse me, Miss, for a



1 moment. Would it be wise, since there's going to  
2 be adverse action, to go ahead and swear in Ms.  
3 Pinnick to have her under oath for any statements  
4 that she would like to make?

5 MR. RAMSAY: Yes. That would be fine.

6 MAYOR SMITH: I'm sorry. I should have -  
7 Ma'am, please. Madam Clerk, would you, please?

8 (WHEREIN, Ms. Cynthia Pinnick was sworn  
9 in by the City Clerk, Ms. Swenson.)

10 MAYOR SMITH: Do you wish to ask  
11 questions of Mr. Napoli?

12 MS. PINNICK: Okay. Do you drive down  
13 56th Terrace on a regular basis?

14 MR. NAPOLI: Not on a daily basis, I do  
15 not.

16 MS. PINNICK: And last year when there  
17 were over 22 code violations called in on that  
18 road, did my property have any code violations?

19 MR. NAPOLI: I did not know. I did not  
20 check those records for those--

21 MS. PINNICK: So has that property ever  
22 been ticketed in the last 20 years for any code  
23 violations?

24 MR. NAPOLI: I believe it has, yes.

25 MS. PINNICK: I need to know those dates.

1 I've never had a code violation down there that I  
2 know of.

3 MR. NAPOLI: I do not have those dates  
4 with me. I was not asked for them.

5 MS. PINNICK: So what are the code  
6 violations at the property today?

7 MR. NAPOLI: The property is not as you  
8 would say code violations. It's classified as a  
9 dangerous building.

10 MS. PINNICK: But why is it a dangerous  
11 building?

12 MR. NAPOLI: It is - there is a structure  
13 that is nonhabitable. There's no running water.  
14 There is no electricity. There is no gas. It is a  
15 foundation that has a roof supposedly over the top  
16 of it. It's not designed for habitable occupancy.  
17 And for the past three-

18 MS. PINNICK: Why do you think it's not  
19 designed for habitable occupancy? It's been a  
20 residence and I'm paying residence taxes on it.  
21 It's an earth contact home. Just because it  
22 doesn't have a top like everybody else's home,  
23 doesn't mean it's not a home. It's a poured  
24 concrete basement.

25 MR. NAPOLI: It--

1 MS. PINNICK: Go ahead.

2 MR. NAPOLI: It's poured concrete  
3 foundation. As to it's being taxed, that would be  
4 between you and the County. But as a habitable  
5 structure, I do not show anything or have any -  
6 anything that would indicate to me that it is  
7 habitable and meets with any of our requirements  
8 for a habitable structure.

9 MR. RAMSAY: Mr. Napoli, let me ask you.  
10 Would this structure, if someone were to come in  
11 today and ask for a building permit for a structure  
12 like the one in question, to use as a residence,  
13 would the City issue a building permit for such a  
14 structure?

15 MR. NAPOLI: No. They would not.

16 MR. RAMSAY: So this - are you familiar  
17 with other basement structures that have been  
18 constructed in Gladstone possibly in years past?

19 MR. NAPOLI: There have been a few.  
20 Those have built on top of that foundation to  
21 construct what would be considered a habitable and  
22 current residential type structure that would meet  
23 with our standards.

24 MS. PINNICK: So why would you not issue  
25 me a permit for doing something to this property?

1 Putting in new electric. By the way, the electric  
2 is turned on there. I've gotten the bill. The  
3 next bill will be come out on the 26th. The water  
4 was never shut off when the renters moved out. I  
5 can go in there now and turn the water on and water  
6 comes out in the faucets. The water has never been  
7 turned off since the people moved out.

8 MR. NAPOLI: Well, according to our  
9 records, the water has been shut off and I show  
10 nobody's name, except for the gentleman who moved  
11 out back in 2004, as the last person.

12 MS. PINNICK: And they never came and  
13 shut the water off when they moved out. Somebody  
14 might have said they did it, but they didn't do it.  
15 It's turned off inside with my shutoff valve.  
16 Which if it wasn't up to code, I guess it wouldn't  
17 be holding that water pressure back.

18 MR. NAPOLI: Well, the power--

19 MS. PINNICK: Nobody lives there.  
20 There's no reason to have lights, gas and water on  
21 because I don't live there right now.

22 MR. NAPOLI: Well, the power company  
23 would not turn the power on if it's been off for  
24 over a year without the inspection from a City  
25 Representative and we have not been in that

1 structure to--

2 MS. PINNICK: It's on at the pole. I'm  
3 paying the bills.

4 MR. NAPOLI: Well.

5 MS. PINNICK: I have the turn on number  
6 here. I didn't bring the bill because it was only  
7 for five dollars, but the next one is coming out on  
8 the 26th. So the only thing from City Code is it  
9 doesn't have utilities, but it doesn't have  
10 utilities because no one lives there.

11 MR. NAPOLI: Well, the structure itself  
12 inside is done. I have not personally been inside.  
13 But from what pictures I've seen from a previous  
14 tenant, that is not a habitable structure. And any  
15 and all structure work that may have been done over  
16 the last three years, have not ever been permitted,  
17 so no inspections have been conducted inside that  
18 structure.

19 MS. PINNICK: The only thing I've done,  
20 was go in here this year finally to - it's finally  
21 going to get put in my name this year, my kids'  
22 names, and I went in there and tore out all the  
23 walls and the holes and the mess that the people  
24 left in there and cleaned it all out, and some of  
25 the stuff that was sitting outside.

1                   When you do construction, there is  
2 always going to be some debris. I did not leave it  
3 out there for more than two weeks. The pickup  
4 truck was over there to load stuff up in and to  
5 haul it off. That's why it was sitting over there  
6 all the time. If I demoed anything else out of  
7 there, I put it in the truck and I hauled it off.  
8 The only thing that's sitting out there now under a  
9 clear plastic tarp is wood for construction.

10                  MR. WICHMAN: Does that count the beer  
11 cans and the awning tent that's been sitting in the  
12 southeast corner for six months, where they were  
13 back there with a bonfire and all--

14                  (WHEREIN, several people were talking at  
15 the same time.)

16                  MAYOR SMITH: We're not going to have  
17 that type of hearing in these chambers. You will  
18 have an opportunity to speak, sir. You will have  
19 an opportunity to cross examine him, and that will  
20 be the way it is handled.

21                  MS. PINNICK: I'm sorry. I was just  
22 answering his question.

23                  MAYOR SMITH: I do - Counselor, am I  
24 allowed to ask questions?

25                  MR. RAMSAY: Certainly.

1                   MAYOR SMITH: You mentioned that the  
2 pickup truck in the yard was unlicensed?

3                   MR. NAPOLI: Correct.

4                   MAYOR SMITH: Yet, when you demo  
5 material, you use the truck to haul it away. Is  
6 that the same pickup truck?

7                   MS. PINNICK: Uh-huh.

8                   MAYOR SMITH: Okay. Thank you.

9                   MS. PINNICK: And it's licensed.

10                  MAYOR SMITH: Well, let's validate. Is  
11 it licensed or unlicensed?

12                  MR. NAPOLI: Well, the vehicle is no  
13 longer there now. But the vehicle, when it was  
14 there, was not currently licensed.

15                  MAYOR SMITH: Thank you.

16                  MR. RAMSAY: Mr. Napoli, I want to show  
17 you a set of photographs that are marked as Exhibit  
18 10 and ask if you can tell me where those came from  
19 and identify them?

20                  MR. NAPOLI: These are from a disk that  
21 the renter, I forgot the gentleman's name off the  
22 top of my head right now, that moved out, he was  
23 the last renter, to my knowledge, in there, left in  
24 '04, I believe, that supplied those to us after he  
25 had moved out showing the leaky roofs, the floors,

1 the walls that were showing mold damage, a sewer  
2 backup, debris on the porches.

3           Inside he had to keep his furniture off  
4 the floors and everything because they're always  
5 getting wet, got a refrigerator up off the floor,  
6 got mold and mildew on the floor, it's on the  
7 walls, several areas with sewage coming up through  
8 the floor.

9           MR. RAMSAY: Now in 2004, did this  
10 gentleman make a formal complaint to the City about  
11 the condition of this property?

12           MR. NAPOLI: Not that I do recall. At  
13 least not while he was residing in the place.

14           MR. RAMSAY: So I guess his purpose for  
15 providing these photographs was just to provide the  
16 City with some indication of the current condition  
17 of the property?

18           MR. NAPOLI: That is correct.

19           MS. PINNICK: And that would be some  
20 property that he lived in for 20 years and possibly  
21 let run down. I protest those pictures being  
22 shown. I mean, it doesn't look like my property.  
23 I don't recognize - maybe the front porch kind of  
24 looks like my porch over there, but that's his  
25 stuff in there. It's not my mess.



1 MR. RAMSAY: One more question, Mr.  
2 Napoli. In going through these photographs, and I  
3 see a number of them show exterior portions of a  
4 property, are you reasonably sure that these  
5 photographs are of the property that we're dealing  
6 with?

7 MR. NAPOLI: Yes. I am.

8 MR. RAMSAY: Mr. Mayor, I would ask that  
9 you include the photographs, comprising of Exhibit  
10 10, as part of the record.

11 MS. PINNICK: And I protest why - why  
12 were you showing pictures of somebody else's mess  
13 and rot and muck? What does that prove about a  
14 basement structure? That they didn't care of it  
15 and they let it run down.

16 MAYOR SMITH: I believe it's due  
17 primarily to the fact that some of these pictures  
18 do indeed show some decay of the structural  
19 integrity. They will be accepted and admitted.

20 MR. RAMSAY: Thank you, Your Honor.  
21 That's all I have of this witness.

22 MAYOR SMITH: Ma'am, do you have any  
23 other--

24 MS. PINNICK: Yes.

25 MAYOR SMITH: --questions you'd like to

1 ask?

2 MS. PINNICK: Is this a picture of that  
3 property? Is this also a picture? You keep saying  
4 that the roof is unsafe, but here is a picture of  
5 me and my son both standing on the roof jumping up  
6 and down and standing on the roof and taking  
7 pictures.

8 Are these also pictures of the same  
9 property? These are pictures without the snow.  
10 You can see that it's a nice place. You can't even  
11 see the earth contact home as you drive down the  
12 road. It's a really small property. You can't  
13 hardly see it from the road. This picture shows  
14 that.

15 MR. RAMSAY: Would you like to question  
16 Mr. Napoli about those and present them to the  
17 Council?

18 MS. PINNICK: Yes. I already did. Is  
19 this the same property?

20 MR. RAMSAY: Pass these along to Mr.  
21 Napoli.

22 MS. PINNICK: Are people required to get  
23 a building permit to put up a new door?

24 MR. NAPOLI: Not to put up a new door,  
25 unless the structural - they have to do structural

1 work to the framework of the door, as to the header  
2 and the studs around it.

3 MS. PINNICK: You made some comment about  
4 the trailer that has been out there for 40 some  
5 years and the firewood, which was stacked at the  
6 beginning of the winter neatly beside it. I go -  
7 we go rummaging through it and come the spring, we  
8 need to restack stuff. Is this a picture of the  
9 same basement and the wood and the trailer that has  
10 been there and was within code when we placed it  
11 there?

12 MR. NAPOLI: It does appear to be the  
13 same pile of wood. These pictures do appear to be  
14 the roof in question, which also show that the roof  
15 is holding water, and we have an extension cord  
16 going down the furnace flue vent, which is not to  
17 code. It does appear that a new door has been  
18 added to the front of the - or to the east side of  
19 the - well, the west side of the building. I'm  
20 sorry. And some green object is on top of the  
21 furnace flue vent, which I've never seen before on  
22 a furnace vent.

23 MS. PINNICK: There's no furnace in there  
24 right now. There's no furnace.

25 MAYOR SMITH: Ma'am, is there an

1 apparatus to burn the firewood inside the house?  
2 Do you have a--  
3 MS. PINNICK: Pardon me?  
4 MAYOR SMITH: --fireplace or wood burning  
5 stove?  
6 MS. PINNICK: I burn wood at my - my  
7 home. The wood is wood that we've cut down from  
8 over there.  
9 MAYOR SMITH: Has there ever been any  
10 wood burned in that house over the winter or  
11 anything like that?  
12 MS. PINNICK: Not this winter.  
13 MR. RAMSAY: Mark those collectively as  
14 Respondent's A.  
15 MAYOR SMITH: I believe the Court  
16 Reporter is labeling and numbering those  
17 photographs so you may submit them into evidence.  
18 MR. RAMSAY: Ten of them. Let's just  
19 make it one.  
20 Mr. Mayor, I've asked the Court Reporter  
21 to mark, collectively, the 10 photographs that Ms.  
22 Pinnick has produced and they're marked as Exhibit  
23 A. And for her benefit, I would ask you to include  
24 those in the record.  
25 MAYOR SMITH: So included. Mr. Napoli,

1 do you recognize those as pictures of that  
2 property?

3 MR. NAPOLI: Yes. I do.

4 MAYOR SMITH: Thank you.

5 MR. RAMSAY: I have nothing further of  
6 Mr. Napoli.

7 MAYOR SMITH: Ma'am, do you have anything  
8 further of Mr. Napoli?

9 MS. PINNICK: Are there any plans within  
10 the City of Gladstone as to why the City of  
11 Gladstone, perhaps, wants this property?

12 I don't understand, after something's  
13 been sitting over there and I finally go in here  
14 and start putting improvements, new window, new  
15 door, bring on construction building materials to  
16 go ahead and fix up the insides, and now all of a  
17 sudden, it's a dangerous building. I don't  
18 understand what's dangerous about this property.

19 MR. RAMSAY: I think there were about  
20 three questions there, but if you'd like to try--

21 MS. PINNICK: Yeah, well.

22 MR. NAPOLI: As to anything going on in  
23 Gladstone, no, I am not aware of anything to that  
24 nature. Everything we're doing there has to do  
25 with complaints we have received from neighbors

1 within the area. As to - well, that was the first  
2 question. Is that correct? What was the second  
3 question?

4 MS. PINNICK: What is dangerous about  
5 this building?

6 MR. NAPOLI: That is noted in the Notice  
7 and Order.

8 MS. PINNICK: Yeah. Some codes. And I  
9 don't - you know, it said electrical, gas and  
10 water.

11 MR. NAPOLI: That was my--

12 MS. PINNICK: The electricity is on, the  
13 water's on--

14 MR. NAPOLI: --inspection out there.

15 MS. PINNICK: --and there's no gas.  
16 Nothing in there needs gas.

17 MR. NAPOLI: That is in my inspection of  
18 what was noted. Based on the Notice and Order,  
19 there are five items that were noted, which  
20 condition this as being a dangerous building. They  
21 were for any reason to finish structure or any  
22 portion thereof as a manifest of the purpose of  
23 which it is being used, which at this point in  
24 time, that structure is not a habitable structure,  
25 due to conditions that we have seen and noted in

1 there, based on the pictures.

2           When any building or structure has been  
3 so damaged by fire, wind, earthquake, flood or has  
4 become so dilapidated or deteriorated to become an  
5 attractive nuisance to children, harbor for  
6 vagrants, criminals, or immoral persons, or as to  
7 enable persons to resort there for the purpose of  
8 committing unlawful and unmoral acts.

9           We have had complaints of people living  
10 in tents out in the back of there. By the nature  
11 of this being left vacant and that, it has become  
12 an attractive nuisance and some of the residents  
13 have expressed concern of their children being out  
14 and possibly in that area.

15           Thirdly, whenever any building or  
16 structure has been constructed, exists, or is  
17 maintained in violation of any specific requirement  
18 or prohibition applicable to such building or  
19 structure provided by the building and regulations  
20 of this jurisdiction as specified by the building  
21 or housing code, or any law ordinance of the state  
22 or jurisdiction relating to the condition,  
23 location, or structure of the building, and if  
24 structure does not meet our requirements of our  
25 building code for a habitable occupancy.

1                   Whenever a building or structure used,  
2 or intended to be used, for dwelling purposes  
3 because of inadequate maintenance, dilapidation,  
4 decay, damage, faulty construction or arrangement,  
5 inadequate light, air or sanitation facilities, or  
6 otherwise as determined by the health officer to be  
7 unsanitary, unfit for human habitation, or in such  
8 condition that is likely to cause sickness and  
9 disease. Based on the pictures, that pretty much  
10 stands to reason. Whenever any building or  
11 structure--

12                   MS. PINNICK: Are these pictures from  
13 2004 that you're talking about? Are these the  
14 pictures you're talking about?

15                   MR. NAPOLI: Those and the current--

16                   MS. PINNICK: Is this not 2007?

17                   MR. NAPOLI: --the current pictures I  
18 have taken, too. Whenever any building or  
19 structure in such condition as to constitute public  
20 nuisance known to common law or inequity  
21 jurisprudence. Those are the reasons why it was  
22 classified as dangerous.

23                   MS. PINNICK: I'd like to ask one more  
24 time. If I am in code violation, just exactly what  
25 is wrong? What would I need to fix at the



1 property? I fixed the no gas, because we have no  
2 furnace, nothing for gas. The water has been on  
3 since '04 when they moved out, and I don't live  
4 there. I don't need water. My aunt lives next  
5 door, if I need water. Steve across the street has  
6 a faucet in the front yard and told me when I'm  
7 cutting grass, if I need water, I can use that. I  
8 have electricity to the pole, and I don't know, the  
9 Power and Light Company did it. I don't know if  
10 they broke any rules. They didn't contact me and  
11 I'm getting bills.

12               The trash and debris, I explained I've  
13 been gutting the building and I have another stack  
14 of two-by-fours covered in clear plastic. It's  
15 very visible what it is sitting there waiting for  
16 you all to make up your minds, so I can go in there  
17 and get a permit to start making it nice inside  
18 there.

19               It's a concrete poured basement. There  
20 is nothing structurally wrong with it. You have  
21 pictures of me, and I'm not a small person, and my  
22 son, standing on the roof. You know, if kids were  
23 going to play on my roof, and I don't let my  
24 children play on people's roofs, but if someone was  
25 to play on my roof, they're not going to fall

1 through. I could probably park my car up there.  
2 An attractive nuisance, I have been trying to fix  
3 it up. This thing had a Halloween tablecloth  
4 stapled to the front door for the last eight years  
5 and you all didn't complain about it. I finally go  
6 over there and put up a nice door and I get letters  
7 saying it's a bad building and it's an eyesore.

8           MAYOR SMITH: Mr. Napoli, have we made  
9 any attempts to inspect the building from the  
10 interior?

11           MR. NAPOLI: There has been nobody that  
12 has occupied the place and we have not been invited  
13 in. I did - one time, Counselor Ramsay and I were  
14 over there and looked at the structure. There was  
15 a brown vehicle out front. We knocked on the door.  
16 A lady came to the door. I asked her if she was  
17 the tenant there. She said she was fixing the  
18 place up to move into and live there. She was  
19 waiting for the electricity to be turned on and she  
20 was doing some wiring work and everything.

21           At that point in time, I informed her  
22 that she needed permits for any work that would be  
23 done, may be done, but she at no time let us into  
24 the structure and nobody has asked us to walk  
25 through the structure.

1                   MAYOR SMITH: And so if we had a  
2 structure in question that we wish to inspect, what  
3 would be the procedures for - we would have to be  
4 allowed with permission to inspect?

5                   MR. NAPOLI: That is correct. The  
6 structure - to answer one of her questions, too.  
7 It is a concrete foundation basement, as she said  
8 it was. That's all it is. It's a foundation  
9 basement.

10                  To be a dangerous building, it does not  
11 have to be structurally unsound. And based on what  
12 I classified the structure as a dangerous building,  
13 there was no structural integrity comments based to  
14 that because I had not been inside the structure to  
15 see if there was any, "structural issues" in there.

16                  MS. PINNICK: So you labeled it a  
17 dangerous building without having any evidence of  
18 it being dangerous, besides your opinion?

19                  MR. NAPOLI: To be classified as a  
20 dangerous building, there are, I believe, 14  
21 reasons that a building can be classified as  
22 dangerous. Five of those, five of those reasons, I  
23 gave you.

24                  MS. PINNICK: Right. Five.

25                  MR. NAPOLI: It doesn't have to meet all

1 14. It only has to meet one of the 14 to be  
2 classified as a dangerous building.

3 MAYOR SMITH: The Council is asking me if  
4 they have the opportunity to ask questions?

5 MR. RAMSAY: Certainly.

6 COUNCILMAN BEER: Mayor Smith.

7 MAYOR SMITH: Councilman Beer.

8 COUNCILMAN BEER: One, I would have a  
9 question of Ms. Pinnick. You said that you had  
10 installed a door. When did you install that door?

11 MS. PINNICK: Last fall.

12 COUNCILMAN BEER: Before - before these  
13 photographs were taken?

14 MS. PINNICK: Yes.

15 COUNCILMAN BEER: Was there a door in  
16 place at that time, Mr. Napoli?

17 MS. PINNICK: A door and new - new  
18 thermal windows on the front.

19 COUNCILMAN BEER: Mr. Napoli.

20 MR. NAPOLI: Based on the pictures that  
21 were taken, I cannot tell you if that was a new  
22 door or not at the time the pictures were taken.

23 COUNCILMAN BEER: Was it - did it appear  
24 to be a sound door?

25 MR. NAPOLI: At the time that I was up at

1 the structure, yes. It did to the extent that the  
2 door was new, but I did not test to see how it  
3 latched, or locked, or closed, or anything to that  
4 nature, or it's weather tightness.

5 COUNCILMAN BEER: The last tenant in that  
6 structure, I believe I understood, was in 2004. Is  
7 that correct?

8 MR. NAPOLI: Yeah. I believe he moved  
9 out in mid 2004, yes.

10 COUNCILMAN BEER: And the debris that's  
11 outside was - the pictures were taken in December  
12 of 2006. It's the testimony of Ms. Pinnick that  
13 that debris was only there for about two weeks. Is  
14 that correct?

15 MS. PINNICK: I still have some stuff on  
16 the front porch.

17 COUNCILMAN BEER: So the debris was there  
18 longer than two weeks.

19 MS. PINNICK: But that's down on my front  
20 porch in the cubbyhole.

21 COUNCILMAN BEER: Mr. Napoli, how much of  
22 that debris did you find to be there after the  
23 pictures were taken in 2006, December of 2006?

24 MR. NAPOLI: There is still some debris  
25 there. I did not go on the property to verify how

1 much in reference to the pictures. There probably  
2 is some that has been removed or relocated from the  
3 area it was, but there is still some debris on the  
4 site.

5 COUNCILMAN BEER: Ms. Pinnick, you had  
6 stated that there is no heat to the structure.  
7 That the gas is, in fact, turned off. There's no  
8 gas because there is no furnace.

9 MS. PINNICK: Yeah.

10 COUNCILMAN BEER: At the same time, you  
11 state that the water appears to be functional at  
12 this time. In those three years, is it not  
13 reasonable to expect that that water would have  
14 frozen without heat?

15 MS. PINNICK: The water is - comes in  
16 along the basement and it's an earth contact home.  
17 It's in the ground with the water lines. It's -  
18 no. I don't have any trouble with--

19 COUNCILMAN BEER: Temperature inside the  
20 building never gets to a freezing point?

21 MS. PINNICK: It never freezes. My paint  
22 never freezes in there. Nothing ever freezes.

23 COUNCILMAN BEER: That's all I have right  
24 now.

25 MAYOR SMITH: Thank you. Councilman

1 Rudi.

2 COUNCILMAN RUDI: This is kind of hard.

3 Ms. Pinnick, have you ever offered to allow the  
4 City inside to inspect since this started?

5 MS. PINNICK: Their findings were no gas,  
6 no water, no electrical and trash and debris and  
7 attractive nuisance. The attractive nuisance I've  
8 already started on last fall. There would be no  
9 reason for them to let - I let them in when these  
10 are the problems and I've fixed these. Plus, I  
11 don't live there right now so I don't need gas.

12 When I - when I get my permits and get  
13 it fixed up and get my little gas fireplace and all  
14 that, I know they're going to have to come in and  
15 inspect it. But there would be no reason for them  
16 to come over there and inspect it.

17 COUNCILMAN RUDI: So you have not  
18 offered?

19 MS. PINNICK: No gas, no water, no  
20 electrical. There's no reason for them to come  
21 over there.

22 MAYOR SMITH: Would you be willing to  
23 allow them to inspect the property now?

24 MS. PINNICK: I guess. I mean, I've got  
25 stuff stored in there. I don't know what they're

1 going to be able to see. It's a building. It's  
2 got a roof on it. The roof - the tarp was  
3 accidentally left out there because we were gapping  
4 around all the little pipes and things around the  
5 cracks like you do at your home every year. And  
6 the buckets are not there now.

7 COUNCILMAN RUDI: And this trailer that's  
8 in back, I think.

9 MS. PINNICK: It's a bed off an old ice  
10 cream truck.

11 COUNCILMAN RUDI: Okay.

12 MS. PINNICK: My grandpa went to the DMV  
13 to make sure there was no vehicle numbers, there  
14 was no moving parts, all the things that Gladstone  
15 said that we had to have done to that to have it  
16 sitting there, and it's been sitting there since I  
17 was a little girl, and it's still quite sound, and  
18 I painted it last year because it was looking  
19 pretty bad.

20 And the other one is still sitting up  
21 here at 86th and Grand, where I was a kid at the  
22 time, and it's still behind that property being  
23 used as a shed. It was a good idea my grandpa had.

24 COUNCILMAN RUDI: And can you tell me  
25 what this extension cord is?



1 MS. PINNICK: Oh, I think we were just  
2 dropping it down to see if it went through the flap  
3 or something inside there. I mean, we don't have  
4 any electricity going on over there. I take a  
5 generator over there from time to time. It might  
6 even just be a tape measure.

7 COUNCILMAN RUDI: And you also said that  
8 you've not burned any wood in there this winter,  
9 but--

10 MS. PINNICK: I haven't.

11 COUNCILMAN RUDI: --you have in the past?  
12 It's been used - there's a fireplace or something  
13 in there?

14 MS. PINNICK: There's a wood burning  
15 stove over there. I haven't burned a fire over  
16 there. Now one of my girlfriends is helping me put  
17 in tile and floors and stuff and she might have  
18 started a fire in there, but she doesn't live there  
19 and I don't live there. We spend some time over  
20 there scrapping paint and hauling out all the  
21 ceiling tiles and we pulled out all the insulation  
22 and gone back in with new insulation.

23 COUNCILMAN RUDI: And then the  
24 tablecloth, the Halloween tablecloth.

25 MS. PINNICK: Yeah. That's what the

1 renters left on the front door.

2 COUNCILMAN RUDI: Was it just attached?

3 It wasn't--

4 MS. PINNICK: It was stapled to the front

5 door.

6 COUNCILMAN RUDI: --it was just attached

7 to the door. Okay. It wasn't to be used instead

8 of the door, then?

9 MS. PINNICK: It was stapled to the front

10 door. That's the way they left it.

11 COUNCILMAN RUDI: Mr. Napoli, the lady

12 that you said answered the door and she said she

13 was fixing the place to get it ready to move in,

14 when was that, approximately?

15 MR. NAPOLI: It was before the last time

16 we were supposed to meet, so I would say it's

17 probably about two and a half months ago.

18 MS. PINNICK: That's my girlfriend,

19 Kathy. We're both over there all the time. We're

20 over there so much, we finally put in a phone

21 because we didn't want to have cell phones. But

22 there's a phone over there, so our family can get a

23 hold of us.

24 COUNCILMAN RUDI: I think for right now,

25 those are all of my questions.

1 MAYOR SMITH: Any other questions at this  
2 time?

3 MAYOR PRO TEM REVENAUGH: Do you have  
4 additional witnesses?

5 MR. RAMSAY: I would like to call the two  
6 gentlemen who are here from the neighborhood.

7 MAYOR PRO TEM REVENAUGH: Why don't you  
8 do that?

9 MAYOR SMITH: Please do.

10 COUNCILMAN RUDI: I have one question,  
11 though. If I have another question for some - for  
12 like Mr. Napoli, can I ask that later or--

13 MR. RAMSAY: Sure. Would you like to  
14 start, sir?

15 MR. WICHMAN: Sure.

16 MAYOR SMITH: Ask the City Clerk to swear  
17 the witness.

18 MS. SWENSON: Yes, sir. Will you please  
19 state your full name?

20 MR. WICHMAN: Dennis Wichman.

21 MS. SWENSON: Thank you.

22 (WHEREIN, Mr. Dennis Wichman was sworn  
23 in by the City Clerk, Ms. Swenson.)

24 MR. RAMSAY: Please restate your name and  
25 your address?

1 MR. WICHMAN: Dennis Wichman, 5620 N.  
2 Myrtle. My property is adjacent to the property in  
3 question.

4 MR. RAMSAY: And are you familiar with  
5 this property?

6 MR. WICHMAN: Very much so.

7 MR. RAMSAY: What can you tell us, from  
8 your observation, about the condition of the  
9 property?

10 MR. WICHMAN: Quite honestly, I could go  
11 on and on and on about the uninhabitability of the  
12 place, but I won't waste your time with that. The  
13 City of Gladstone, in my opinion, and it isn't, you  
14 know, you guys necessarily, but has been negligent  
15 for the last 18 years since I've lived there in,  
16 you know, making sure that they kept their grass  
17 cut. It would continually be two to three feet  
18 high weeds. Then every once - every six months or  
19 so, maybe somebody would cut the weeds.

20 The place was just a joke. It's a junk  
21 yard. In the last three years, and I can only  
22 surmise why, nobody has chosen to live inside of  
23 the basement area. We heard through a secondhand  
24 nature that the place was uninhabitable. So  
25 friends of, I guess, the owner have lived in a tent

1 for months at a time, bonfires at night for warmth  
2 and light, right next door to us.

3           And I would like to ask you guys how you  
4 would like to have your next door neighbor let  
5 their weeds grow two and three feet high and live  
6 in tents for months at a time with bonfires. We  
7 called policemen from the City of Gladstone and  
8 they wouldn't do anything. Nobody has ever seem to  
9 care about the unsightly condition and the  
10 uninhabitability of the place. There was children  
11 living in that place for years in its, God knows  
12 what it looks like, but it - honestly, I would just  
13 beg the Council to do what's right and, you know,  
14 support the Commissioner, the Zoning Commissioner,  
15 in the fact that it is just not inhabitable and  
16 something ought to be done. That's all I've got to  
17 say.

18           MR. RAMSAY: Thank you. I have no  
19 further questions.

20           MAYOR SMITH: I just have a couple of  
21 questions, if I may, please. Have you ever noticed  
22 anyone recently living in the property, any fires  
23 that might be inside the house, smoke, whatever,  
24 from people that may have been--

25           MR. WICHMAN: They haven't lived inside

1 of the basement. They've lived in a tent on the  
2 outside. And I'm talking about in November and  
3 December and January.

4 MAYOR SMITH: Councilman Rudi.

5 COUNCILMAN RUDI: You said that you  
6 called the police in the past. Have you filed any  
7 other complaints in the past, over the several  
8 years, with the City?

9 MR. WICHMAN: It has seemed to be a  
10 worthless activity because nobody ever seemed to  
11 care. When the policemen came, those guys were  
12 smoking pot, drinking beer, big bonfire, living in  
13 a tent, and they just walked away from it saying  
14 there was not anything they could do. So why would  
15 I go to the, you know, try to go to any trouble  
16 getting any more support from anybody to have any  
17 changes made.

18 COUNCILMAN RUDI: So even in the - before  
19 this tent event, you hadn't called the City?

20 MR. WICHMAN: Oh, I - we called before  
21 about stuff. About the weeds growing three feet  
22 high and how we thought it was an ordinance that  
23 people keep their property up, you know.

24 COUNCILMAN RUDI: And you called - did  
25 you call Public Safety?

1 MR. WICHMAN: You know, honestly, I can't  
2 even remember.

3 COUNCILMAN RUDI: Okay. That's all  
4 right.

5 MR. WICHMAN: Yeah. Called the City of  
6 Gladstone.

7 MAYOR SMITH: I could have gone all day  
8 without hearing all that part.

9 MR. WICHMAN: Well, I'm just telling you  
10 guys. And if you would have had these people for  
11 neighbors, you wouldn't tolerate it. You simply  
12 wouldn't. And I don't why she's sitting there  
13 supporting - she's saying things that are untrue,  
14 you know, and it drives - what was the comment,  
15 Gary, about, you know, for three years - well,  
16 okay, the Halloween thing on the door and she was  
17 making fun of how it looked and stuff. Either she  
18 hasn't been there like a landlord ought to look at  
19 her property and take care of it or - what was the  
20 other thing that she said?

21 UNKNOWN MAN: Why didn't you evict the--

22 MR. WICHMAN: Yeah. Why didn't you evict  
23 the people that didn't keep - you know, those  
24 pictures in 2004--

25 MS. PINNICK: I'm not the landlord. I'm

1 the caretaker. I go over there and cut the grass.

2 MR. WICHMAN: So why are you even sitting  
3 here then if you're not the landlord? Why are you  
4 even here?

5 MAYOR SMITH: Do you drive past the - I  
6 mean, you live behind it, do you drive up and down  
7 the street every day?

8 MR. WICHMAN: Every day.

9 MAYOR SMITH: Have you seen substantial  
10 change in it over the course of the last six to 12  
11 months?

12 MR. WICHMAN: They cut - they cut the  
13 weeds in the last couple of weeks. I noticed they  
14 had - and they've been there trying to pick trash  
15 up and stuff, but I looked over - we had to put a  
16 fence between our property and theirs because we  
17 were so embarrassed about the way the place looked  
18 that we put a fence up.

19 But my wife - we took the time to do  
20 that, just now, before we came over here and looked  
21 and there's beer cans and the abandoned tent and  
22 the remains of the bonfire and all that stuff is  
23 still sitting there.

24 MAYOR SMITH: Any questions for the  
25 witness?



1 (WHEREIN, there was no response.)

2 MAYOR SMITH: Thank you, sir.

3 MR. WICHMAN: You're welcome.

4 MR. RAMSAY: Sir, would you come up to  
5 testify?

6 UNKNOWN MALE: I have nothing more. I  
7 think he's covered it all.

8 MR. RAMSAY: That's all the evidence that  
9 I have to present.

10 MAYOR SMITH: Ms. Pinnick, do you have  
11 any further witnesses or evidence to present?

12 MS. PINNICK: Well, I'd - I'd like to  
13 show the picture, and you can't hardly tell in this  
14 picture, I wish they would have come out better,  
15 but, you know, if he just moved in 18 years ago,  
16 this property has been in my family for 70 years,  
17 so it was there when he moved in and it hasn't  
18 really changed much. My mom put a roof on it 10  
19 years ago, so it does have a newer roof on the top  
20 of it, so it's not this black tar like they used to  
21 do.

22 But the people with the fences, houses  
23 behind me, open up their back privacy fences and  
24 then dump all their junk on me. And those tires  
25 that are over there on top of that thing, are tires

1 that I picked up from my property where they opened  
2 their fence and rolled it out for me to pick up and  
3 clean up.

4 MR. WICHMAN: Now how would you know that  
5 since you are never there?

6 MS. PINNICK: Because I clean it up. I'm  
7 the one that cuts the grass. That's why I know.

8 MAYOR SMITH: Okay. Let's maintain  
9 decorum here.

10 MAYOR PRO TEM REVENAUGH: Mayor Smith.

11 MAYOR SMITH: Councilman Revenaugh.

12 MAYOR PRO TEM REVENAUGH: Mr. Napoli,  
13 well, I guess maybe you're the wrong person. Is  
14 there an ordinance - I guess my - what I'm  
15 wondering is, you say there's a basement, a poured  
16 basement?

17 MS. PINNICK: I'm calling it an earth  
18 contact home these days. It sounds better. But  
19 yes, it's a basement.

20 MAYOR PRO TEM REVENAUGH: Okay. It was  
21 designed as a poured basement?

22 MS. PINNICK: Yes.

23 MAYOR PRO TEM REVENAUGH: And is there  
24 some ordinance against a structure being inhabited  
25 that was designed as a poured basement?

1           MR. NAPOLI: As a basement, its  
2   habitability is you have certain types of rooms you  
3   have to have, living spaces you have, sleeping  
4   areas, and there's certain size requirements with  
5   them.

6           MAYOR PRO TEM REVENAUGH: Okay. So there  
7   are a host of requirements--

8           MR. NAPOLI: Yes.

9           MAYOR PRO TEM REVENAUGH: --for a space,  
10   regardless of what you call it, to be considered  
11   habitable?

12          MR. NAPOLI: That is correct.

13          MAYOR PRO TEM REVENAUGH: Inside the  
14   City?

15          MR. NAPOLI: Yes.

16          MAYOR PRO TEM REVENAUGH: Okay. And I  
17   assume we can get a list of all those things.  
18   Because to me, that's what this thing boils down  
19   to. I don't care if we call it earth contact,  
20   basement, I think the witness, or the - Ms. Pinnick  
21   just said, it was designed as a basement. So the  
22   question in my mind is, whether or not a basement  
23   can be considered habitable according to City  
24   Ordinances. Right?

25          MR. NAPOLI: Correct.

1                   MAYOR PRO TEM REVENAUGH: So there's a  
2 list of things that must be done, according to Mr.  
3 Napoli, that would have enabled it to be considered  
4 a habitable residence. Right?

5                   MR. NAPOLI: Correct.

6                   MAYOR PRO TEM REVENAUGH: And it's your  
7 view that, in all probability, it's probably - it's  
8 not a habitable residence.

9                   MR. NAPOLI: That is correct.

10                  MAYOR SMITH: It's my understanding from  
11 your earlier testimony that there are 14 items, any  
12 one of which, if there's a violation or not in  
13 compliance, can bring this action. Correct?

14                  MR. NAPOLI: That is correct.

15                  MR. NAPOLI: What were these - restate  
16 those five items.

17                  MS. PINNICK: Five that he listed to me,  
18 I'll tell you. It says, no gas, no heating  
19 facility operational, no hot water for sanitation,  
20 no water service, no water for sanitation,  
21 electrical meter is yellow tagged and appeared to  
22 be no electricity, trash and debris on the premises  
23 and an attractive nuisance.

24                  MR. NAPOLI: Those are my findings when I  
25 went out to do an inspection. The actual

1 requirements are on the Notice and Order that  
2 determine whether the structure is in compliance or  
3 is in violation.

4           Those five items were; the first one,  
5 whenever, for any reason, the building or  
6 structure, or any portion thereof, is manifestly  
7 unsafe for the purpose for which it is being used.

8           Two, whenever the building or structure  
9 has been so damaged by fire, wind, earthquake or  
10 flood, or has become so dilapidated or deteriorated  
11 to become, one, an attractive nuisance to children,  
12 two, a harbor for vagrants, criminals, or immoral  
13 persons, or as to, three, enable persons to resort  
14 thereto for the purpose of committing unlawful or  
15 immoral acts.

16           Number three, whenever any building or  
17 structure has been constructed, exists, or is  
18 maintained in violation of any specific requirement  
19 or prohibition applicable to such building or  
20 structure provided by the building regulations of  
21 this jurisdiction as specified in the building  
22 code, or housing code, or any law ordinance of the  
23 state or jurisdiction relating to the condition,  
24 location or structure of building.

25           Four, whenever a building or structure

1 used, or intended to be used, for dwelling purposes  
2 because of inadequate maintenance, dilapidation,  
3 decay, damage, faulty construction or arrangement,  
4 inadequate light, air or sanitation facilities, or  
5 otherwise as determined by the health officer to be  
6 unsanitary, unfit for human habitation, or in such  
7 condition that it's likely to cause sickness or  
8 disease.

9           And number five, whenever any building  
10 or structure is in such condition as to constitute  
11 a public nuisance known to common law or inequity  
12 jurisprudence.

13           COUNCILMAN BEER: Mayor Smith.

14           MAYOR SMITH: Councilman Beer.

15           COUNCILMAN BEER: Mr. Napoli, can you  
16 tell me what is the code requirement now for sewers  
17 that aren't connected? Are septic systems still  
18 permitted in Gladstone?

19           MR. NAPOLI: Septic systems are not  
20 permitted in Gladstone, unless, for some reason,  
21 when our sewer mains were put in and there is no  
22 access to that sewer - a lot has no access to our  
23 sewer main. There is a main that goes up and down  
24 56th Terrace and there's access to it.

25           COUNCILMAN BEER: While you were unable

1 to observe the sewage backup into the house, we do  
2 have photographs placed into evidence that shows a  
3 significant amount of sewage backup. Do we know,  
4 is that home, is that structure, attached to the  
5 City sewer or is it still on septic?

6 MR. NAPOLI: I do not know that for a  
7 fact. I could find out, though.

8 COUNCILMAN BEER: Ms. Pinnick, do you  
9 know?

10 MS. PINNICK: I couldn't swear to it.

11 MR. WICHMAN: They used it when somebody  
12 lived there.

13 MS. PINNICK: No one's living there, so I  
14 don't need a sewer. I don't live there.

15 MAYOR PRO TEM REVENAUGH: Mr. Ramsay, is  
16 there some - do we have any legal access to the  
17 property to inspect it to see if, in fact, it does  
18 qualify as a legal residence in the City of  
19 Gladstone?

20 MR. RAMSAY: We've never - there is a  
21 process by which we could obtain a civil search  
22 warrant from the municipal court. We've never -  
23 the Council has never activated that authority.  
24 Otherwise, you know, if it were some kind of an  
25 emergency situation, we could have access. But

1 simply to inspect it, we don't, other than in  
2 accordance with a request for a building permit or  
3 inspections of work in progress.

4 MAYOR PRO TEM REVENAUGH: Didn't Mr.  
5 Napoli say that one of the previous residents was  
6 doing some wiring in the house?

7 MR. NAPOLI: She indicated that she was.

8 MS. PINNICK: We were stripping out all  
9 the insides of the house. We've not put anything  
10 back into it yet. We've taken out the electrical  
11 wire on the inside, most of the plumbing. The only  
12 thing that's still in there is the bathroom sink  
13 and the toilet.

14 MAYOR PRO TEM REVENAUGH: Well, then  
15 would you have any objection to the Council, or Mr.  
16 Napoli, whoever is qualified, to go in there and  
17 inspect the premises to see if it qualifies as a  
18 residence in Gladstone? I mean, it seems like that  
19 would settle it.

20 MS. PINNICK: It qualified as a residence  
21 in '04. Why wouldn't it qualify as a residence  
22 now?

23 MAYOR PRO TEM REVENAUGH: Well, I don't  
24 think the ordinances have changed materially since  
25 '04. And I'm sure that Mr. Napoli can give you a



1 list of all the things that a residence would  
2 require to consider that particular structure a  
3 residence. And I think, you know, that would be a  
4 good thing if we could all settle that. Because if  
5 it's not habitable as a residence, then it's not an  
6 earth contact home. It's a poured basement that  
7 somebody put a roof on top of and rents it out to  
8 people that can't afford better accommodations.

9 MS. PINNICK: It's not been - it hasn't  
10 been rent since 2004, when the people that lived  
11 there for 20 years moved out.

12 MAYOR PRO TEM REVENAUGH: So then you  
13 don't have any objection to Mr. Napoli taking a  
14 look?

15 MS. PINNICK: I'll get an out - how about  
16 if I just get an outside person in, and he'll tell  
17 you the place is sound.

18 MAYOR PRO TEM REVENAUGH: Because he's  
19 not going to be as familiar with our residence  
20 requirements as Mr. Napoli is.

21 MAYOR SMITH: Plus, I want to add that it  
22 doesn't require the structure to be unsound to fit  
23 the description of what Mr. Napoli is explaining.

24 MS. PINNICK: Well, the whole purpose of  
25 this was because you all said that I needed to tear

1 it down. And if it's a sound structure and can be  
2 built on, which I've been waiting all my life to  
3 finally get it and it's happening in a month, why  
4 would you not want to be willing to give me time to  
5 finally get my hands on it, after waiting all this  
6 time, to build the house on it that I want to do  
7 and hook it up to the sewer system.

8           MAYOR SMITH: Do you believe any of those  
9 five items that Mr. Napoli listed to be correct?

10           MS. PINNICK: No, and I responded. Did  
11 you not give him a copy of my letter for the  
12 appeal?

13           MAYOR SMITH: They have. I'm asking now  
14 if you think that there is any of those violations  
15 that exist and you say there are not.

16           MS. PINNICK: The door needs to be  
17 painted.

18           MAYOR PRO TEM REVENAUGH: I don't think  
19 the door was one of the things listed.

20           MS. PINNICK: No. Well, attractive  
21 nuisance.

22           MAYOR PRO TEM REVENAUGH: So again, I'd  
23 like to ask the question. Do you have any problem  
24 with our Building Inspector going in and  
25 determining whether or not this structure qualifies

1 as a residence?

2 MS. PINNICK: Well, it can't be a  
3 residence right now because it has no rooms inside.  
4 It's just a big shell. I've emptied out everything  
5 in there.

6 MAYOR PRO TEM REVENAUGH: But you've been  
7 renting it out as a residence.

8 MS. PINNICK: I don't rent it. No one  
9 lives there.

10 MAYOR PRO TEM REVENAUGH: Not currently.

11 MS. PINNICK: I can't live there without  
12 electricity and water. I can't live there without  
13 those things.

14 MAYOR PRO TEM REVENAUGH: Right. You  
15 said they could turn on the water and the  
16 electricity. And short of that, it's ready to move  
17 in. Right? Isn't that your earlier testimony?

18 MS. PINNICK: Well, it doesn't have any  
19 rooms.

20 MAYOR PRO TEM REVENAUGH: Excuse me. Was  
21 that your earlier testimony?

22 MS. PINNICK: Yes. Yes.

23 MAYOR PRO TEM REVENAUGH: Okay. Thank  
24 you.

25 MS. PINNICK: It has electricity to the

1 pole. The water was never turned off.

2 MAYOR PRO TEM REVENAUGH: So you're using  
3 it as a residence, whether it's a rental property  
4 or one that you want to live in yourself, and all  
5 I'm asking is for you to give us permission to have  
6 Mr. Napoli go in and see if it qualifies as a  
7 residence under our building codes. And if it  
8 does, you're home free.

9 MS. PINNICK: Well, I'll have to have a  
10 list of the building codes. Because if I have to  
11 have an actual bedroom and an actual kitchen, there  
12 are no walls inside there now.

13 MAYOR PRO TEM REVENAUGH: Then it's  
14 possible that it doesn't qualify as a residence.

15 MS. PINNICK: Well, that's just because I  
16 tore out what walls and holes and the mess that  
17 those people left in there. I wouldn't call what  
18 they left as a residence.

19 MAYOR SMITH: Ma'am, excuse me. Let me  
20 just ask for a clarification. You said you were  
21 going to build a home on it. In its current  
22 condition, are you going to use it as a foundation  
23 and build upward?

24 MS. PINNICK: Yes.

25 MAYOR SMITH: Just two questions. That's

1 what you're going to do, you're going to build on  
2 it as if it's a foundation and build a structure  
3 above it?

4 MS. PINNICK: Yes.

5 MAYOR SMITH: Okay.

6 MS. PINNICK: And out to the west.

7 COUNCILMAN BEER: And I presume, Ms.

8 Pinnick, then that you have begun the design  
9 process with a qualified design professional,  
10 something that - you said that you were going to  
11 start this in a month. That means permitting and  
12 that means coming to the--

13 MS. PINNICK: Start what in a month? I  
14 get the property hopefully turned into my kid's  
15 name in a month's time. When my son graduates, it  
16 gets put in his name.

17 MAYOR SMITH: So another - is another  
18 possible solution that this poured basement, this  
19 foundation, be stripped down to a foundation?

20 MR. NAPOLI: If it were stripped down to  
21 a foundation, that is all that's there.

22 MS. PINNICK: Then it would be unsafe  
23 because it wouldn't have a roof on it.

24 MAYOR PRO TEM REVENAUGH: Excuse me.  
25 He's answering.

1           MR. NAPOLI: Then you would come to the  
2 point, like I say, there would be no roof and no  
3 walls, you'd just have your foundation. And then  
4 you have a - you still have an attractive nuisance  
5 because you have a foundation there that is  
6 potentially dangerous as to a fall, kids fall into  
7 it. It's still an area that can attract activities  
8 that are not--

9           MAYOR SMITH: Okay. If it were left in  
10 that condition for a very long period. I mean,  
11 obviously, we have foundations in the City that sit  
12 for a couple of weeks anyway. Is there any other  
13 questions of Mr. Napoli?

14           COUNCILMAN BEER: One observation.

15           MAYOR SMITH: Certainly.

16           COUNCILMAN BEER: I would like to go back  
17 to the photographs, which were entered into  
18 evidence by a previous tenant, which shows a  
19 significant amount of water backup into the - and  
20 not just - not just sewage, but flood water backup  
21 apparently into the building. Plus, it appears to  
22 be a good significant amount of water that is  
23 infiltrating through the - through the corners of  
24 the poured concrete, which, you know, would  
25 intimate some lack of structural integrity.

1           There just seems to be a whole host of  
2 sanitation and like safety issues attached with  
3 this thing. So that's just my observation.

4           MAYOR SMITH: Any questions for Mr.  
5 Napoli?

6           (WHEREIN, there was no response.)

7           MAYOR SMITH: Thank you. Anything  
8 further, Counselor?

9           MR. RAMSAY: Let me just summarize the  
10 authority of the City Council. If a building is  
11 declared to be a dangerous building, then there's  
12 several options. The Council could require the  
13 building to be repaired and put into compliance  
14 with current building codes and standards, or the  
15 building could be ordered to be demolished, or in  
16 the event that the building does not constitute an  
17 immediate danger, it could be vacated, secured and  
18 maintained against entry.

19           Now some of the - some of the testimony  
20 was that the property is not being maintained in a  
21 sanitary condition and, at least for a period of  
22 time, some people were allowed to reside there in  
23 tents heated by bonfires. If Ms. Pinnick is  
24 intending to build a home on this structure, then I  
25 think if she would proceed with requesting a

1 building permit, providing some plans and moving  
2 forward with it and, in the meantime, secure the  
3 structure, that might be a way to proceed with  
4 this.

5 MAYOR PRO TEM REVENAUGH: Mayor Smith.

6 MAYOR SMITH: Yes, Councilman Revenaugh.

7 MAYOR PRO TEM REVENAUGH: My  
8 understanding is that the Council can also recess  
9 the hearing to a future date in order to visit and  
10 inspect the site. Is that right?

11 MR. RAMSAY: That's correct.

12 MAYOR SMITH: I was just about to state  
13 the Council has three options, I believe. To  
14 recess the hearing to a future date and inspect the  
15 site, vote upon the contents of the building, or  
16 continue the matter to the next Council Meeting  
17 with no decision. Those, in essence, are the  
18 three. At this time, however, I would like to see  
19 if Counselor is finished.

20 MR. RAMSAY: Yes. I am. Yes, sir.

21 MAYOR SMITH: And Ms. Pinnick, are you  
22 finished? Have you completed everything?

23 MS. PINNICK: I have a couple of more  
24 things, but go on.

25 MAYOR SMITH: Would it be proper, the



1 former witness in the room is asking to speak  
2 again, would it be proper to allow that?

3 MR. RAMSAY: As long as the hearing is  
4 still open, certainly.

5 MAYOR SMITH: Sir, would you like to come  
6 back forward, please.

7 MR. WICHMAN: Somebody asked earlier why  
8 we didn't bring things up like this to the City of  
9 Gladstone in the past, which we had and never  
10 gotten any action.

11 If you guys are considering putting this  
12 off, you know, for an inspection, or - that's a  
13 perfect example of why people don't bother to tell  
14 you about the three foot high grass and the people  
15 living in the tents and the, you know, urinating in  
16 the trees because they don't have a bathroom, and  
17 all that sort of thing, is because - I mean, the  
18 facts are staring you in the face to do something  
19 about it. I urge you to. That's all I got to say.

20 MAYOR SMITH: Thank you, sir.

21 MS. PINNICK: May I comment to that?

22 MAYOR SMITH: This absolutely is  
23 positively the final comment.

24 MS. PINNICK: When Kathy and I are over  
25 there working and if my aunt is not next door and

1 we can't use her bathroom.

2 MAYOR SMITH: Yes, ma'am.

3 MS. PINNICK: She has a camping porta

4 potty. You know, it's a camper's type one. We

5 will use that if we're over there late at night.

6 No one lives in tents over there. We're scraping

7 the paint, we're laying tile or gluing stuff, and

8 it stinks or gets dusty in there, we go outside and

9 we put up the tent in the summer when it was hot to

10 keep out of the sun. And it's not up now because

11 it's winter. But no one lives over there in a

12 tent.

13 MAYOR SMITH: And I believe, just for the

14 record, Mr. Wichman's testimony would contradict

15 that and said there were folks in the tent at night

16 in the winter. Anything further?

17 MR. RAMSAY: No.

18 MAYOR SMITH: Is it proper to close the

19 hearing prior to discussion. Correct?

20 MR. RAMSAY: That's correct.

21 COUNCILMAN BEER: Mayor Smith.

22 MAYOR SMITH: Councilman Beer.

23 COUNCILMAN BEER: I make a motion that we

24 proceed with an order for demolition.

25 COUNCILMAN RUDI: Second.

1                   MAYOR SMITH: Motion by Councilman Beer  
2 and seconded by Councilman Rudi. Discussion?  
3                   COUNCILMAN RUDI: Mayor Smith.  
4                   MAYOR SMITH: Councilman Rudi.  
5                   COUNCILMAN RUDI: There's no question in  
6 my mind that at least one of these items listed as  
7 a reason for this to be a dangerous building, if  
8 not more than one, is valid. Therefore, according  
9 to ordinance, this is a dangerous building.  
10                  COUNCILMAN BEER: Mayor Smith.  
11                  MAYOR SMITH: Councilman Beer.  
12                  COUNCILMAN BEER: I'm not going to - I'm  
13 not going to go through all this whole host of  
14 testimony that's been brought forth to us in a  
15 public hearing other than to comment that it all  
16 seems to me to speak for itself.  
17                  We have a situation here where it is a  
18 very unhealthy, unsanitary, it is not a viable,  
19 safe structure, it is a public nuisance, it is an  
20 attractive nuisance, and I believe that the  
21 evidence is very clear that this is a building that  
22 should be demolished.  
23                  MAYOR SMITH: Thank you. Among the  
24 Council, if they feel that any of those 14 items,  
25 based on the evidence presented here this evening,

1 is valid, then you have a right to vote as you  
2 wish. Call the roll, please.  
3 MS. SWENSON: Yes, sir. Councilman Wayne  
4 Beer.  
5 COUNCILMAN BEER: Aye.  
6 MS. SWENSON: Councilman Carol Rudi.  
7 COUNCILMAN RUDI: Aye.  
8 MS. SWENSON: Councilman Bill Cross.  
9 COUNCILMAN CROSS: Aye.  
10 MS. SWENSON: Mayor Pro Tem Mark  
11 Revenaugh.  
12 MAYOR PRO TEM REVENAUGH: Aye.  
13 MS. SWENSON: Mayor Les Smith.  
14 MAYOR SMITH: Aye. Motion carries. I  
15 would assume we will be in contact with the  
16 property owner.  
17 MR. RAMSAY: Yes.  
18 MS. PINNICK: Well, we're going to appeal  
19 it to Clay County.  
20 MAYOR SMITH: I'd like to thank everyone  
21 for their time in this matter this evening. Not an  
22 easy decision. Do we need to keep these as  
23 evidence?  
24 MR. RAMSAY: Yes. Ms. Pinnick asked for  
25 her photographs back.

1           MAYOR SMITH: Should we copy those, at  
2   least, or do something with those, since they were  
3   submitted as evidence.  
4           MS. PINNICK: I'll let you keep them.  
5   I've got the things. I can get more.  
6           MAYOR SMITH: Very good.  
7           ITEM 13:  
8           MAYOR SMITH: Is there any other business  
9   to come before the Council this evening?  
10          (WHEREIN, there was no response.)  
11          ITEM 14:  
12          MAYOR SMITH: Questions from the News  
13   Media, Mr. Rice, Kansas City Star?  
14          MR. RICE: No.  
15          ITEM 15:  
16          MAYOR SMITH: The meeting is adjourned.  
17   Thank you.  
18          (WHEREIN, the meeting is concluded at  
19   9:20 p.m.)  
20  
21  
22  
23  
24  
25

1 CERTIFICATE OF REPORTER

2 STATE OF MISSOURI ) ss:

3 COUNTY OF CLAY )

4 I, JANET H. WIMER, Certified Court  
5 Reporter, the officer before whom the foregoing  
6 meeting was taken, do hereby certify that the  
7 testimony in said meeting was taken by me to the  
8 best of my ability and thereafter reduced to  
9 typewriting under my direction; that I am neither  
10 counsel for, related to, nor employed by any of the  
11 parties to the action in which this meeting was  
12 taken, and further, that I am not a relative or  
13 employee of any attorney or counsel employed by the  
14 parties thereto, nor financially or otherwise  
15 interested in the outcome of the action.

16

17

18

\_\_\_\_\_  
Notary Public in and for  
the State of Missouri

19

20

21 My Commission Expires: 9/29/07

22

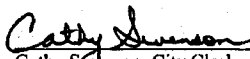
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25

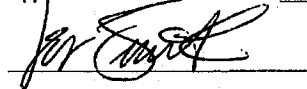
April 23, 2007  
City Council Minutes

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐



Mayor Les Smith

ERRATA SHEET

City of Gladstone, Missouri  
City Council Meeting  
Date Taken: 4/23/07

Page #1                      Line #19  
Should Read: Assistant City Manager Scott Wingerson

Page #1                      Line #20  
Should Read: City Clerk Cathy Swenson

Page #14                     Line #10  
Should Read: GERC, not Dempsey(ph)

Page #8                      Line #17, 20, 20, 23  
Should Read: Forslund, not Forceland

Page #9                      Line #5, 9  
Should Read: Forslund, not Forceland

Page #10                     Line #24  
Should Read: Forslund, not Forceland

Page #11                     Line #2, 7  
Should Read: Forslund, not Forceland

Signature of Court Reporter:

Janet A. Wilson



## NOTICE AND ORDER

DECEMBER 11, 2006

To: Avalon Thompson  
5300 Sycamore Drive  
Dickinson, TX. 77539

You are hereby given notice by the undersigned that your structure located on the following described real property lying and situated in the City of Gladstone, Clay County, Missouri:

*All of lot 24 and the East one-half (1/2) of the South 175 feet of Lot 23, EVANSTON PLACE, a subdivision in Gladstone, Clay County, Missouri, according to the recorded plat thereof.*

has been inspected and found to be in violation of Title IX, Chapter 200, Article 4, of the Gladstone City Code relating to dangerous buildings and such structure is detrimental to the health, welfare and safety of the residents of the City of Gladstone, Missouri, and as such, in the opinion of the undersigned, constitutes a public nuisance as defined by said City Code;

You are further notified that the conditions of said building which cause it to be in violation of said City Code are those conditions listed as follows:

1. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
2. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
3. 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 of any law or ordinance of this state of jurisdiction relating to the condition, location or structure of buildings.
4. Whenever a 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.
5. Whenever any building or structure is in such condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

EXHIBIT

#1

143307  
SW

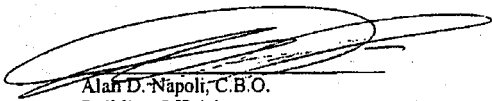
Attached is a copy of the dangerous building inspection report.

The building official has determined that the structure must be demolished and is ordering the structure to be vacated immediately. Demolition permits must be secured within 60 days of the date of this order and demolition completed within 10 days of issuance of permit.

Please note that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the board of appeals, provided that the appeal is made in writing as provided for in Title IX, Chapter 200, Article 4, Division V of the Gladstone City Code relating to dangerous buildings and filed with the building official within 30 days from the date of service of notice and order. Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.

You will take notice hereof and be governed accordingly.

Dated this 11th, day of December 2006



Alan D. Napoli, C.B.O.  
Building Official

Enclosure(s)



P.O. BOX 10719

GLADSTONE, MISSOURI 64168-0719

7010 NORTH HOLMES

GLADSTONE, MISSOURI 64118-2646

816-436-2200

816-436-2228 FAX

**CERTIFIED MAIL**

December 11, 2006

Avalon Thompson  
5300 Sycamor Drive  
Dickinson, TX. 77539

Re: 3707 NE 56<sup>th</sup> Terrace

This letter shall serve as notification in writing that upon inspection of the structure at the above reference address; it has been determined that the conditions of the structure render it a dangerous building pursuant to Title IX, Chapter 200, Article 4 of the Gladstone City Code relating to dangerous buildings.

Enclosed are a *NOTICE AND ORDER* and a copy of the dangerous building inspection report. If you have any questions or require additional information concerning this matter, please contact me.

Sincerely,

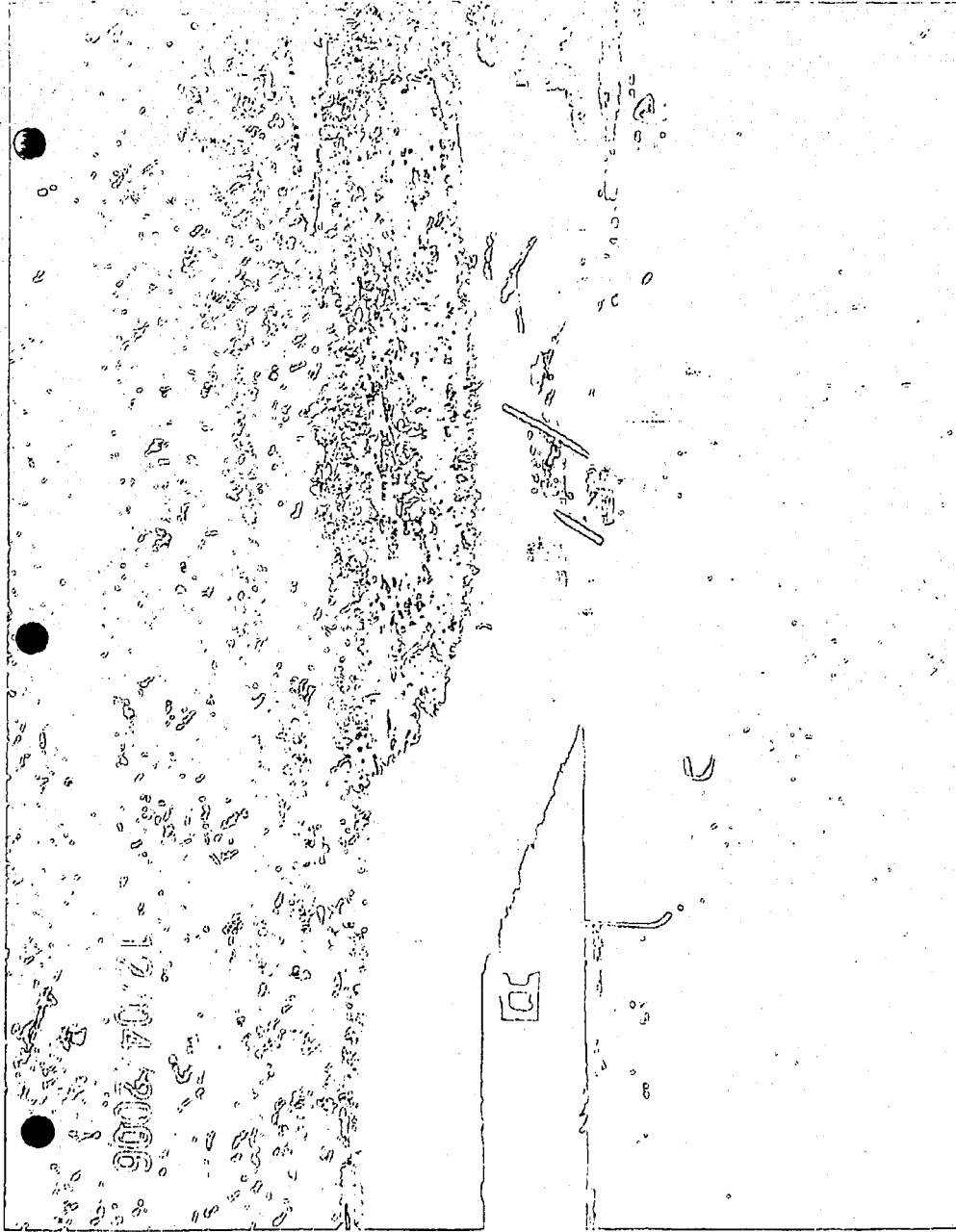
Alon D. Napoli, C.B.O.  
Building Official

Cc: Kirk L. Davis, City Manager  
Scott C. Wingerson, Assistant City Manager  
David Ramsay, City Counselor  
William Von Erdmannsdorff  
Max Von Erdmannsdorff  
File

EXHIBIT

#2  
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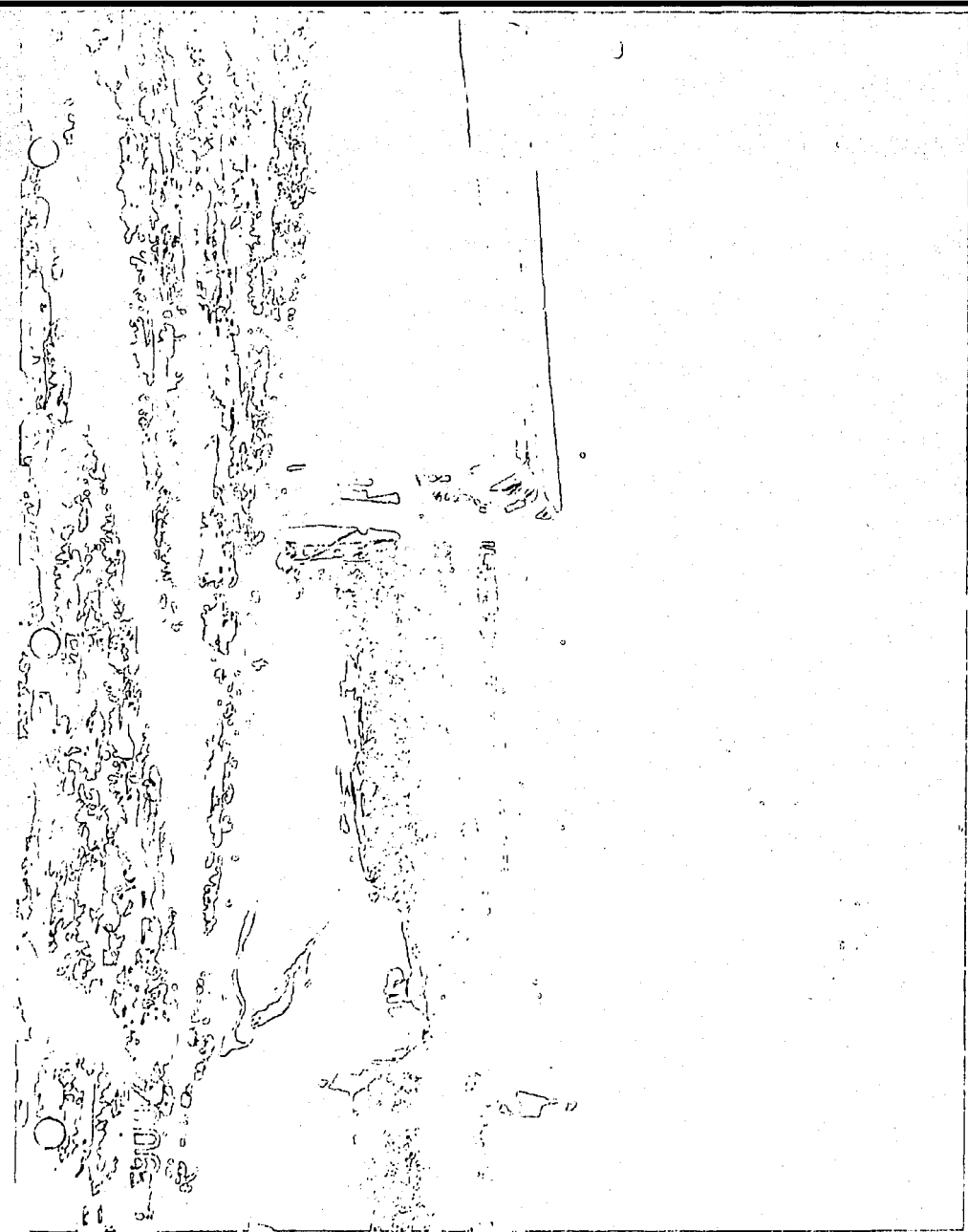
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EX-100-1000000  
#3  
H3307  
BW

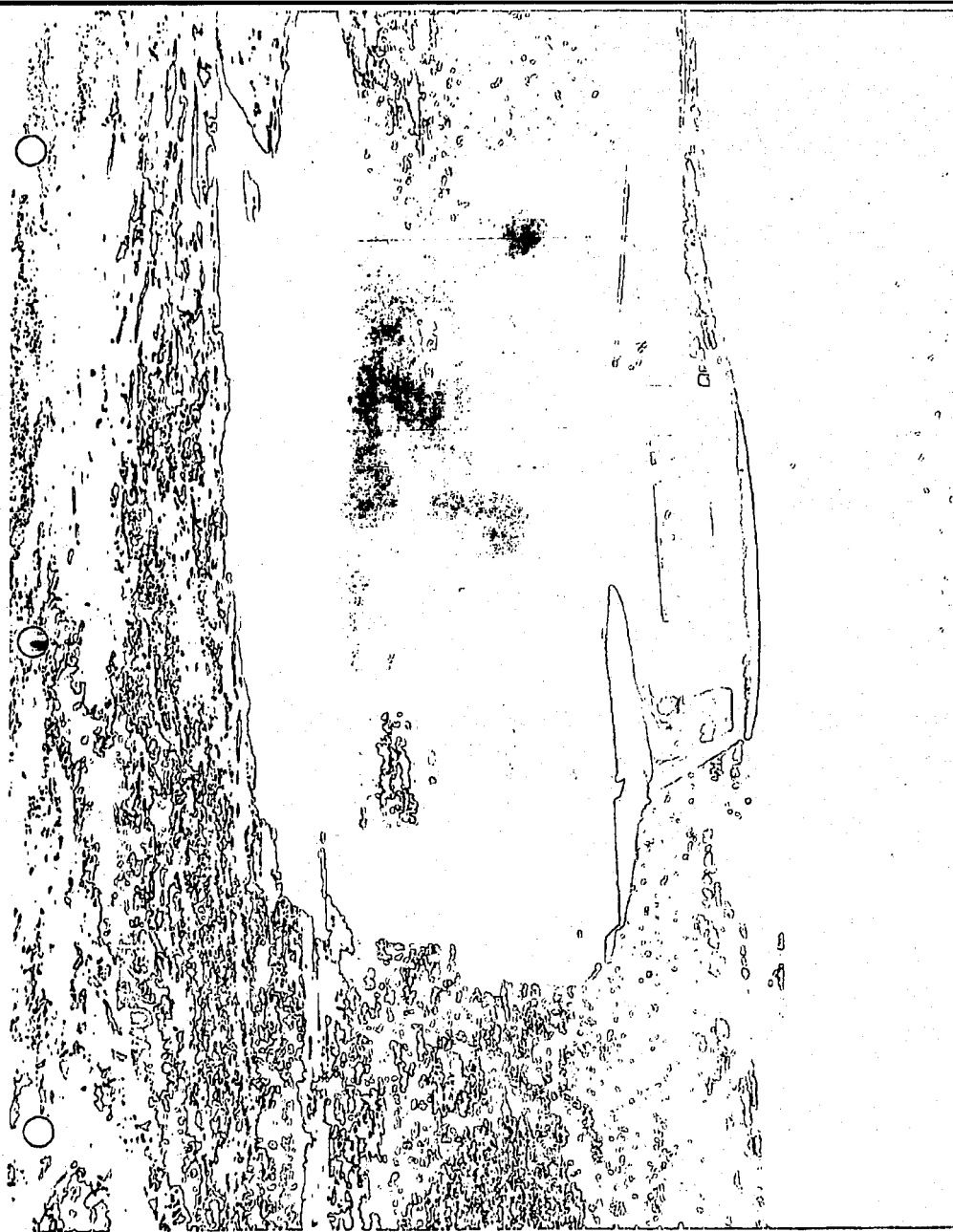
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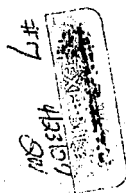


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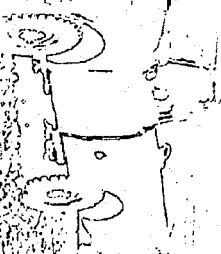


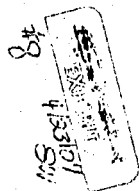


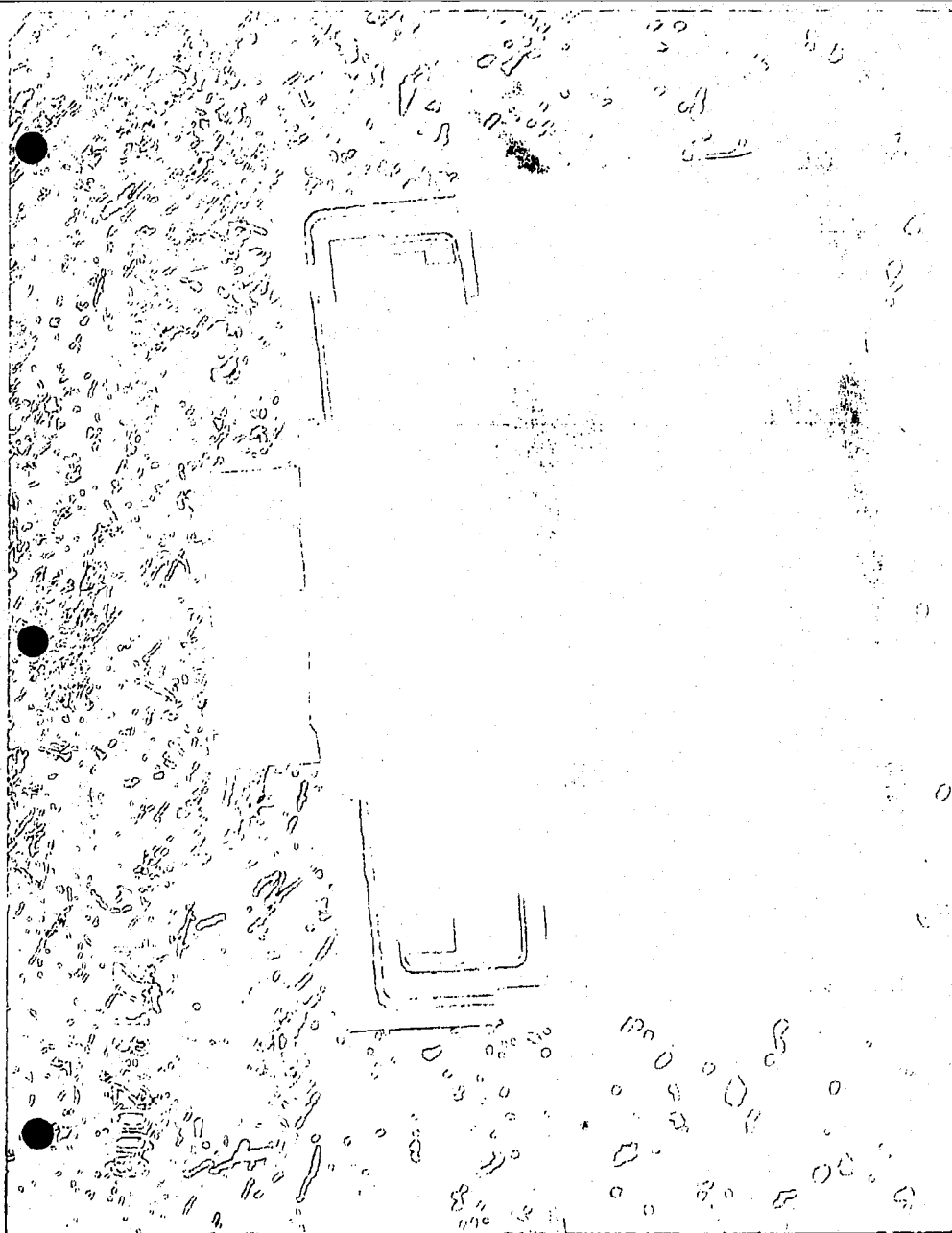
12/04/2006



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#9  
EX-150  
413107  
SM

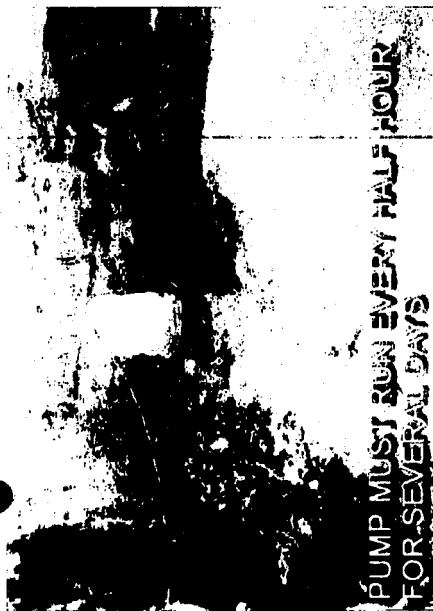
W/A COMING  
IN FRONT DOOR

PORCH AFTER PUMPING  
AT SUNRISE

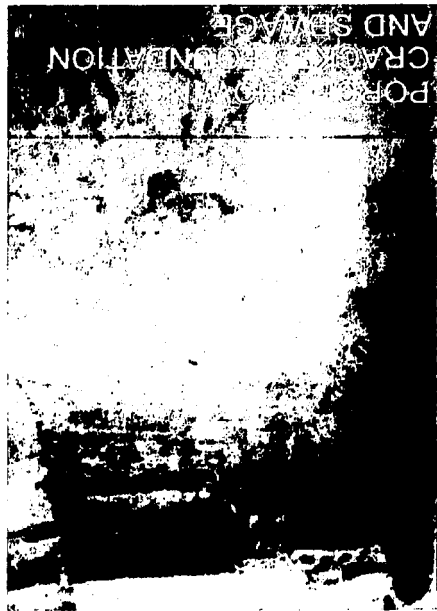
TENANT MICHAEL PAUL  
SWEEPING SEWAGE FROM  
KITCHEN BEFORE DAWN

FLOODED  
PORCH

EXHIBIT  
#10 7/33/07  
94



PUMP MUST RUN EVERY HALF HOUR  
FOR SEVERAL DAYS



CRACK IN FOUNDATION  
DUE TO PUMP  
AND SEWAGE

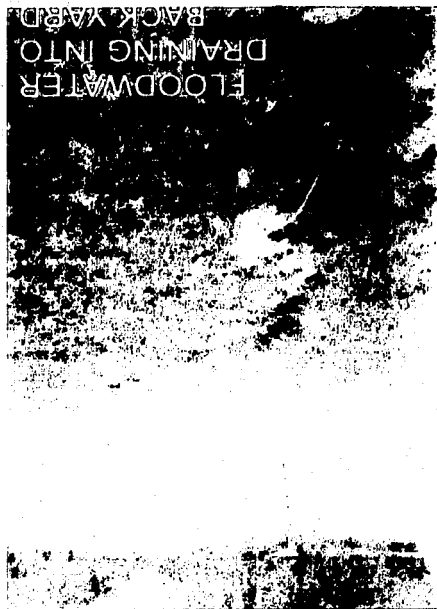


PLYWOOD OVER CRUMBLING  
FOUNDATION TO WHEELCHAIR RAMP



PLYWOOD OVER SEWAGE  
TO ALLOW ACCESS TO  
WHEELCHAIR RAMP



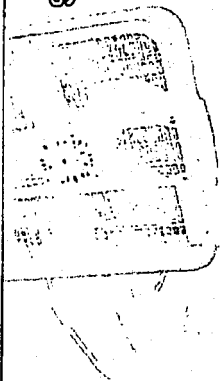


POOR DAYS  
AFTERNOON

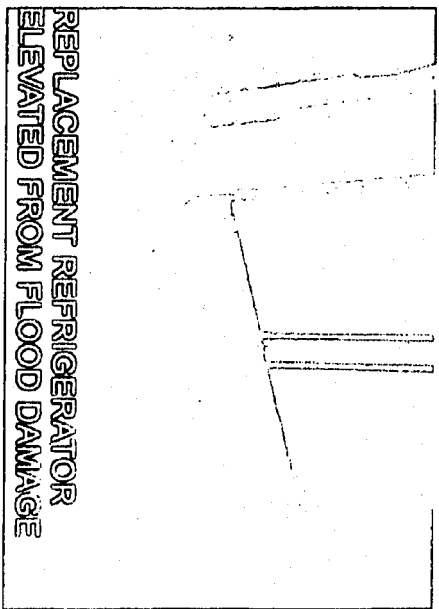
FLOODWATER  
DRAINING INTO  
BACK YARD

SEWAGE ON PORCH  
AFTER TWO DAYS

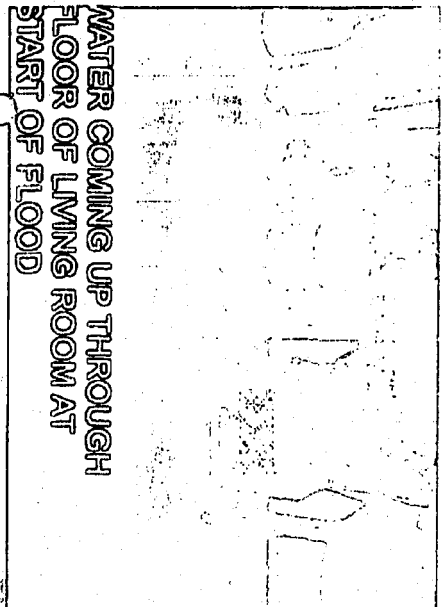
DRYING OUT  
WATER 2 DAYS  
AFTER FLOOD



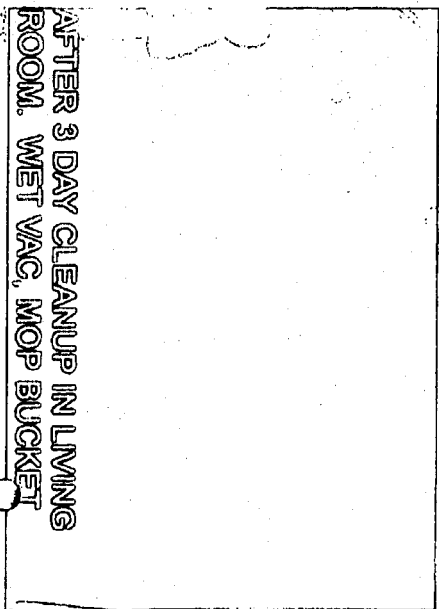
REPLACEMENT REFRIGERATOR  
ELEVATED FROM FLOOD DAMAGE

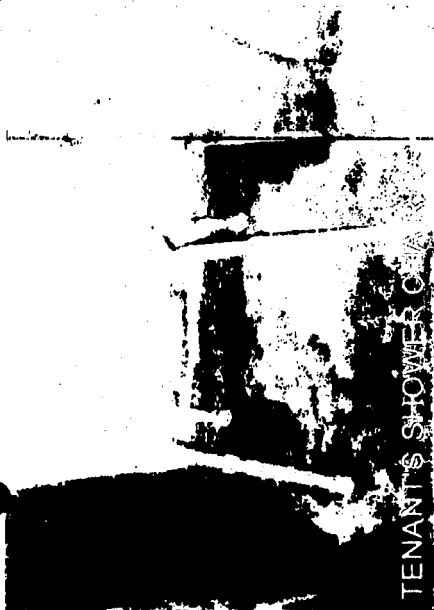


WATER COMING UP THROUGH  
FLOOR OF LIVING ROOM AT  
START OF FLOOD



AFTER 3 DAY CLEANUP IN LIVING  
ROOM. WET VAC, MOP BUCKET





TENANT'S SHOWER CUBICLE

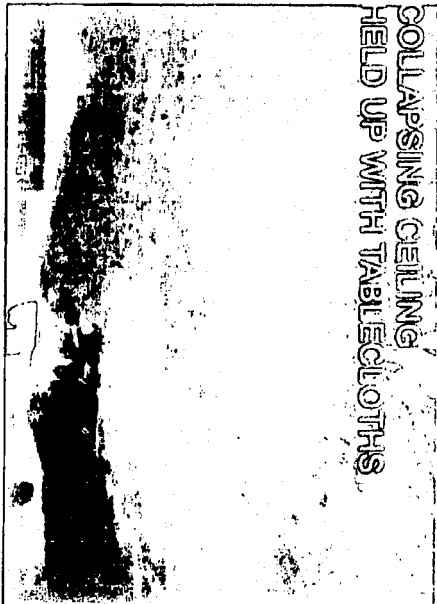


MY BEDROOM  
3 DAYS AFTER FLOOD

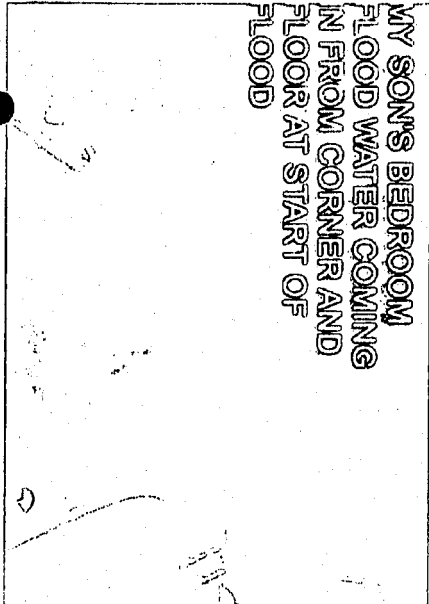


BUCKET WITH SEWAGE  
IN LIVING ROOM

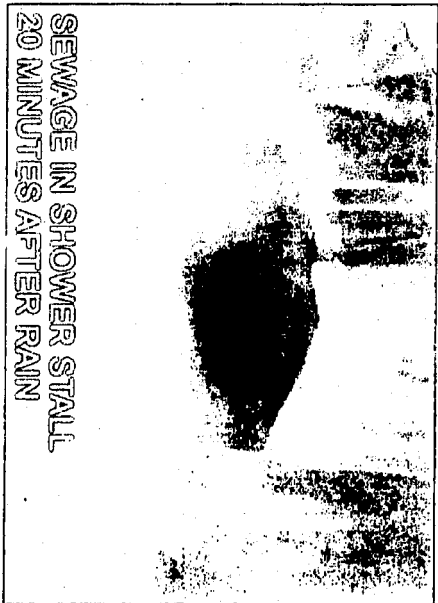
COLLAPSING CEILING  
HELD UP WITH TABLECLOTHS



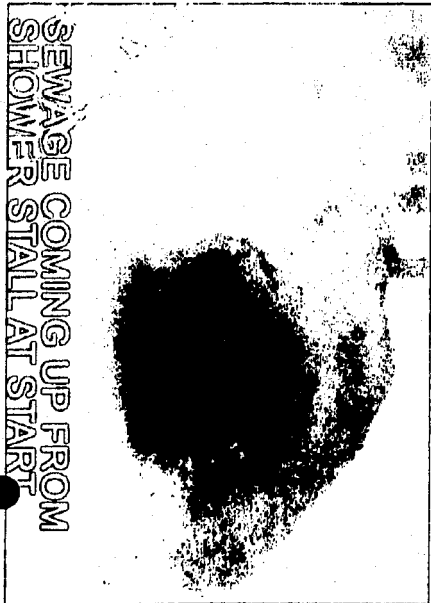
MY SON'S BEDROOM  
FLOOD WATER COMING  
IN FROM CORNER AND  
FLOOR AT START OF  
FLOOD



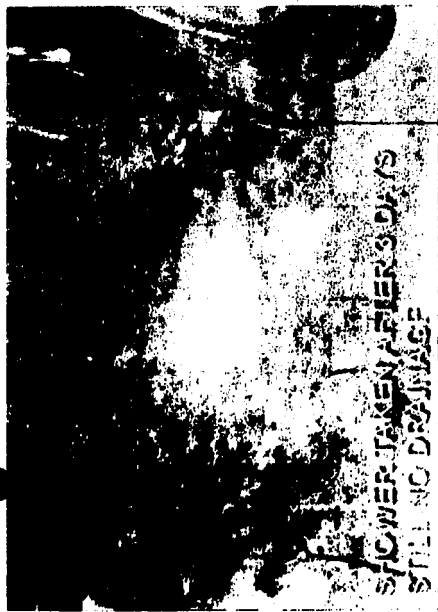
SEWAGE IN SHOWER STALL  
20 MINUTES AFTER RAIN



SEWAGE COMING UP FROM  
SHOWER STALL AT START







FLOWER TAKEN AFTER 3 DAYS  
STILL NO DRAINAGE

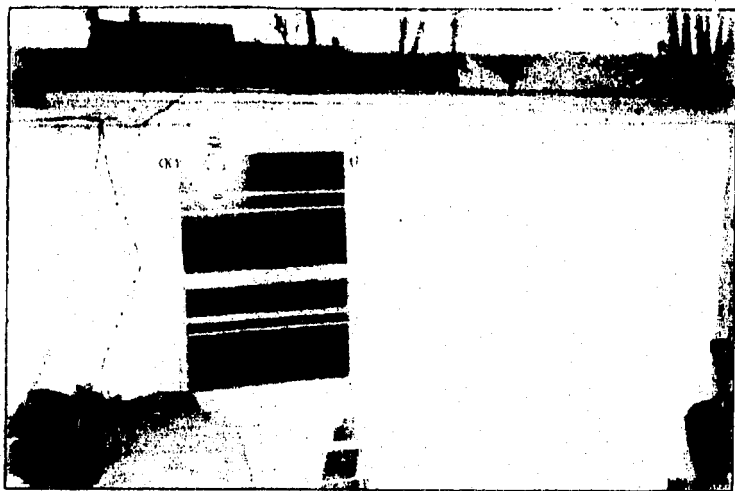


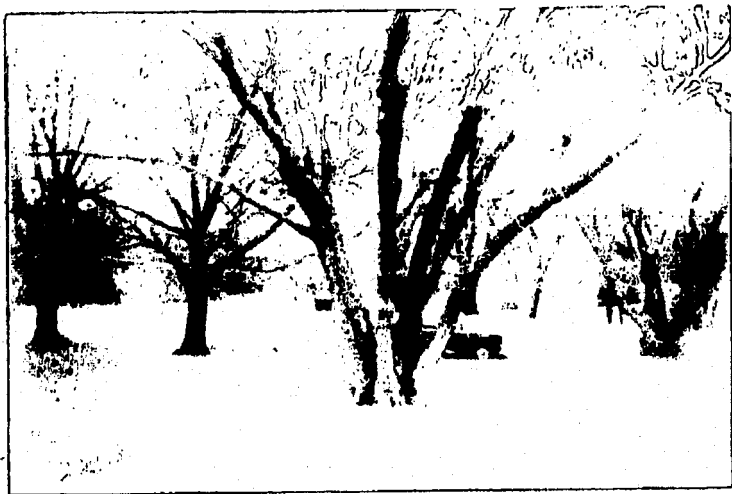
FLOODED  
EVENING



WATER RISE  
EVENING











May.



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MAY 14, 2007**

**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 April 23, 2007, City Council Meeting Minutes.
5. **CONSENT AGENDA**

**RESOLUTION R-07-28**, authorizing acceptance of work under contract with Bulk Storage, Incorporated, for the Salt Storage Building at Gladstone Public Works, and authorizing final payment in the amount of \$22,100.50.

**RESOLUTION R-07-29**, authorizing execution of a contract with Linaweaver Construction, Incorporated, in the total amount not to exceed \$1,190,895.50 for the Community Center Streets Reconstruction Project.

**RESOLUTION R-07-30**, authorizing the City Manager to accept a Bill of Sale from Reveda of Gladstone, Incorporated, and Zuris Lane Construction, LLC, conveying to the City one water line and one fire hydrant built in conjunction with construction of Santerra at Shady Lane at 6445 North Circle Drive.



**RESOLUTION R-07-31**, authorizing the City Manager to accept a Bill of Sale from Reveda of Gladstone, Incorporated, and Bazin Excavating, conveying certain Storm Sewer Main, Water Main, Sanitary Sewer Main and Streets built in conjunction with construction of Santerra at Shady Lane at 6445 North Circle Drive.

**RESOLUTION R-07-32**, authorizing the City Manager to execute a Regional Public Works Mutual Aid Agreement for the Kansas City Metropolitan Area with the Mid-America Regional Council.

**RESOLUTION R-07-33**, accepting Temporary Construction Easements and Permanent Drainage Easements from certain property owners in conjunction with the Northwest 70<sup>th</sup> Terrace and North Central Street Reconstruction Project.

**APPROVAL OF A BUILDING PERMIT:** for construction of a brick wall and a cedar framed roof enclosing the existing patio on property located at 7013 North Oak Trafficway. Applicant: Margarita's. Owner: Larry Gromer.

**APPROVAL OF A BUILDING PERMIT:** for the remodeling of the interior of the existing Williams House, 6913 North Cherry Street. Applicant: Gladstone Area Chamber of Commerce. Owner: City of Gladstone.

**APPROVAL OF A BUILDING PERMIT:** for the addition of an exterior DVD Kiosk on the north side of McDonalds located at 6305 North Antioch Road. Applicant: Ultimate Construction Solutions. Owner: McDonald's Corporation.

## REGULAR AGENDA

6. Communications from the Audience.
7. Communications from the City Council.
- 7a. Approval of the Comprehensive Plan Steering Committee.
8. Communications from the City Manager.

9. **PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to Selective Site Consultants for operation of a Communications Tower Facility on property located at 6221 North Chestnut. Applicant: Selective Site Consultants, Incorporated. Owner: Cascone Land Company. File No. 1295

**AUDIENCE NOTE:** This Public Hearing will be opened and immediately continued until the June 11, 2007, City Council meeting at the request of the applicant.

10. **PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to Selective Site Consultants for operation of a Communications Tower Facility on property located at 1500 Northeast Englewood Road. Applicant: Selective Site Consultants, Incorporated. Owner: F.R.A.H, Inc. (Knights of Columbus). File No. 1291

**AUDIENCE NOTE:** This Public Hearing will be opened and immediately continued until the June 25, 2007, City Council meeting at the request of the applicant.

11. **RESOLUTION R-07-34**, directing public improvements to Northeast 64th Street between North Howard and Missouri M-1 Highway.
12. **RESOLUTION 07-35**, adopting written findings declaring property located at 3707 NE 56<sup>th</sup> Terrace as a dangerous building.
13. **FIRST READING BILL 07-11**, establishing certain fees and charges for Year-Round Brush and Yard Waste Disposal provided by the City of Gladstone, Missouri, and amending all prior Ordinances inconsistent therewith.
14. **FIRST READING BILL 07-12**, amending Ordinance Number 3.947 by adding two new chapters concerning "Outdoor Special Events" and "Fences and Walls" to the "Building and Construction Ordinance" of the City of Gladstone, Missouri.
15. Other Business.
16. Questions from the News Media.
17. Adjournment



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

**MONDAY, MAY 14, 2007**

**PRESENT:** Mayor Les Smith  
Mayor Pro Tem Mark Revenaugh  
Councilman Carol Rudi  
Councilman Wayne Beer  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Councilman Bill Cross

Mayor Les Smith opened the Regular May 14, 2007, City Council Meeting at 7:30 p.m. in the Gladstone City Council Chambers.

**Item 2. on the Agenda. ROLL CALL**

Mayor Smith noted that all Council members were present this evening except for Councilman Bill Cross. Mayor Smith said that Councilman Cross asked him to thank everyone who sent their best wishes and visited him while he was in the hospital recently. Councilman Cross is doing very well and hopes to be home by mid-week, and plans to begin attending functions again shortly thereafter.

**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 23, 2007,  
CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Mark Revenaugh moved to approve the Regular April 23, 2007, City Council Meeting Minutes as presented. Councilman Carol Rudi seconded.

The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

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

Following the Clerks reading, Councilman Wayne Beer requested that two items be moved to the Regular Agenda for consideration as follows: Resolution R-07-29, as Item 5a.; and Resolution R-07-31, as Item 5b. In regard to the Building Permit for the remodeling of the interior of the existing Williams House at 6923 North Cherry Street, Councilman Beer asked City Counselor David Ramsay if as Councilman Beer is the project manager on that project, and although he has no fiscal implications or impact, would it be necessary for him to abstain from the vote on this item.

Counselor Ramsay replied no, not in this case.

Councilman Carol Rudi moved to approve the Consent Agenda as amended. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-07-28**, authorizing acceptance of work under contract with Bulk Storage, Incorporated, for the Salt Storage Building at Gladstone Public Works, and authorizing final payment in the amount of \$22,100.50. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-07-30**, authorizing the City Manager to accept a Bill of Sale from Reveda of Gladstone, Incorporated, and Zuris Lane Construction, LLC, conveying to the City one water line and one fire hydrant built in conjunction with construction of Santerra at Shady Lane at 6445 North Circle Drive. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-07-32**, authorizing the City Manager to execute a Regional Public Works Mutual Aid Agreement for the Kansas City Metropolitan Area with the Mid-America Regional Council. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-07-33**, accepting Temporary Construction Easements and Permanent Drainage Easements from certain property owners in conjunction with the Northwest 70th Terrace and North Central Street Reconstruction Project. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Carol Rudi moved to approve a **BUILDING PERMIT**: for construction of a brick wall and a cedar framed roof enclosing the existing patio on property located at 7013 North Oak Trafficway. Applicant: Margarita's. Owner: Larry Gromer. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Carol Rudi moved to approve a **BUILDING PERMIT**: for the remodeling of the interior of the existing Williams House, 6913 North Cherry Street. Applicant: Gladstone Area Chamber of Commerce. Owner: City of Gladstone. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Carol Rudi moved to approve a **BUILDING PERMIT**: for the addition of an exterior DVD Kiosk on the north side of McDonalds located at 6305 North Antioch Road. Applicant: Ultimate Construction Solutions. Owner: McDonald's Corporation. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

## **REGULAR AGENDA**

**Item 5a. on the Agenda.** **RESOLUTION R-07-29**, authorizing execution of a contract with Linaweaver Construction, Incorporated, in the total amount not to exceed \$1,190,895.50 for the Community Center Streets Reconstruction Project.

Councilman Wayne Beer said his reason for requesting this item be removed from the Consent Agenda for discussion is that the bid Staff is asking to be authorized is not the low bid. Councilman Beer said that while the memorandum from Staff provides a reason for that, his question is about the fact that the low bidder asked that his bid be pulled because of a mistake that was made in his bid documents. Councilman Beer asked if there was bid security as a part of the bid, and if there was, are we invoking it?

Assistant City Manager Scott Wingerson replied that there was bid security as part of the bid. In exchange for the contractor to withdraw his bid voluntarily, Staff chose not to accept the bid bond that came with the project in order to move it forward expeditiously and without dispute.

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-29**, authorizing execution of a contract with Linaweaver Construction, Incorporated, in the total amount not to exceed \$1,190,895.50 for the Community Center Streets Reconstruction Project. Mayor Pro Tem Mark Revenaugh seconded.

Councilman Beer stated he realized that the bid was submitted with the proper security, and even though the bid was voluntarily withdrawn, he is not happy that the City did not invoke his security. Councilman Beer said voluntary or not, the fact remains that the contractor secured that bid. He submitted the bid, and if he were unable to perform, we should have invoked the security.

City Manager Kirk Davis stated the big issue relative to street construction, as spelled out in his memorandum in last week's newsletter to City Council members, was Staff making sure that we had coordinated all the street construction around the various time frames that were coming into play, such as Gladfest and the opening of the outdoor pool and things like that. That was the focus, and the reason for not invoking the bond.

Councilman Beer said he understands that, but the continuation of his question is of what value was the security?

Counselor Ramsay said he looked into this issue, and learned the error was found simultaneously by the bidder and City staff, within hours after the bids were presented. It was a matter of a unit calculation. The result of which, if it had been accurately done, the low bid would have been about \$3,000 less than the second low bid. Counselor Ramsay said there has been some precedent that under circumstances where an immediate recognition was made that it would be reasonable not to invoke the bond, and that was the decision that was made in this case.

Councilman Beer said when a bidder has found that he has left \$75,000 laying on the table, it would be pretty easy to find a bid discrepancy in just a couple of hours.

Counselor Ramsay said in this situation, the bid was for per square foot instead of per square yard.

Councilman Beer said he understood that, but it is easy for a bidder to rationalize that later; when he finds that he's dropped \$75,000, it would be easy to come back and say, "Gee whiz, I submitted the wrong unit of price."

The vote: "Aye" – Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. "Nay" – Councilman Wayne Beer. (3-1).

**Item 5b. on the Agenda.** **RESOLUTION R-07-31**, authorizing the City Manager to accept a Bill of Sale from Reveda of Gladstone, Incorporated, and Bazin Excavating, conveying certain Storm Sewer Main, Water Main, Sanitary Sewer Main and Streets built in conjunction with construction of Santerra at Shady Lane at 6445 North Circle Drive.

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-31**, authorizing the City Manager to accept a Bill of Sale from Reveda of Gladstone, Incorporated, and Bazin Excavating, conveying certain Storm Sewer Main, Water Main, Sanitary Sewer Main and Streets built in conjunction with construction of Santerra at Shady Lane at 6445 North Circle Drive. Mayor Pro Tem Mark Revenaugh seconded.

Councilman Beer said he did not notice in the text of the Resolution the stormwater basin; however, it just occurred to him, the reason that may be is because the stormwater basin is in Oakview, so we do not have anything to say about it.

The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

**SPECIAL PRESENTATION BY MAYOR LES SMITH TO MR. JOE MONACHINO, SR.**

Mayor Smith invited Mr. Joe Monachino to join him at the podium and began his introduction by saying that Mr. Monachino is his former high school teacher. Mayor Smith stated that Mr. Monachino recently received the 2007 Christa McAuliffe Pioneer in Education Award from the Northland Regional Chamber of Commerce at a large banquet with over a 1,000 people in attendance, honoring students and educators alike. Mayor Smith said that as many know, our City has a Christa McAuliffe monument. Joe Wally solicited the help of Bert Rothschild and other people to raise money to build the monument honoring Christa McAuliffe, the first teacher in space. Mayor Smith said he thought it was fitting as Mr. Monachino has taught so many, and is a former Gladstone resident, that that he be honored as well.

Mayor Smith said it was a real honor for him to recognize Mr. Monachino. Mayor Smith said whether it was as a teacher, as a football coach, or Mr. Monachino's many other roles, in everything he did, he taught Mayor Smith how to deal with issues with class and with character. Mayor Smith said there are very few people in your life that when you look back, you realize that they had a huge impact and influence on your life. Mayor Smith said he tries to represent this community, regardless of the circumstances, with class, which he learned from Mr. Monachino.

Mayor Smith read and presented a proclamation to Mr. Joe Monachino, Sr., recognizing his many contributions to the Northland Community. Following applause from the audience, Mr. Monachino thanked Mayor Smith and said his career in teaching has been a good 40+ years for him. Mayor Smith introduced Mr. Monachino's wife, Anne, who was in attendance, and stated that their son, Joe Monachino, Jr. is carrying on his father's legacy and is the principal at St. Pius X High School. Mayor Smith said he is sure they are very proud of their son, as well they should be.

**Item 6. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE.**

**Bonnie Herman, 5812 North Norton,** said she submitted a complaint regarding a decision made about a German Shepherd in her neighborhood that bit her daughter, and has not been labeled a dangerous dog. Ms. Herman said she was curious as to what can be done to make sure the dog doesn't bite anyone else.

Mayor Smith asked Counselor Ramsay to update Council members on this issue.

Counselor Ramsay said his understanding is that the Animal Control Officer, in the course of having impounded the dog for 10 days for rabies observation, had a chance to interact with the dog and determined that the dog did not meet the criteria in our Ordinance for a dangerous animal, and she felt this bite was an isolated incident. Counselor Ramsay said the owner has a high stockade fence and gate, which is certainly secure enough to hold the dog, except for the fact that the dog got loose through the gate because the owner apparently wasn't paying attention to the fact that the dog was in the yard, and that is when the bite occurred. Counselor Ramsay said he understands from Captain Clark, who is the supervisor of Animal Control, that he interviewed several neighbors, who expressed their

opinion that the dog had not been a problem and did not pose a danger in the neighborhood. Counselor Ramsay said based on those observations and investigation, it was determined that the dog should not be labeled a dangerous animal. Obviously, the record of this dog bite is being retained by Animal Control, and any other incidents will probably lead them to change that designation.

Mayor Smith asked if there is a formal appeal process from this side; he knows there is a process from the owner's side if the dog is deemed dangerous.

Counselor Ramsay said our Ordinance is directed at appeals by the owner of a dog, and there really isn't a process in the Ordinance for an appeal by another party concerned about an animal.

Councilman Beer asked Ms. Herman what kind of injuries were sustained by her child.

Ms. Herman replied her daughter had a two-inch gash that required four stitches at the emergency room at North Kansas City Hospital. Ms. Herman said she read the Ordinance which says that the term "dangerous animal" means any animal which bites, inflicts injury, assaults or attacks a human or domestic animal without provocation on public or private property. Ms. Herman said this is the Ordinance that City Council members just passed, and it seems fairly straight forward to her that any animal that bites is deemed a dangerous animal. Ms. Herman said that is her main concern, because it did require stitches; it is a big bite.

Councilman Beer asked Ms. Herman if she was compensated or reimbursed for the cost of the injuries.

Ms. Herman replied she had not sought that yet; her only concern is that the dog cannot get out to bite her daughter again, or anyone else, or bite another dog. Ms. Herman said she has a dog, and all of her relatives live in the neighborhood. Ms. Herman said if the owner cannot control the dog, and the gate doesn't hold it in, what is to stop it from getting out again and biting someone else.

Councilman Beer stated that protection from a dangerous dog is difficult to attain, which is one of the issues with which he has the greatest concern. If a dog did in fact get out and cause damage, there would be a form of additional insurance available that would cover most, if not all the cost of injuries sustained by a bite victim. Councilman Beer said the Council did give in the Ordinance discretion by the City's Animal Control officers to make the judgment about whether a dog is dangerous. Councilman Beer said he is in support of the Council's position in that regard, but he does believe that any injured party should be reimbursed as a minimum for the cost of their injuries.

Councilman Carol Rudi addressed the owner of the dog, who was present, and said at a minimum the gate should be kept locked under all circumstances, and asked the owner if there was a way to assure Ms. Herman that the dog will never get out again. Councilman Rudi said that really is Ms. Herman's question - how do we keep the dog from ever getting out again? Councilman Rudi said this also includes if the dog owner ever opens the front door to say hello to someone, the dog doesn't just rush out the door, and she agrees that the



dog needs to be kept in. Councilman Rudi said she does not know the circumstances or why the dog did this, but we need to know that the dog will not get out again.

**Amber Smith, 5813 North Norton**, said she is the previous owner of the dog, and she has three small children. Ms. Smith said this is the sweetest dog, and she would trust him with any one of her children. He stays with Linda now because she does not have time to walk him, and she needs to know that he is able to get out of the house, out of the yard on a leash, and be walked. Ms. Smith said he is a delightful dog; in fact, there were several neighbors in the audience to say just that – he is very sweet and very kind. The situation was that he was startled. Accidents do happen; the child was startled and the dog was startled. Ms. Smith said although she did not see the incident, she was told the child threw her arms, which startled the dog. Ms. Smith said she did not believe the dog attacked her, it was just a bad situation.

Ms. Smith and Ms. Herman directed comments to each other in the audience.

Councilman Rudi asked if there was a way to do some mediation with Animal Control and the dog's owner, former owner and Ms. Herman, to find a way to work this out, because it's a nice dog that is easily startled. We need to find a way to resolve this.

City Manager Davis replied that Animal Control had the dog for ten days, analyzing it, playing and working with it, to see if it is indeed easily provoked and a dangerous dog in the Animal Control officers' opinion. City Manager Davis said the officers found that this dog is not a dangerous dog, but instead is very friendly and would make a good pet. City Manager Davis said he does not know the situation regarding getting into the back yard; apparently, the dog owners was pulling the car into their driveway through the gate and they did not realize the dog was loose in the back yard.

Animal Control Supervisor Angie Lee said her understanding is that the dog was in the yard, and the owner was trying to shut the gate, when the dog got out of the gate as the girl was approaching.

City Manager Davis said he believes the confluence of the dog and the girl happened very quickly, and it scared everyone, which is the theory behind the bite. The feeling from Animal Control is with the fence and the facilities in the back yard that generally control the dog, an adequate amount of protection is still available. City Manager Davis said as far as any type of mediation is concerned, he would never rule that out; we encourage neighbors to talk to neighbors in a lot of different ways and in a lot of worse situations than this. Sergeant King is very adept at handling those types of activities, and if the Council desires, we can intervene to some extent. City Manager Davis said the concern about the dog being a dangerous dog was measured and mitigated appropriately.

Councilman Rudi said she does not disagree with the City's officers, and as Councilman Beer said we have given them the responsibility of making those decisions, but we still have a neighborhood issue that we need to address. If the three people most directly involved could sit down and say this type of lock needs to be on the gate, or something that would satisfy the perceived dangerous situation, that would be her first recommendation

that the three people try to work this out, and if they have a problem then the City could become involved with some mediation.

Linda Gibson said she is the owner of the dog, Truman, right now. Since this incident occurred she had done some other measures with her gate. She has put up higher things on the gate so Truman cannot see out. Ms. Gibson said she can see outside from her family room, but nobody can see that she can see them. A man came by and was poking a stick into the gate, prodding at Truman. Ms. Gibson said she is certainly sorry for this occurrence; it happened in one second when she was closing the gate. She didn't see anyone approaching, and she never did see the young girl's face at all. Ms. Gibson said it was 100 percent her fault. It was not the girl's; it was not the dog's fault; it was her fault. Ms. Gibson said the girl scared the dog, and he scared her, and she started screaming and flailing her arms, and in her mind she believes the dog was protecting her.

Mayor Smith said it was an unfortunate accident, but had it been our daughter, we would probably feel as strongly as does Ms. Herman. It sounds like it was an accident, and the City did make a provision for the City's professionals to provide some analysis on the animal; they have measured that and made a determination, and from his standpoint, he feels we need to support that. Mayor Smith said if the two or three people can get together and there is something that makes Ms. Herman feel better that the situation has been addressed, that would be good. It doesn't sound like this is an attack dog or a dangerous animal. It just sounds like it was an unfortunate incident.

Ms. Gibson said the reason she has not talked to Ms. Herman is because the mother came down to her house and the only thing that is her goal is for the dog to be put down. Ms. Gibson said she did not know what to say to her, as she does not have the experience with that and she does not think she will be happy with anything else, but the death of the dog.

Mayor Smith said City staff has made the determination that the City is not going to mandate that. Mayor Smith said he would like to see the two or three people visit and rectify the situation. Mayor Smith said our City has a leash law because his sister was attacked by a poodle when she was five years old, and his father was the Mayor at that time. Mayor Smith said he has to support what Animal Control Supervisor Lee and her staff have concluded, that the dog is not deemed dangerous. He would like to see the neighborhood work this out, and if not, Sergeant King would be happy to sit down with all involved and act as a mediator, which he has done for the City and he does a good job. Mayor Smith said he is very sorry this incident happened because there are three really sad ladies and one very sad young lady. Hopefully everyone can do what they are doing now and talk through the issue.

Mayor Pro Tem Mark Revenaugh said he does not like to see the City going down the path of offering mediation amongst neighbors. Now it is a dog bite, but the next time it could be a property dispute. There are professional mediators available to both parties, short of a lawsuit, and any attorney would know who they are.

Mayor Smith said the City does do some mediation, and specifically with property disputes, and that is one of the roles that Sergeant Richard King fills for the City. We find that getting involved in that, we avoid a lot of situations escalating beyond just a neighbor

dispute. Mayor Smith said he agrees with Mayor Pro Tem Revenaugh in that the City does need to draw the line somewhere, but Sergeant King does have some experience with mediation. Mayor Smith, noting the neighbors were visiting in the audience, said he believes they are well on their way to working out the concern.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Wayne Beer** stated Council members received an e-mail from Steve Forsythe, a resident of Gladstone, that was reflecting that Channel 5 News some weeks ago was doing an investigation, checking out Police Departments in regards to vigilance and the actions of Police Departments, whereby they apparently came to Gladstone's parking lot. As part of the investigation, they were roaming around in the parking lot amongst the cars. Mr. Forsythe saw the broadcast of that investigation, and the broadcast identified Gladstone as having "caught on" to the activities in the parking lot, and was able to intervene and stop the activities. They were then advised at that time that Gladstone was part of an investigation that "we passed". Councilman Beer said according to the e-mail, Gladstone was the only one who passed the test, and he thinks Public Safety Director Bill Adamo and his staff are to be congratulated for "making the grade". Councilman Beer thanked Director Adamo for his department's good work.

Councilman Beer said one of our City's Public Safety officers, Firefighter Aaron Gagnepain has been called up from the Army Reserves to active duty in Iraq for about 430 days. He will be deployed for hospital duty in Al Asad. Councilman Beer said our thoughts and prayers go with him and we are proud of him - I am proud of him.

Mayor Smith agreed that we are all proud of Firefighter Gagnepain.

**Councilman Carol Rudi** said the budget was reviewed in Council's Study Session this evening, and in the budget that is being proposed, there is a large amount of money for upgrading and expanding the trails in the City of Gladstone. Councilman Rudi said she just came back from Iowa and Illinois, and the number of trails in those areas is amazing, and the number of people walking, riding and pushing baby buggies is also amazing. Councilman Rudi said she believes this is an excellent amenity for our City, and she is glad we are doing it.

**Mayor Pro Tem Mark Revenaugh** had no comments at this time.

**Mayor Les Smith** said Councilman Beer forgot to mention the other resident that e-mailed Council members about his appreciation for the free brush disposal on Beautification Week.

**Item 7a. on the Agenda.**

**APPROVAL OF THE COMPREHENSIVE PLAN  
STEERING COMMITTEE.**

Assistant City Manager Scott Wingerson explained that the Comprehensive Plan is a broad based 20-year plan for the community, touching a variety of areas. Some of them are traffic, land use, economic development, neighborhoods, park amenities, quality of life issues, and so forth. Staff has been working on this project internally for three or four

months, and the appointment of the Steering Committee is the start of the public engagement process. There are 10 or 12 people involved as a Steering Committee, and it is hoped to involve hundreds and hundreds of people in Gladstone to help in coming up with the best plan possible for the next 20 years.

Councilman Carol Rudi moved the following people be appointed to the Comprehensive Plan Steering Committee:

Mayor Les Smith, Gladstone on the Move Co-Chairman Jean Moore, Planning Commission Chairman Brian Hill, Planning Commissioner Carol Suter, Parks and Recreation Advisory Board Chairman John Houlihan, Capital Improvement Committee Chairman Pete Hall, Gladstone Economic Betterment Council Chairman Mark Tankesley, Neighborhood Representative Carolyn Vellar, North Kansas City School District Chief Financial Officer Paul Harrell, Gladstone Area Chamber of Commerce member Larry Janacaro, and City Manager Kirk Davis, with assistance from Assistant City Manager Scott Wingerson and Planning Specialist Chris Helmer.

Councilman Wayne Beer seconded.

Mayor Smith stated this is a steering committee and there will be plenty of opportunity and invitations sent for folks to participate in the Comprehensive Plan process.

The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Mayor Smith asked Assistant City Manager Wingerson to contact the individuals to see if they would be interested in serving on this committee.

**Item 8. on the Agenda.**      **COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis invited everyone to the annual Bluesfest on June 8<sup>th</sup> and 9<sup>th</sup>, in Oak Grove Park. It will be a good time as usual.

Mayor Smith invited everyone to the Municipal Pool Dedication on May 26<sup>th</sup>, at 11:30 AM, with the pool to open for the season at 12:00 noon on that day. Mayor Smith said he hopes everyone will be able to attend.

**Item 9. on the Agenda.**      **PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to Selective Site Consultants for operation of a Communications Tower Facility on property located at 6221 North Chestnut. Applicant: Selective Site Consultants, Incorporated. Owner: Cascone Land Company. File No. 1295

Mayor Smith opened the Public Hearing and immediately continued the Public Hearing until the June 11, 2007, City Council meeting at the request of the applicant.

**Item 10. on the Agenda.**      **PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to Selective Site Consultants for operation of a Communications Tower Facility on property located at 1500 Northeast Englewood Road.

Applicant: Selective Site Consultants, Incorporated. Owner: F.R.A.H, Inc. (Knights of Columbus). File No. 1291

Mayor Smith opened the Public Hearing and immediately continued the Public Hearing until the June 25, 2007, City Council meeting at the request of the applicant.

**Item 11. on the Agenda.** **RESOLUTION R-07-34**, directing public improvements to Northeast 64th Street between North Howard and Missouri M-1 Highway.

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-34**, directing public improvements to Northeast 64th Street between North Howard and Missouri M-1 Highway. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

**Item 12. on the Agenda.** **RESOLUTION 07-35**, adopting written findings declaring property located at 3707 NE 56th Terrace as a dangerous building.

Councilman Wayne Beer moved to adopt **RESOLUTION 07-35**, adopting written findings declaring property located at 3707 NE 56th Terrace as a dangerous building. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

**Item 13. on the Agenda.** **FIRST READING BILL 07-11**, establishing certain fees and charges for Year-Round Brush and Yard Waste Disposal provided by the City of Gladstone, Missouri, and amending all prior Ordinances inconsistent therewith.

Councilman Carol Rudi moved to place Bill 07-11 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 07-11, 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, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of Bill 07-11 and enact the Bill as Ordinance 4.029. Councilman Wayne Beer seconded.

Mayor Smith said he is torn as to whether to vote for or against this Bill, he wished to state his objections for the record. Mayor Smith said he wanted to be on the record that he supports the year-around brush disposal. His concerns are twofold. One is that there is a little bit of discretion in the fee structure for charging people as they come to dispose of their brush and he thinks that should be a black and white situation as best as possible. Mayor Smith said with this, the City will be eliminating the City's free brush disposal in the fall, and his number one issue with that is that he doesn't believe we should do that. He believes this is one of those privileges of being a Gladstone resident and he believes it

is a nickel and dime issue, and we ask our residents to support the big issues, and he feels it is a privilege of living in our City.

Mayor Smith said, secondly, if we are going to charge for either one of our brush disposal events, we should be charging no more than what the event costs. By all projections provided by Staff, we will be actually experiencing a windfall in revenues from this brush disposal. Mayor Smith said anything beyond a cost neutral position he believes we should not be doing. Mayor Smith said he would be voting in favor of this Bill to support the brush disposal as a whole, but feels like he cannot support the fee structure.

Councilman Rudi stated she would be voting in favor of this Bill, because she does support the charge for the fall brush disposal. The advisory board recommended the fee structure and recommended charging for the fall event. There has also been some discussion as to if there is a fair amount of money made by this, there is the possibility of reinstating the free disposal, so it is not that the fees are locked in forever. Councilman Rudi said she would be following the recommendation of the Environmental Management Advisory Committee.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0).

**Item 14. on the Agenda.** **FIRST READING BILL 07-12**, amending Ordinance Number 3.947 by adding two new chapters concerning "Outdoor Special Events" and "Fences and Walls" to the "Building and Construction Ordinance" of the City of Gladstone, Missouri.

Counselor Ramsay stated it appears that there is some confusion on the face sheet of this Ordinance, because we currently have a Chapter entitled Outdoor Special Events. Counselor Ramsay asked that as Council has not taken up this Bill yet, if Council would consider adding in the Ordinance an item Number 4. under Section 1., that simply says, "Chapter 125 of Title II of the Code of Ordinances entitled "Outdoor Special Events is hereby repealed", because the new Chapter 24 is going into Title IX of the City's Municipal Code, and this will clarify that we do not have two opposing sections on the same subject matter.

Councilman Wayne Beer moved to place substitute Bill 07-12 on First Reading. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of substitute Bill 07-12, Waive the Rule and place the Bill on Second and Final Reading. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of substitute Bill 07-12 and enact the Bill as Ordinance 4.030. Councilman Mark Revenaugh seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0).

**Item 15. on the Agenda.      OTHER BUSINESS.**

There was no other business.

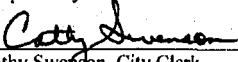
**Item 16. on the Agenda.      QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

**Item 17. on the Agenda.      ADJOURNMENT.**

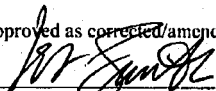
There being no further business to come before the May 14, 2007, Gladstone Regular City Council Meeting, Mayor Les Smith adjourned the regular meeting.

Respectfully submitted:

  
\_\_\_\_\_  
Cathy Swenson, City Clerk

Approved as submitted: ☒

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

  
\_\_\_\_\_  
Mayor Les Smith



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
TUESDAY, MAY 29, 2007**

The City Council will meet in Closed Executive Session on Tuesday, May 29, 2007, starting at 6:00 PM in the City Manager's office, Gladstone City Hall, 7010 North Holmes.

The Executive Session is closed 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, and 610.21(3) for Personnel Discussion.

City Council will reconvene the Closed Executive Session immediately following the Regular meeting.

**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 14, 2007, City Council Meeting Minutes.
5. **CONSENT AGENDA**

**RESOLUTION R-07-36**, authorizing execution of a contract with Miller Paving and Construction, LLC, in the total amount not to exceed \$144,593.00 for the Northeast 72<sup>nd</sup> Street Turn Lane Project.



**RESOLUTION R-07-37**, authorizing Change Order No. 1, in the amount of \$50,125.00 to the contract with American Marking and Paving, Incorporated, for the 2007 Curb and Sidewalk Program Project.

**RESOLUTION R-07-38**, authorizing the City Manager to execute an agreement for installation and maintenance of a Red Traffic Signal Photo Enforcement System within the City of Gladstone Missouri with Traffipax, Inc.

**RESOLUTION R-07-39**, authorizing the City Manager to execute a Mutual Aid Agreement with the City of North Kansas City, Missouri, for Intergovernmental Police Service and Assistance.

**RESOLUTION R-07-40**, authorizing acceptance of a proposal from Victor L. Phillips for the purchase of a Loader Back-Hoe for the net purchase amount of \$63,500.

APPROVAL OF THE FINANCIAL REPORT FOR APRIL 2007.

#### REGULAR AGENDA

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **FIRST READING BILL 07-13**, approving the Final Plat of "Northaven Village Condominium Ninth Plat", a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said plat for recording. Applicant/Owner: Northaven Village LLC. File Number 1296.
10. **PUBLIC HEARING:** on the proposed 2007-2008 Annual Operating Budget for the City of Gladstone, Missouri.
11. **Other Business.**
12. **Questions from the News Media.**
13. **Adjournment**



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
TUESDAY, MAY 29, 2007**

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION  
6:00 PM**

Mayor Les Smith opened the City Council Meeting to adjourn to a Closed Executive Session on May 29, 2007, at 6:00 PM. Councilman Wayne Beer made a motion to adjourn to Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(3) for Personnel Discussion. Mayor Pro Tem Mark Revenaugh seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Mayor Pro Tem Mark Revenaugh, Mayor Les Smith. (3-0).

Councilman Carol Rudi was also in attendance at the Closed Executive Session. Councilman Bill Cross was absent.

Mayor Les Smith recessed the Closed Executive Session to go into an Open Study Session at 6:30 PM, explaining the City Council would reconvene the Closed Executive Session following the Regular City Council meeting.

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

**PRESENT:** Mayor Les Smith  
Mayor Pro Tem Mark Revenaugh  
Councilman Carol Rudi  
Councilman Wayne Beer  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Councilman Bill Cross

Mayor Les Smith opened the Regular May 29, 2007, City Council Meeting at 7:30 p.m. in the Gladstone City Council Chambers.

**Item 2. on the Agenda.**

**ROLL CALL**

Mayor Smith noted that all Council members were present this evening except for Councilman Bill Cross.

**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 14, 2007, CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Mark Revenaugh moved to approve the Regular May 14, 2007, City Council Meeting Minutes as presented. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

**Item 5. on the Agenda**

**CONSENT AGENDA**

Following the Clerks reading, Councilman Carol Rudi asked that Resolution R-07-38 be removed from the Consent Agenda for consideration as Item 5a. under the Regular Agenda.

Councilman Wayne Beer moved to accept the Consent Agenda as amended. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-36**, authorizing execution of a contract with Miller Paving and Construction, LLC, in the total amount not to exceed \$144,593.00 for the Northeast 72<sup>nd</sup> Street Turn Lane Project. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-37**, authorizing Change Order No. 1, in the amount of \$50,125.00 to the contract with American Marking and Paving, Incorporated, for the 2007 Curb and Sidewalk Program Project. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-39**, authorizing the City Manager to execute a Mutual Aid Agreement with the City of North Kansas City, Missouri, for Intergovernmental Police Service and Assistance. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-40**, authorizing acceptance of a proposal from Victor L. Phillips for the purchase of a Loader Back-Hoe for the net purchase amount of \$63,500. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Wayne Beer moved to approve the **FINANCIAL REPORT FOR APRIL 2007**. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

## **REGULAR AGENDA**

**Item 5a. on the Agenda.** **RESOLUTION R-07-38**, authorizing the City Manager to execute an agreement for installation and maintenance of a Red Traffic Signal Photo Enforcement System within the City of Gladstone Missouri with Traffipax, Inc.

Councilman Rudi stated that in Article 18 there is a correction that needs to be made. It has been determined that subsection 18.1 should state the agreement shall be for a period of three years.

Councilman Rudi stated with that correction, she moved to approve **RESOLUTION R-07-38**, authorizing the City Manager to execute an agreement for installation and maintenance of a Red Traffic Signal Photo Enforcement System within the City of Gladstone Missouri with Traffipax, Inc. Councilman Wayne Beer seconded.

Mayor Smith stated that Council has been working on this for quite some time, and it has been a goal for some folks for a while to have this system in place. Mayor Smith said since it has been placed on the Regular Agenda for discussion, he would like to say "good work" to Public Works Director Chuck Williams and Finance Director Debra Daily on bringing this recommendation to Council. Mayor Smith stated, "let's get going".

The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

**Item 6. on the Agenda.** **COMMUNICATIONS FROM THE AUDIENCE.**

There was no communication from the audience.

**Item 7. on the Agenda.** **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Wayne Beer** stated Bluesfest is coming up soon, and will be held the 8<sup>th</sup> and 9<sup>th</sup> of June in Oak Grove Park. Councilman Beer encouraged all to attend.

**Councilman Carol Rudi** stated that also on June 8 and 9 is the City wide garage sales, and encouraged all to spend their money in the City. Councilman Rudi said although the garage sales do not bring in sales tax, she would invite all to eat and make purchases in Gladstone, which brings sales tax revenues into our City. Councilman Rudi reported the

City hosted an excellent event this past weekend with the Municipal Pool ribbon cutting and pool opening, which was a lot of fun and well attended.

**Mayor Pro Tem Mark Revenaugh** had no comments at this time.

**Mayor Les Smith** thanked all who helped with the ribbon cutting and rededication of the Municipal Pool on Saturday. Mayor Smith thanked Parks and Recreation Director Sheila Lillis and her staff, including Parks Supervisor Matt Hoops, Recreation Programmer Russ Collins, and Recreation Supervisor Tina Spallo and others, who worked 60, 70, 80 hours from last Monday through Saturday to get the pool ready for the event. Mayor Smith commended the Gladstone on the Move members for the work they did in passing the sales tax initiative to make the renovations possible. Mayor Smith commended the City Council for adopting the recommendations.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

**City Manager Kirk Davis** reported on June 30<sup>th</sup>, from 8:00 AM to 12:00 Noon, the City will sponsor an event at Public Works, which will allow folks to drop off their antifreeze, oil, batteries and paint. City Manager Davis invited everyone to the Fishing Derby this Saturday at 9:00 AM at Hamilton Heights Park, and to the Sweet Adelines concert, 6:00 PM to 7:00 PM, at Oak Grove Park.

**Item 9. on the Agenda.**

**FIRST READING BILL 07-13**, approving the Final Plat of "Northaven Village Condominium Ninth Plat", a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said plat for recording. Applicant/Owner: Northaven Village LLC. File Number 1296.

Mayor Pro Tem Mark Revenaugh moved to place Bill 07-13 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Mayor Pro Tem Mark Revenaugh moved to accept the First Reading of Bill 07-13, 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, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Mayor Pro Tem Mark Revenaugh moved to accept the Second and Final Reading of Bill 07-13 and enact the Bill as Ordinance 4.031. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0).

**Item 10. on the Agenda.**

**PUBLIC HEARING:** on the proposed 2007-2008 Annual Operating Budget for the City of Gladstone, Missouri.

Mayor Les Smith opened the Public Hearing and invited City Manager Davis to present the City's budget report.

City Manager Kirk Davis thanked Mayor Smith and said this evening he had the pleasure to present in Public Hearing the Fiscal Year 2007-2008 budget for the City of Gladstone. The City Council has spent at least two Study Sessions on this issue, and there have been numerous discussions on various issues throughout the document. Tonight is the Public Hearing and at the next Council meeting, if all goes well tonight, Staff will be presenting a Resolution for adoption to allow the City to pay the bills and operate this next Fiscal Year. The proposed annual budget for Fiscal Year 2008 (FY08) represents the strategic, administrative and financial plan of the City of Gladstone. This budget is the product of a comprehensive team effort from every level of the municipal organization.

City Manager Davis said the budget team this year consisted of: the City Manager, the Assistant City Manager, the Finance Director, the Parks and Recreation Director, and Financial Analyst Beth Saluzzi. The FY08 budget is intended to serve as a policy document, a financial plan, an operations guide, and a communications device. The FY08 budget is conservative yet fiscally responsible, representing a continuing commitment to the citizens of Gladstone as well as to the employees who provide citizen services. The City must continue to be focused on our current economic development initiatives. We continue to be challenged by growth outside of our community. We continue to see aging commercial structures on our business corridors, so it is safe to say that this budget focuses on economic development. This budget focuses on neighborhood services, capital fleet acquisition, and controlling operational costs when we do not have massive expansion of revenues.

City Manager Davis continued by saying the budgeted revenues are projected to be \$14,831,181. This projection represents a slight increase of \$53,000 or .4% over FY07 expected revenues. General Fund Sales Tax revenue, our largest source of revenue, is projected to be relatively flat from that same FY07 expected budget. The Gross Receipts Tax revenues, the City's second largest revenue source, amount to \$2,617,000 or 17.7% of the total revenue budget, and are projected to drop 1% in FY08. License and Permit revenue, as well as Intergovernmental revenue for FY08 are projected to increase only slightly. Charges for Services amounting to 2,086,299 or 14.1% of total revenues are projected to increase \$73,748, mainly because of emergency ambulance service revenue. Fines and Forfeiture revenue is projected to remain strong, increasing 3% or \$24,200. This is due to additional court cases, full staffing in the Traffic Unit, and a continuing focus on traffic enforcement. This total revenue is \$831,000.

City Manager Davis stated that Miscellaneous Revenue and Transfers in the amount of \$1,132,826, is expected to increase \$379,667. Interest revenue is expected to increase an estimated 20%. Transfers (\$821,326) include a transfer from Technology Replacement in the amount of \$50,000; Equipment Replacement in the amount of \$145,000; administrative transfers from construction funds in the amount of \$420,875; and from the Use Tax reserve, \$100,000. No equity adjustments are currently budgeted for the FY08 budget. The fund balance is \$812 over the 20% reserve requirement with a positive net income of \$7,992.

City Manager Davis reported that expenditures in the General Fund for FY08 are recommended to be \$14,823,189. The FY08 projected expenditures represent a \$46,057

increase over FY07 or only .31%. Personnel Services only show a minimal increase over the FY07 Budget. This is directly due to an accounting change for FY08. In the past, property and liability insurance have been accounted for within personnel services since they are handled by the Human Resources Division; however, for FY08, these non-personnel related expenditures of about \$412,592 have been moved to a services line item and accounted for in the Non-Departmental Division of the General Fund. The Personnel budget, as presented in the General Fund, reflects the addition of one full time Senior IT analyst and one part time position for Animal Control. City Manager Davis said the numbers reflected in the budget are going to change slightly, as there is added a part time position for a Legal Assistant for Legal and Human Resources assistance. These numbers will change all of the tables, and will be reflected in the Resolution that Council will address in two weeks. Also reflected is funding of a recommended average 2% merit increase in FY08.

City Manager Davis said supplies have increased over FY07 by \$18,564 or 2.2% based on general requests in department line items. Services show an increase of \$270,254 over FY07, directly attributed to the accounting change regarding property and liability insurance as mentioned previously. Capital outlay has increased from FY07 expected of \$307,369 to \$329,700 for FY08. Consistent with the 2008 Vehicle and Equipment Replacement Plan, Public Safety will purchase three new patrol vehicles at a total cost of \$82,500 and trade for two new motorcycles for a net cost of \$200. Fire/EMS will lease purchase a new fire truck with an anticipated first year lease cost of \$85,000. The total estimated cost of this truck is \$495,000. Public Works will purchase a new utility truck at the budgeted cost of \$65,000, and split the expense of \$90,000 for a new dump truck with the Combined Water Sewerage System Fund. Public Works will also continue to pay for the lease purchase of the street sweeper at the cost of \$35,000 (second year). Finally, Parks and Recreation will purchase a small utility tractor at a cost of \$17,000.

City Manager Davis reported that this budget, like all previous budgets, does reflect Council objectives, and also focuses on supporting the initiatives generated by Gladstone on the Move. City Manager Davis said he would not go through all of those objectives at this time, but he is very pleased with the progress that is being made in achieving many of those objectives. Personnel changes have been mentioned briefly, and there are no meaningful changes in the benefit package.

City Manager Davis continued by saying that under Supplemental Expenditures, the General Fund supplemental requests include buildings and technology, as detailed on pages 48-49 of the Draft Budget Report. The proposed budget attempted to address the top budget priorities of each department and recommended funding a total of \$190,280 in supplemental requests for FY08. Of those, Technology related equipment replacements total \$48,00 as recommended in Finance. Public Works requested increases of \$7,500 for increases in line items for paint and for enhanced sign improvements. Community Development received the majority of the money, and they are proposing the continuation of enhancements of neighborhood programs in accordance with City Council goals and the Gladstone on the Move vision. That was the focus of the third Study Session item this evening. If approved, the funding for neighborhood services will be increasing by almost \$70,000 this year. City Manager Davis said he is glad to see the progress and he thinks this will have a positive impact on many of our neighborhoods.

City Manager Davis said Parks and Recreation building requests in the amount of \$28,600 were recommended for funding. The requests were to replace interior doors at the Animal Shelter; reconfigure the IT office, addressing security and cooling needs; and repair the City Hall planter stucco at an estimated cost of \$25,000. The Capital Improvements Committee received a request for \$50,000 in funding to assist with a portion of the funding that is necessary for the first phase of a two-phase project for the Atkins-Johnson Farm. This was the subject of a Study Session about a month and a half ago. It is anticipated a need for \$300,000 in funding for the first phase. It is requested the City consider using \$30,000 of the requested \$35,000 that is set aside every year to secure a loan for the property that would result in approximately \$250,000 in funds for renovation to make improvements at this historic site.

City Manager Davis reported the proposed budget for the Combined Waterworks and Sewerage System Fund will provide for all operating costs, capital equipment purchases, bond requirements, and capital improvements. The total revenues are estimated at \$7,419,898 and total expenses are estimated at \$7,416,172, resulting in a net income of \$3,726. On the revenue side, the proposed operating revenues for water and sewerage sales of \$6,414,898 for fiscal year FY08 is an increase of \$260,664 from FY07 expected operating revenues. The Combined Water and Sewerage System operating revenues are based on the estimated sale of 815 million gallons of water, and a service charge increase is recommended to decrease the gap between the service fee revenue and fixed operating costs. The purpose for the service charge is to cover the fixed operating costs that must be funded regardless of seasonal variations in water usage and corresponding sales revenues. City Manager Davis said, pursuant to Council direction, every other year we either address fee increases or we address rate increases. This year the fee increase will be addressed.

City Manager Davis said on the expense side of the Combined Waterworks and Sewerage System Fund, the proposed FY08 operating expenses increased \$321,997 or 6.67% over FY07 expected operating expenses. This increase is mainly due to the 8% expected increase in sewer treatment charges with Kansas City, Missouri, and the addition of the Utility Locate Specialist position in the amount of \$42,494. Capital outlay stayed consistent with FY07, decreasing by only \$4,747. A major portion of this capital outlay budget of \$787,724 is dedicated to water line replacements projects and \$330,000 is budgeted to cover costs related to the recent North Oak/Kansas City waterline replacements that necessitated street overlay repairs. Based on the newly implemented five year equipment and vehicle replacement plan, \$222,000 has been budgeted to fund replacements of two 1 ton utility trucks at \$37,000 each, two 4x4 pickups at \$40,000 each, one skid steer loader at \$23,000, and one dump truck funded one-half in the General fund and one-half in the Combined Water and Sewerage System Fund. Consistent with recent rate increase initiatives, \$122,250 is budgeted in a reserve fund for future unanticipated water plant repairs. In addition \$64,200 has been budgeted for bearing repairs on the secondary basin and \$5,000 for WinCam software. The FY08 budget reflects a 2.7% or \$28,550 increase in personnel services. The increase includes a recommendation of one new Utility Locate Specialist, and a 2% merit increase pool.

City Manager Davis began discussing the Capital Improvement Program by saying this is one of the most important policy documents considered by the City Council. The Plan



presents a clear picture of projects scheduled for the current year, and all elements of the Capital Improvements Program are important; however, certain key projects and philosophies are highlighted for the Council's information. Street rehabilitation and reconstruction continues to be a high priority. FY08 includes \$830,000 for street mill and overlay, and intermediate maintenance. Other major street improvements funded in FY08 include the Pleasant Valley Road acquisition of \$105,000 and signal construction at 61<sup>st</sup> Street and North Oak in the amount of \$160,500, and approximately \$325,000 for sidewalks. The M-I Trail and Shoal Creek Pedestrian Bridge and connectors are also funded for FY08 in the amount of \$1,586,000. Revenues and grants in the amount of \$937,250 fund the majority of the costs of these projects. Fiscal Year 08 funds a total of \$220,000 for stormwater projects. The major projects include: \$133,750 for 69<sup>th</sup> Terrace, east of Euclid, \$5,000 for Linden Baptist Church Drainage Study, and \$26,250 for Meadowlane Townhomes project design. Funds in the amount of \$55,000 are budgeted for other miscellaneous stormwater projects.

City Manager Davis continued discussing the Capital Improvement Program by saying FY08 funds a total of \$364,100 for park projects. Major proposed park projects include the Oak Park Playground, Parks Trails Replacement Program, 72<sup>nd</sup> Street Tennis Court Lights, Atkins Johnson Farm Roof, Happy Rock Expansion Shelter, and the Amphitheatre Lighting Truss.

City Manager Davis said if one really wants to look at this budget, it is exciting in one respect in that this is the first year for the Community Center, and what has been done is basically budgeting for the most part 12 months of revenues, and seven months of expenditures. Staff knows this has to be a fluid document, relative to the Community Center and Pool Fund, but it is a start. The proposed operating revenues for the Community Center and Natatorium amount to \$1,755,593, and Outdoor Pool revenues are projected to be \$196,978. The proposed FY08 operating expenditures for the Community Center and Natatorium amount to \$1,006,545 and \$157,671 for the Outdoor Pool. These numbers will change drastically when the City gets into 12-month operations.

City Manager Davis reported that the Special Park and Playground Fund has no expenditures budgeted at this time. The Capital Equipment Replacement Fund budgets about \$145,000 to help offset some of the General Fund costs for fleet replacement.

City Manager Davis concluded by saying he moved through the budget relatively quickly, but believed he hit all the highlights. City Manager Davis thanked the City Council for reviewing all the documentation submitted to justify the adoption of the FY08 budget. The proposed budget reflects a great deal of work by many people in the City's organization, and a special thanks to the Finance Department for their outstanding efforts during the development of the budget. City Manager Davis said he especially wanted to recognize the budget team: Assistant City Manager Scott Wingerson, Finance Director Debra Daily, Parks and Recreation Director Sheila Lillis, and Financial Analyst Beth Saluzzi, and all the Department Heads for the work they have done in preparing a responsible budget for the Council's consideration. City Manager Davis invited any questions, and said there will be a Resolution on the next City Council agenda.

There being no questions, Mayor Smith said City Staff must have done a very good job.

Councilman Beer stated not only that, it has probably been discussed amongst the Council quite a bit, and Council feels pretty comfortable with the proposed budget.

Mayor Smith asked if there was anyone in the audience who would like to address the budget issue this evening, either for or against, or with any questions. There were no communications from the audience. Mayor Smith thanked City Manager Davis and all the people who worked so hard on the budget. Mayor Smith said he says every year that it is like pulling a rabbit out the hat or some sort of Houdini act the way the City is able to balance the budget and still provide the basic services to the community. Mayor Smith said his hat is off to the City Manager, the Department Heads, and all the employees.

Mayor Smith closed the Public Hearing.

**Item 11. on the Agenda.      OTHER BUSINESS.**

Mayor Smith said a couple of us have been very critical of Municipal Court Judge Rose in the past, especially regarding some code enforcement issues. Mayor Smith said he read that Judge Rose pretty much "threw the hammer down" relative to the McMurray property in Bolling Heights, and that property has been cleaned up and things have moved off that property that haven't moved in 20 years. Mayor Smith said if one is critical of the judge, then one must also compliment him and commend him on his actions in this case.

**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 May 29, 2007, Gladstone Regular City Council Meeting, Mayor Les Smith adjourned the regular meeting to reconvene to the scheduled Closed Executive Session.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Les Smith

June



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JUNE 11, 2007**

The City Council will meet in Closed Executive Session on Monday, June 11, 2007, starting at 6:00 PM in the City Manager's office, Gladstone City Hall, 7010 North Holmes.

The Executive Session is closed 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, and 610.21(3) for Personnel Discussion.

City Council may reconvene the Closed Executive Session immediately following the Regular meeting.

**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 29, 2007, City Council Meeting Minutes.
5. **CONSENT AGENDA**

**RESOLUTION R-07-41**, authorizing the Mayor to execute a Mutual Aid agreement with the Northland Fire Chiefs Council, Inc., for mutual aid service and assistance.

**RESOLUTION R-07-42**, accepting Temporary Construction Easements and Permanent Easements from certain property owners in conjunction with the Community Center Streets Reconstruction Project.

**RESOLUTION R-07-43**, authorizing execution of a contract with Miller Paving and Construction, LLC, in the total amount not to exceed \$154,916.40 for the Northwest 70<sup>th</sup> Terrace and North Central Street Reconstruction.

**RESOLUTION R-07-44**, authorizing execution of a contract with Ideker, Incorporated, in the total amount not to exceed \$490,078.50, which includes all bid alternatives for the 2007 Mill and Overlay Program.

#### REGULAR AGENDA

6. Communications from the Audience.
  7. Communications from the City Council.
  - 7a. Board of Zoning Adjustment (BZA) re-appointment.
  8. Communications from the City Manager.
  9. **PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to Selective Site Consultants for operation of a Communications Tower Facility on property located at 6221 North Chestnut. Applicant: Selective Site Consultants, Incorporated. Owner: Cascone Land Company. File No. 1295
- AUDIENCE NOTE:** This Public Hearing will be opened and immediately continued pending receipt of a recommendation from the Planning Commission. Public Notice will be provided prior to additional City Council or Planning Commission hearings on this application.
10. **FIRST READING BILL 07-14**, establishing the membership, terms and service of the City of Gladstone Neighborhood Commission.
  11. **FIRST READING BILL 07-15**, amending Ordinance Numbers 2.061, 2.401, and 3.948 concerning the operation of the Gladstone Emergency Ambulance/Medical Services by adopting new "Patient Transport

Guidelines", Billing Guidelines", and amending the Emergency Medical Services section of the City Schedule of Fees and Charges.

12. **FIRST READING BILL 07-16**, 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".
13. **RESOLUTION 07-45**, extending the City Council's moratorium on the issuance of business and occupation licenses under Title V of the City Code for signature loan, pay day loan, title loan, and similar nonchartered small loan companies to conduct business within the City and directing City staff to delay the acceptance and processing of applications for such licenses for the timeframe specified herein.
14. **RESOLUTION 07-46**, adopting the 2008 Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July 1, 2007 and ending June 30, 2008.
15. Other Business.
16. Questions from the News Media.
17. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JUNE 11, 2007**

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION  
6:00 PM**

Mayor Les Smith opened the City Council Meeting to adjourn to a Closed Executive Session on June 11, 2007, at 6:00 PM. Councilman Wayne Beer made a motion to adjourn to Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(3) for Personnel Discussion. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi and Mayor Les Smith. (3-0).

Mayor Pro Tem Mark Revenaugh was also in attendance at the Closed Executive Session.

Mayor Les Smith recessed the Closed Executive Session to go into an Open Study Session at 6:45 PM, and reconvened the Closed Executive Session at 7:15 PM. Mayor Les Smith adjourned the Closed Executive Session at 7:30 PM.

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

**PRESENT:** Mayor Les Smith  
Mayor Pro Tem Mark Revenaugh  
Councilman Carol Rudi  
Councilman Wayne Beer  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Les Smith opened the Regular June 11, 2007, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.**

**ROLL CALL**

Mayor Smith noted that all four Council members were present this evening.

**Item 3. on the Agenda.**

**PLEDGE OF ALLEGIANCE.**

Mayor Smith recognized members of Boy Scout Troop 354, sponsored by Meadowbrook United Methodist Church, and asked them to introduce themselves as follows: Tony Ray; Jestin Best; Kate Pendleton; Byron Pendleton; Bobby Pendleton; Tom Stanley; Ethan Frizzell; Lee Light; and Carson Light. Mayor Smith invited the Troop to lead the Pledge of Allegiance, in which all joined.

Mayor Smith welcomed the Troop, and said he understood the boys were working on their Communication Badge. Mayor Smith invited the Scouts and leaders to stay for the meeting.

Mayor Smith stated that as everyone is aware, Gladstone lost a good friend this past week, and today were the services for Councilman and former Mayor, Bill Cross. Mayor Smith, on behalf of the entire City Council, invited everyone to share a moment of silence, while remembering favorite memories of Dr. Cross.

Mayor Smith said the services were very nice today. The comments from City Manager Kirk Davis and Parks and Recreation Director Sheila Lillis were very appropriate, and the entire community appreciated them. Dr. Cross will certainly be missed more than just as a Councilman and Mayor, but as a friend of our community and great ambassador for not only the City of Gladstone, but the entire Northland community.

**Item 4. on the Agenda.**

**APPROVAL OF THE REGULAR May 29, 2007, CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Mark Revenaugh moved to approve the Regular May 29, 2007, City Council Meeting Minutes as presented. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

**Item 5. on the Agenda**

**CONSENT AGENDA**

Following the Clerk's reading, Councilman Carol Rudi moved to accept the Consent Agenda as presented. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-07-41**, authorizing the Mayor to execute a Mutual Aid agreement with the Northland Fire Chiefs Council, Inc., for mutual aid service and assistance. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).



Councilman Carol Rudi moved to adopt **RESOLUTION R-07-42**, accepting Temporary Construction Easements and Permanent Easements from certain property owners in conjunction with the Community Center Streets Reconstruction Project. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-07-43**, authorizing execution of a contract with Miller Paving and Construction, LLC, in the total amount not to exceed \$154,916.40 for the Northwest 70<sup>th</sup> Terrace and North Central Street Reconstruction. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-07-44**, authorizing execution of a contract with Ideker, Incorporated, in the total amount not to exceed \$490,078.50, which includes all bid alternatives for the 2007 Mill and Overlay Program. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE.**

Anita Newsom, 7401 North Wabash, said she was representing this evening the Gladstone Area Chamber of Commerce, as Vice President of Special Events. Ms. Newsom said this past weekend was the 11<sup>th</sup> Annual Bluesfest, held at Oak Grove Park. It was a wonderful weekend, with the most perfect weather, in part because we had a new angel looking after us. Ms. Newsom stated 100 percent of the City Council volunteered and participated in Bluesfest this year; whether it was working a shift, helping with set-up or clean-up, or other duties. Bill and Mary Cross had even volunteered, and refused to take their names off the list, until the last minute. Ms. Newsom said there were many Management Team members and Staff members who volunteered in support of the festival, which has made it one of the most successful festivals in the history of Bluesfest.

Ms. Newsom reported the Chamber ran the numbers at the bank today, and although they still need to do some "pluses and minuses", it was beneficial for everyone. Ms. Newsom said the Staff members who worked at Bluesfest were fantastic to work with, and no one had to ask more than once for anything, or they didn't have to ask at all, as Staff was there and taking care of issues as they were needed. The park has already been cleaned, and you cannot tell a festival was held there, other than some flattened grass.

Ms. Newsom thanked City Council members, as well as the Management Team members and Staff for their support. Ms. Newsom said Gladfest is just around the corner.

Councilman Wayne Beer asked Ms. Newsom if she had any idea as to the attendance numbers. Councilman Beer said he had never seen such a crowd as was present on Saturday.

Ms. Newsom replied that Mr. Art Hammen reported he estimated the crowd at 5,000 on Friday night, and someone else estimated the crowd on Saturday at 8,000 to 10,000. When a Chamber staff member got on the stage to take a picture of the crowd, it was well beyond the fence, and took three shots to get the entire crowd in the picture.

Mayor Smith said he had the opportunity to be on the stage at 8:30 PM or 9:00 PM, on Saturday, and he asked how many folks were from Gladstone, and how many did not live in Gladstone. It appeared that 70 percent of the crowd was non-Gladstone residents, and what that speaks to is the true regional draw of this event. It brings a lot of folks to our community and gives our community a lot of exposure. It also means that people are willing to come to our City and they know that they will have a good time in a safe environment. Mayor Smith asked Ms. Newsom to please take those same things she said to Council and Staff back to the Chamber and all the Chamber volunteers, because it is definitely a co-sponsored event and a joint effort.

Ms. Newsom said there was more than one person who asked when the next festival would be scheduled, because they thought Bluesfest was a wonderful venue that was basically free of charge.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Wayne Beer** said it was just a great Bluesfest and a great weekend, and he knows that everyone had a great time. Councilman Beer said many of these largely attended affairs have some behavior problems, and Gladstone has been fortunate over the years to have a well self-disciplined crowd. We rarely have any problems. It is a great testimony to the folks who partake of Gladstone's events.

**Councilman Carol Rudi** had no comments at this time.

**Mayor Pro Tem Mark Revenaugh** had no comments at this time.

**Mayor Les Smith** stated the entire City Council wished to express their appreciation to the Management team, the Parks and Recreation Staff, the Public Safety Staff, the volunteers from GEMA (Gladstone Emergency Management Agency), and all the folks who worked at the festival who did such a great job. It was a well-oiled machine. Mayor Smith asked Ms. Newsom to share the appreciation of City Council members with the Chamber, and said that Ms. Newsom is a big part of this effort, and he thanked her for her hard work.

**Item 7a. on the Agenda.**  
**APPOINTMENT.**

**BOARD OF ZONING ADJUSTMENT (BZA) RE-**

Councilman Wayne Beer moved to re-appoint Staci Hagen to the Board of Zoning Adjustment. Mayor Pro Tem Mark Revenaugh seconded.

Mayor Smith asked City Manager Kirk Davis if this appointment was not on the usual cycle for Board and Commission appointments.

City Manager Davis said he did not think so, and although he did not check the dates of Ms. Hagen's original appointment, he knows that she just got back with Staff last week in expressing an interest in serving again on this Board. City Manager Davis said he would defer to Assistant City Manager Scott Wingerson.

Mr. Wingerson said by Ordinance, the Board of Zoning Adjustment is scheduled for re-appointment in June. Staff will be taking a look to see if there is a reason for that, or if it can be moved to the regular Council cycle.

Mayor Smith said most of the other Boards and Commission appointments are at year-end.

Councilman Beer agreed and said this one is so easily overlooked.

The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis said he would like to echo what the City Council said, and express his appreciation to Staff for all of their work this weekend at Bluesfest. The City staff and Chamber staff did a great job. They worked hard, and these kinds of events don't come off with these kinds of crowds without issues coming up, and the Chamber handled all of those issues very well. City Manager Davis said all in all, good event and "hats off" to both the Chamber and City staff and all the people who volunteered their time. City Manager Davis said he appreciated all the work they put into making the festival a success.

Mayor Smith said he was going to put Parks and Recreation Director Sheila Lillis on the spot, and asked her to share preliminary numbers from the "new" (newly renovated) outdoor swimming pool.

Parks and Recreation Director Sheila Lillis reported the City is about seven percent ahead on Pool pass sales for the month of June compared to last year. A year to date comparison is not as accurate in the sense that we have another 19 days or so to sell passes in the month of June. Pool passes are still being sold, and hopefully, as the weather becomes more dry and warmer, the numbers will continue to grow. Director Lillis said in the attendance figures year to date, a little over 13,000 people have walked through the door. A year ago the numbers were at about 14,000, but we have had some inclement weather this year. The first three days in 2006, there were crowds of over 1,000 each day. This year, we had a 500 day and one day there were 20 people, because of rain. Director Lillis said our numbers are promising and things are looking good at the pool. If we could get into a nice weather cycle, that would be very beneficial for all of us.

Mayor Smith asked if there has been much feedback from the patrons regarding the renovations at the pool.

Director Lillis replied she has received a lot of feedback from the pool patrons; in fact, she has not gone anywhere, including Bluesfest, where people did not stop her to talk about the exciting pool renovations. People who said they haven't had pool passes in a long time, have purchased passes because their kids are so excited about being at the pool. Director Lillis said she truly believes it is a great reinvestment to an already great thing.

Mayor Smith thanked Director Lillis.

**Item 9. on the Agenda.** **PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to Selective Site Consultants for operation of a Communications Tower Facility on property located at 6221 North Chestnut. Applicant: Selective Site Consultants, Incorporated. Owner: Cascone Land Company. File No. 1295

Mayor Smith opened the Public Hearing and immediately continued the Public Hearing pending a recommendation from the Planning Commission.

**Item 10. on the Agenda.** **FIRST READING BILL 07-14**, establishing the membership, terms and service of the City of Gladstone Neighborhood Commission.

Councilman Wayne Beer moved to place Bill 07-14 on First Reading. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 07-14, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 07-14 and enact the Bill as Ordinance 4.032. Mayor Pro Tem Mark Revenaugh seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0).

**Item 11. on the Agenda.** **FIRST READING BILL 07-15**, amending Ordinance Numbers 2.061, 2.401, and 3.948 concerning the operation of the Gladstone Emergency Ambulance/Medical Services by adopting new "Patient Transport Guidelines", "Billing Guidelines", and amending the Emergency Medical Services section of the City Schedule of Fees and Charges.

Councilman Wayne Beer moved to place Bill 07-15 on First Reading. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman

Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Wayne moved to accept the First Reading of Bill 07-15, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 07-15 and enact the Bill as Ordinance 4.033. Mayor Pro Tem Mark Revenaugh seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0).

**Item 12. on the Agenda.** **FIRST READING BILL 07-16**, 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 Wayne Beer moved to place Bill 07-16 on First Reading. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 07-16, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 07-16 and enact the Bill as Ordinance 4.034. Mayor Pro Tem Mark Revenaugh seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0).

Mayor Smith explained for the benefit of the Scouts in the audience, that to enact an Ordinance, there are documents called Bills, and it is required that the Council give the Bills two readings before the Bills can be enacted as an Ordinance, which is a law. There is a rule in the City's Municipal Code that says there cannot be more than one reading of a Bill in one night, so City Council is actually waiving the City's own rule, so Council can do both readings and enact the Bill as a law the same night the Bill is introduced.

**Item 13. on the Agenda.** **RESOLUTION 07-45**, extending the City Council's moratorium on the issuance of business and occupation licenses under Title V of the City Code for signature loan, pay day loan, title loan, and similar nonchartered small loan companies to conduct business within the City and directing City staff to delay the

acceptance and processing of applications for such licenses for the timeframe specified herein.

Councilman Carol Rudi moved to adopt **RESOLUTION 07-45**, extending the City Council's moratorium on the issuance of business and occupation licenses under Title V of the City Code for signature loan, pay day loan, title loan, and similar nonchartered small loan companies to conduct business within the City and directing City staff to delay the acceptance and processing of applications for such licenses for the timeframe specified herein. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0).

**Item 14. on the Agenda.**      **RESOLUTION 07-46**, adopting the 2008 Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July 1, 2007 and ending June 30, 2008.

Councilman Carol Rudi moved to adopt **RESOLUTION 07-46**, adopting the 2008 Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July 1, 2007 and ending June 30, 2008. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0).

**Item 15. on the Agenda.**      **OTHER BUSINESS.**

There was no other business.

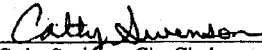
**Item 16. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

**Item 17. on the Agenda.**      **ADJOURNMENT.**

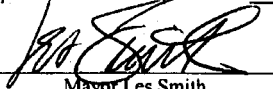
There being no further business to come before the June 11, 2007, Gladstone Regular City Council Meeting, Mayor Les Smith adjourned the regular meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

Approved as corrected/amended:

  
Mayor Les Smith



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JUNE 25, 2007**

**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 June 11, 2007, City Council Meeting Minutes.
5. **PROCLAMATION:** Celebrating the 20<sup>th</sup> Anniversary of the Gladstone Theatre in the Park.
6. **PRESENTATION OF CERTIFICATES** of recognition to the graduates of the Future Leaders Academy.
7. **CONSENT AGENDA**

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:**

- Kwik Shoppe, 7603 North Oak Trafficway, 6 Day Package Liquor License.
- KC Northland Elks, 7010 North Cherry, Class A&B Liquor by the Drink License.
- Quik Trip #237, 6309 NE Antioch Road, 7 Day Package Liquor License.
- Quik Trip #181, 2590 NE 72<sup>nd</sup> Street, 7 Day Package Liquor License.
- Bubbles, 7407 North Oak Trafficway, 7 Day Package Liquor License.
- Price Chopper, 6475 N Prospect, 7 Day Package Liquor and Wine Tasting License.
- Wasahi, LLC, 328 NE 72 Street, Class A&B Liquor by the Drink License.

REGULAR AGENDA

8. Communications from the Audience.
9. Communications from the City Council.
10. Communications from the City Manager.
11. **PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to Selective Site Consultants for operation of a Communications Tower Facility on property located at 1500 Northeast Englewood Road. Applicant: Selective Site Consultants, Incorporated. Owner: F.R.A.H, Inc. (Knights of Columbus). File No. 1291
12. **FIRST READING BILL 07-17**, establishing an Automated Traffic Signal Enforcement System in the City of Gladstone, Missouri, prohibiting the violation of traffic signals as detected by the automated system, and setting forth the penalties for violations.
13. Other Business.
14. Questions from the News Media.
15. Adjournment.





**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JUNE 25, 2007**

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

**PRESENT:** Mayor Les Smith  
Mayor Pro Tem Mark Revenaugh  
Councilman Carol Rudi  
Councilman Wayne Beer  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Les Smith opened the Regular June 25, 2007, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.      ROLL CALL**

Mayor Smith noted that all four Council members were present this evening.

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

Mayor Smith recognized Boy Scout Tim Parnacott, who is working on his Communication Badge, and invited him to lead the Pledge of Allegiance, in which all joined.

Mayor Smith thanked Mr. Parnacott and noted that his brother, Chris, has also led the Pledge of Allegiance at a City Council meeting.

**Item 4. on the Agenda.      APPROVAL OF THE REGULAR JUNE 11, 2007,  
CITY COUNCIL MEETING MINUTES.**

Councilman Carol Rudi moved to approve the Regular June 11, 2007, City Council Meeting Minutes as presented. Councilman Wayne Beer seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

**Item 5. on the Agenda.      PROCLAMATION: Celebrating the 20<sup>th</sup> Anniversary of  
the Gladstone Theatre in the Park.**

Mayor Smith read a Proclamation celebrating the 20<sup>th</sup> Anniversary of the Gladstone Theatre in the Park. Michelle Coon, Theatre in the Park Advisory Council member, was on hand to accept the Proclamation.

Ms. Coon reminded everyone that the Theatre in the Park 20<sup>th</sup> Anniversary celebration would be at Oak Grove Park on Saturday, July 7, at 7:30 PM, immediately prior to the "Cinderella" production. Ms. Coon said the other Board members are in rehearsal for that performance, so they could not be here this evening. Ms. Coon said she is in the second show. Ms. Coon said they wished to extend their appreciation to the City and all involved for their continued support and generosity to Theatre in the Park. Ms. Coon said hopefully there would be 20 more seasons to come, so her daughter who is 3 years old, can be in a musical.

Mayor Smith thanked Ms. Coon and said Theatre in the Park is a wonderful program.

Councilman Carol Rudi inquired into the second production.

Ms. Coon replied the second production would be "Beauty and the Beast". This will be shown for two weekends, which is a first for Theatre in the Park productions.

**Item 6. on the Agenda.**      **PRESENTATION OF CERTIFICATES** of recognition to the graduates of the Future Leaders Academy.

Mayor Smith invited Sergeant Richard King, Public Information Officer, to provide a brief overview of the academy.

Sergeant King reported this academy has been an exciting experience for the City staff and the participants in the program. This program was developed from the Gladstone on the Move initiative, in which they said the City needed to resurrect the Citizens Academy that had been previously held through Public Safety. The new program has a different "twist" to it in that the entire City is involved, and an effort is made to seek and identify new leaders of our community. There was a good number of folks who signed up for the first offering, and they were provided with an in depth look at the City of Gladstone, the many departments and their inner workings, and how the City functions from the beginning stages of City government, all the way down through the Fire Department. The program has been very well received, and very positive. Staff is excited that many of the folks who participated have expressed an interest in volunteer opportunities and ways to serve the City in the future.

Staff is preparing for the second offering of the Future Leaders Academy that will begin in August. Sergeant King reported that the graduates of the academy have attended sessions and classes for about six months, 2 ½ hours in the evening - one night a month, and have spent a couple of Saturdays touring different facilities within the City. The graduates have been introduced to the City budget, planning and development, and actually had an evening of interaction where they took maps and paperwork to put together their own development plan for a very specific area of the City. The graduates of the Academy have seen the tools of Public Safety, from the Police Department to the Fire Department.

Sergeant King, said for him the best part was meeting more folks who call Gladstone home, and learning why they make this their home and why they continue to say, "this is the best city in the Northland".

Councilman Beer said Sergeant King mentioned the Leadership Academy graduates did a planning project exercise, and asked if that is something City Council members should see.

Sergeant King replied the graduates would say Council members would definitely want to see their planning project, and he believes that Council members would be surprised at how close it is to some things that Staff has already shared with Council. Economic Development Administrator Melinda Mehaffy led the planning exercise with the Academy participants, and she was very pleased with their ideas, as they ran very parallel with what Staff and Council believe.

Mayor Smith stated there was a reception in the City Hall conference room prior to the City Council meeting, and the thing that struck him was that folks really want to learn, and they understand now exactly how the City works, and they hold the City staff in very high regard. The Leadership Academy graduates said the City staff is very well informed, very good at what they do, and seem happy at their job. Mayor Smith said Sergeant King and City Manager Davis and Staff do a good job for the City. Mayor Smith said he believes an informed citizenry is beneficial to everyone, because they understand the workings of the City. Mayor Smith congratulated all the Leadership Academy graduates, and asked City Council members to join him in front of the dais to present Certificates of Recognition to the graduates. Mayor Smith welcomed the graduates to stay for the balance of the meeting, but said Council would understand if they should need to leave.

Mayor Smith and City Council members presented Certificates of Recognition and City lapel pins to the graduates of the Future Leaders Academy as follows:

Carl Pacubas, Rachael Pacubas, Karen Simms, Chuck Weber, Carolyn Vellar, Arlene Segal, Robert Teel, Luelllyn Teel, John Garner, Clarence Sapp, Larry Delmont, Joseph Parnacott, David Velasquez, Don Horton, and Jean Moore.

Note: Beth Houlihan, Marialice Estopare, Melanie Driskell, Diana Snyder, and Carol Suter, were unable to attend.

#### **Item 7. on the Agenda      CONSENT AGENDA**

Following the Clerk's reading, Councilman Wayne Beer moved to accept the Consent Agenda as presented. Councilman Carol Rudi seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Wayne Beer moved to approve the Annual Liquor License Renewals as follows:

- Kwik Shoppe, 7603 North Oak Trafficway, 6 Day Package Liquor License.
- KC Northland Elks, 7010 North Cherry, Class A&B Liquor by the Drink License.

- Quik Trip #237, 6309 NE Antioch Road, 7 Day Package Liquor License.
- Quik Trip #181: 2590 NE 72<sup>nd</sup> Street; 7 Day Package Liquor License.
- Bubbles, 7407 North Oak Trafficway, 7 Day Package Liquor License.
- Price Chopper, 6475 N Prospect, 7 Day Package Liquor and Wine Tasting License.
- Wasahi, LLC, 328 NE 72 Street, Class A&B Liquor by the Drink License.

Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

## **REGULAR AGENDA**

### **Item 8. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE.**

**Kim Forslund**, 3515 NE 61<sup>st</sup> Terrace, began by saying she attended a City Council meeting a few weeks ago and spoke about the Bull Terrier addition to the Gladstone Animal Control Ordinance. Ms. Forslund asked if Council had an opportunity to review the information she provided, which is the third packet she has given to City Council members. Ms. Forslund said she provided the first packet in June 2006, and she provided information in February of this year. The cover letters asks that Council not just take her advice, but that Council members do their own research. Ms. Forslund said she understands that most of what Gladstone adopted was from Liberty's Ordinance, but she wasn't sure how Gladstone went about verifying all of their information; what empirical data was used in making the decision, and if Council had a chance to look at the recommendations from the pet salon owners, the dog trainers, as well as the veterinarians in this area, urging that Bull Terriers be taken off the dangerous dog list, as it is not a Pit Bull.

Mayor Smith stated he does not know if his colleagues went through all of these steps; however, he is certainly not qualified in this area. City Manager Davis and City Counselor Ramsay were asked to look into the issue, and he believed a recommendation was received from Animal Control. Mayor Smith asked City Manager Kirk Davis to address this issue.

City Manager Davis stated that information was received from Ms. Forslund, our City's Ordinance was reviewed, and Staff did their own research. In regard to the dog that Ms. Forslund is talking about, the research is all over the place – it's a 50/50 deal; which is what Mr. Davis understands from the City's Animal Control officers. City Manager Davis said, given our City's Ordinance, they did not recommend removal from the dangerous dog listing that is currently in place. City Manager Davis said if the Council would like to entertain this issue, Staff would be happy to bring back that research; however, at that time, the recommendation was to leave the Ordinance alone.

Ms. Forslund said when she met with Captain Clark and the Animal Control officer, that is not what they told her. Ms. Forslund said she would like to know what data was used, because she wasn't just looking for information that benefited her, when she chose this breed of dog. Ms. Forslund said he has two small children, and she is curious to know what is the 50/50 – does it mean temperament? American Temperament Tests Society rates them better than Beagles and Basset Hounds.

Mayor Smith said as he recalls in a memo, he believes what City Manager Davis is referring to is in the research done it was found that depending on how much research is done and how much you want to read, the results will come out 50/50, which is what the Animal Control officer found. Mayor Smith said is that exactly 50 percent versus 50 percent – no, but what Council has been told is that for every argument "for", there is an argument against.

Ms. Forslund asked for clarification, is this for the specific breed – the English Bull Terrier?

City Manager Davis stated that is his understanding. City Manager Davis stated Staff would be happy to provide to City Council the memorandum and all the back-up documentation in their packets, to refresh everyone's memory since it has been awhile.

Mayor Smith agreed that would be a good idea, and said Ms. Forslund deserves some final answer from the City Council.

Ms. Forslund said she would be happy to meet with Captain Clark again.

City Manager Davis said he is slightly distressed by this, because the information he received from the Public Safety Department was fairly straight forward, and perhaps we need to clarify that communication first, and give Ms. Forslund that courtesy, and then Council could address them again if they would so desire.

Mayor Pro Tem Mark Revenaugh said he did not recall who it was from, but a communication in the Council Packet stated it was not recommended to make an exception to the Ordinance, and he was curious if that was not in fact communicated to Ms. Forslund.

Ms. Forslund said what was communicated to her that Council was most likely not going to make a change in the Ordinance; it had nothing to do with facts.

Mayor Smith stated from his standpoint only, just to be perfectly clear, if our Staff is qualified to make that judgment, and recommends to him again as they did in the last memo that has been referenced, that this breed not be excluded, he will not support excluding it. Mayor Smith said he is going with their call, and right now their call is to leave the Ordinance as it is. Mayor Smith said he wished to be perfectly honest and candid, so Ms. Forslund will know where he stands. Mayor Smith said he is going to rely on Staff to provide that information to him, and if it is that way or if it is decided to revisit this issue, that is fine, but if the recommendation comes back the same way, that is the direction he will go.

Ms. Forslund stated where Animal Control actually stands, if that is BSL (breed specific legislation) in general, is a bad idea, and they communicated that to City Council members.

Mayor Smith said the City has adopted an Ordinance and that is the Ordinance, unless Animal Control says that breed should be excluded, he is not wavering on this.

Ms. Forslund said she has a concern that maybe Mayor Smith's personal fear of dogs had something to do with the way that he voted, as opposed to doing what's best for the City, and the citizens.

Mayor Smith said there are 27,000 people in this City and 26,000 people are perfectly content with what City Council is doing, and the other 1,000 people have been heard from about five times. Mayor Smith said he is rock solid as to where he stands on this issue, and he understands that there is as much argument for as against, and the City did everything it was asked to do for existing Pit Bull owners, and that is why they were given an opportunity to....

Ms. Forslund interrupted Mayor Smith and said her dog is not a Pit Bull.

Mayor Smith said his vote stands and he is not changing it, and it has nothing to do with his personal preference; it has to do with what he feels this community has asked for and the greater good, and those are the people he represents. Mayor Smith said he is sorry Ms. Forslund's breed of dog is included in the dangerous animal legislation. Mayor Smith said he apologized for that; that is the professional opinion and recommendation that was given from Animal Control, Public Safety, and the City's legal counsel, and that is what he has to follow.

Ms. Forslund said that is where she is confused, because that is not what was communicated to her, so she will be looking forward to that information.

**John Garner, 111 Heatherton Court**, stated since the curbs and sidewalks have been done, when do the gaps between them get filled, and whose responsibility is that?

Mayor Smith asked which streets Mr. Garner was referencing.

Mr. Garner said every place that it has been done on North Oak Trafficway.

Public Works Director Chuck Williams stated some curb and gutter work has recently been completed around several locations within the community, and there is in some places an average of about a two-inch gap between the existing asphalt and the new curb. In places where there are driveways, they have been filled in with some temporary asphalt. There is a pre-construction meeting later this week with the contractor on the North Oak Mill and Overlay Project. The contractor is anxious to get started. Staff is waiting on the signatures on the contract from the second phase of the project, and as soon as Staff has those, a pre-construction meeting will be scheduled, and they will start, so they will be doing it. Director Williams said if Mr. Garner has a particular location where he thinks there is a hazard created by a narrow gap, he would certainly address it in a temporary manner.

Mayor Smith said there is some economy in doing that work all at once throughout the City, and asked Director Williams if that was correct.

Director Williams stated that was correct. Staff likes to do the curb and gutter work with a separate contract from the asphalt work, because it is concrete versus asphalt, and generally the same contractor does not do both.

Councilman Rudi pointed out that Mr. Garner shook his head, "no", in regard to there being a specific location that was dangerous.

Mr. Garner said he was just curious when it was going to be done, as the work has been done for six to eight weeks now.

Councilman Rudi said around her house there is the same thing. It is a process, step 1, step 2, etc.

Mayor Smith said first the curb and gutter work is done, and the mill and overlay is done after that. The contractor comes to town once, and there are not the mobilization fees and so forth, and the City gets more work done for the same cost.

**Item 9. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Wayne Beer** stated the process for appointing a City Council person to complete the term of Councilman Cross was discussed during the Open Study Session prior to the City Council meeting.

Councilman Wayne Beer moved to approve the process as follows: The City Council is seeking residents who are interested in serving on the City Council to fill the vacancy left at the passing of Councilman Bill Cross. Under State of Missouri Revised Statutes, the City Council appoints a Gladstone resident, who meets the qualifications of Councilman to serve in the position of Councilman through April 2008. The qualifications of a City Councilman are 21 years of age, a United States citizen, and an inhabitant of the City of Gladstone for one year prior to the appointment or election. The successful candidate will be eligible to run for election for the remaining one-year portion of the unexpired term in April 2008. The Council is encouraging interested, qualified individuals to submit their resume indicating their reasons for wanting to serve, experience in the municipal government process, civic involvement, and any other related experience. Resumes will be accepted until 5:00 PM on July 16, 2007. The City Council will conduct interviews to fill the position shortly after the closing date for resume submission. Please submit the resumes to City Clerk Cathy Swenson and copied to Mayor Les Smith at 7010 North Holmes, Gladstone, Missouri 64118. Mayor Pro Tem Mark Revenaugh seconded.

**Mayor Les Smith** stated that State Statutes do not specify a plan or a process for the appointment of a replacement for Councilman Cross. Hopefully by the first of August or shortly thereafter, Council will appoint someone to fill the remaining portion of Councilman Cross's term up to the next regularly scheduled election, which is next April. At that point in time, there will be an election held to fill the final one-year of the 3-year term, and at that point the seat would then go to the regular 3-year cycle. Mayor Smith said this will be a very transparent process, and Council will do everything they can to encourage people who might be interested and meet the qualifications to submit their resumes to the City Council. Mayor Smith said it is important that people know a bit about the process of municipal government, so they can catch up to speed and "hit the ground running"; whether that be experience from an elected position, an appointed position, or simply a volunteer position, City Council encourages anyone and everyone who is

interested in serving to please have their resumes and letters of interest submitted to the City Clerk prior to the 16<sup>th</sup> of July at 5:00 PM.

The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Mayor Smith asked City Manager Davis to be certain that press releases are sent out first thing in the morning so local papers can carry this as well.

City Manager Davis said he would see that was done.

**Councilman Carol Rudi** stated in regard to all the street work, she drives quite a number of miles over Gladstone streets, and some of them are in need of great help, and the road blocks have gone up, and she has been traveling new streets, because the road blocks are up as work is being done on the streets. Councilman Rudi expressed her thanks for the work being done. Councilman Rudi asked Public Works Director Chuck Williams if the brush disposal has begun at the Public Works facility.

Public Works Director Williams replied the brush disposal has begun at the Public Works facility. The drop-off facility is open for residents on Monday, Wednesday, and Friday, from 9:00 AM to 4:00 PM. There has been on an average six or more people each day bringing brush and dropping it off, and it has received very positive feed-back so far. It started about two weeks ago.

Councilman Rudi stated, for the audience, that this is a fee based drop-off, and if residents have brush, limbs, yard waste or that kind of thing, it will be accepted as Director Williams outlined.

Public Works Director Williams said that is correct; it is \$1.00 per paper bag for yard waste and brush that can fit in the paper bag; a level pick-up bed load is \$10.00, and if it is piled up it is \$15.00 or \$20.00. Staff does use some judgment if someone brings in a lot of heavy wood product, where they have cut down a tree; that is an additional fee, because it generates a larger volume.

Councilman Rudi congratulated everyone who participated in the Future Leaders Academy. It is a wonderful program. Councilman Rudi said the Public Safety Academy was great, and she learned a lot, and she cannot imagine how much information the graduates of the Future Leaders Academy were given, because there is so much. Councilman Rudi thanked City Staff; she has heard the graduates say they are very impressed with City staff, and they seem happy in their jobs. Councilman Rudi said if they are not happy, they are doing a great job pretending and we are very glad, because the City is really blessed to have the Staff that we have, as they do really care and they really work hard.

**Mayor Pro Tem Mark Revenaugh** said he did not believe he could add anything more to what Councilman Rudi just said. Mayor Pro Tem Revenaugh offered congratulations to the Future Leaders Academy graduates and said, "great job".



**Item 10. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reminded everyone that on June 30<sup>th</sup>, from 8:00 AM to 12:00 Noon, there is a battery, oil, antifreeze and paint recycling effort going on at Public Works, and invited everyone to participate. City Manager Davis invited everyone to attend the July 4<sup>th</sup> celebration at Oak Grove Park. Fireworks will start at about 9:45 or 9:50 PM. The North Star Community Band will perform, and there will be Council comments around 8:15 PM that evening.

**Item 11. on the Agenda.**

**PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to Selective Site Consultants for operation of a Communications Tower Facility on property located at 1500 Northeast Englewood Road. Applicant: Selective Site Consultants, Incorporated. Owner: F.R.A.H., Inc. (Knights of Columbus). File No. 1291

***Note: Following is a transcript of the Public Hearing, prepared by Midwest Litigation Services.***

CITY OF GLADSTONE, MISSOURI

CITY COUNCIL MEETING

TRANSCRIPT OF MEETING

June 25, 2007

7:30 p.m.

City Hall

Gladstone, Missouri

Attendance:

City Council Members:

Mr. Les Smith, Mayor

Mr. Mark Revenaugh, Mayor Pro Tem

Ms. Carol Rudi, Councilman

Mr. Wayne Beer, Councilman

Staff:

Mr. Kirk Davis, City Manager

Mr. Scott Wingerson, Assistant City Manager

Mr. David A. Ramsay, City Counselor

Ms. Cathy Swenson, City Clerk

Ms. Frances Holland, Certified Court Reporter

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2	ITEM	PAGE
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4	Reporter's Certificate	
5	EXHIBITS	PAGE
6	Exhibits 1 - 23	5
7	1 City Application dates 12/4/06	
8	2 T-Mobile Request dated 12/2006	
9	3 Staff Report dated 12/7/06	
10	4 PC Hearing Transcript dated 4/16/07	
11	5 PC Hearing Transcript dated 6/4/07	
12	6 City of Gladstone City Code,	
13	Zoning Ordinance	
14	7 Zoning Map of 1500 Englewood Road	
15	8 T-Mobile Report dated 1/3/07	
16	9 T-Mobile Letter dated 4/13/07	
17	10 T-Mobile Coverage Area Map	
18	11 1994 Knights of Columbus SUP Ordinance	
19	12 1997 Knights of Columbus Renewal Ordinance	
20	13 10/1994 Minutes, Knights of Columbus SUP	
21	Hearing	
22		
23		
24		
25		

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1                   14    Packet RE: SUP Granted to T-Mobile at 2013 NE  
2                        72nd Street.  
3                   a.    Ordinance 7/10/06  
4                   b.    City Council Minutes 7/10/06 and 6/26/06  
5                   c.    PC Minutes  
6                   d.    Staff Report  
7                   e.    T-Mobile Transmittal & Owner Consent  
8                        dated 6/2/06  
9                   f.    T-Mobile Design Differences Report  
10                  g.    4 Photos of Tower at 72nd & Euclid  
11                  15    Helmer Memo RE: Data Modeling dated 6/1/07  
12                  16    Real Data Modeling Exhibit dated 6/1/07  
13                  17    Flora Park East Map  
14                  a.    2 Photos of Flora Park East  
15                  18    US District Court Ruling: Voicestream Wireless  
16                        vs City of Gladstone  
17                  a.    Entire File  
18                  19    Possible Alternate Sites - Photos  
19                  a.    Englewood Park  
20                  b.    Englewood Park  
21                  c.    Northminster Presbyterian  
22                  d.    Holy Cross Lutheran  
23                  20    Photo - Oakview Tower  
24                  21    Knights of Columbus Location  
25                  22    Kansas City, Missouri Ordinance Section 80-41

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PAGE

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23 Code of Ordinance, City of Gladstone

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24 Letter from FAA

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## 1 CITY COUNCIL MEETING

2 (WHEREIN, Exhibits 1 - 23 were marked for  
3 identification by the Court Reporter.)

## 4 ITEM 11:

5 MAYOR SMITH: The process for the public  
6 hearing will be that we will ask the Assistant  
7 City Manager, Scott Wingerson, for a short factual  
8 presentation. We will then offer the floor to a  
9 representative from Selective Site Consultants and  
10 some public input from those who might be in favor  
11 of the application and those who might be opposed  
12 and then back to the Assistant City Manager, who  
13 will answer questions from the Council and provide  
14 additional information.

15 With that, the public hearing is open.  
16 Mr. Wingerson, please.

17 MR. WINGERSON: Mayor Smith and members  
18 of the City Council, thank you very much. I'd just  
19 like to start with a brief overview of the request.  
20 The request is for a special use permit to allow  
21 construction and operation of a telecommunication  
22 tower at 1500 Englewood Road. The Applicant is T-  
23 Mobile and the owner is F.R.A.H. more commonly know  
24 as the Knights of Columbus.

25 The case is primarily about land use and

1 we're going to talk to you in the Staff's  
2 presentation about four major themes relative to  
3 land use and you'll see those themes emerge.

4 At the start of our presentation, I'd  
5 like to bring forward City Attorney, David Ramsay,  
6 to talk about some of the exhibits that will be  
7 used tonight in the presentation.

8 MR. RAMSAY: Mr. Mayor, let me begin by  
9 explaining that this is a hearing format. We have  
10 with us a court reporter and she will be taking  
11 down the testimony. I've also asked her to swear  
12 witnesses to place them under oath so that the  
13 record will reflect sworn testimony.

14 At the conclusion of the process, and  
15 that includes whatever questions the Council has  
16 and any discussion, we would ask Council to make a  
17 determination of either support or denial of the  
18 special use permit requested and that within that  
19 motion, there be a direction to the Staff to create  
20 written findings of fact and conclusions of law to  
21 propose for adoption to the City Council at the  
22 next meeting to formalize that decision. State  
23 statute requires determinations in this type of  
24 process to be in writing.

25 With that, I would like to, hopefully

1           rather quickly, go through a series of the exhibits  
2           that we would like to have admitted in the record.  
3           We thought we would try to get all of those  
4           exhibits entered and out of the way before  
5           discussions began. So let me just go through each  
6           of those. And Mr. Beeler, Scott Beeler, who  
7           represents the Applicant, may have some comment  
8           about particular exhibits as they're represented.

9                     I should also mention that the court  
10          reporter is Fran Holland, who I've only known for  
11          about 25 years. She comes very experienced.

12                    Let me start with Exhibit 1, which is  
13          the basic application that started this process.

14                    Exhibit 2 is the application supporting  
15          documentation that was received from T-Mobile.

16                    Exhibit 3 is the Community Development  
17          Department's Staff Report.

18                    Exhibit 4 is the Court Reporter's  
19          transcript of the proceedings before the Planning  
20          Commission on April 16, 2007.

21                    Exhibit 5 is the transcript of  
22          proceedings before the Planning Commission on June  
23          4, 2007, which concluded the Planning Commission's  
24          actions on this application.

25                    Exhibit 6 is the Zoning Ordinance of the



1 City. And this is excerpted from the City Code.

2 This is Title Seven of the City Code.

3 Exhibit 7 is an excerpt from the  
4 Official Zoning Map showing the zoning  
5 classification for the site that is the subject of  
6 the application.

7 Exhibit 8 are propagation studies and a  
8 coverage report prepared by T-Mobile of Kansas City  
9 and it's dated January 3, 2007.

10 Exhibit 9 is a letter from Robert M.  
11 Herlihy of Selective Site Consultants, Inc. to Mr.  
12 Scott Wingerson, Assistant City Manager, dated  
13 April 13, 2007 and suggests - or it states a  
14 reduction in the size of the monopole telecom tower  
15 that is being requested.

16 Exhibit 10 is another coverage. I  
17 believe this is a coverage, computer generated  
18 schematic, also produced and submitted by Site  
19 Selection Consultants on behalf of T-Mobile.

20 Exhibit 11 is a copy of the ordinance,  
21 Gladstone City Ordinance 3.414, which is an  
22 ordinance granting a special use permit to the  
23 Knights of Columbus at their location at 1300 N.E.  
24 Englewood Road. And this ordinance was enacted on  
25 the 24th day of October 1994.

1                   Exhibit 12 is Ordinance Number 3.644,  
2                   enacted by the City Council of the City of  
3                   Gladstone on the 27th day of October 1997, which  
4                   makes certain modifications and an extension of the  
5                   Knights of Columbus special use permit.

6                   Exhibit 13, I believe is a collection of  
7                   - I'm sorry. Exhibit 13 is the minutes from the  
8                   October 1994 public hearing on the special use  
9                   permit for the Knights of Columbus and specifically  
10                  includes local resident testimony.

11                  Exhibit 14 is Gladstone City Council  
12                  Ordinance Number 4.001 granting a special use  
13                  permit to T-Mobile Central, LLC, to operate a  
14                  communications facility at 2013 N.E. 72nd Street.  
15                  This was adopted in, I believe about two years ago.  
16                  This ordinance was adopted July 10 of 2006. And I  
17                  believe everyone here was on the Council at that  
18                  time.

19                  This is the tower that was approved for  
20                  construction at the Kansas City Power and Light  
21                  facility, which is immediately south of the tennis  
22                  courts on the south side of 72nd, east of Euclid.

23                  Exhibit 14 also includes photographs of  
24                  the facility at 72nd and Euclid showing the  
25                  completed tower construction.

1 Exhibit 15 is a memo from Chris Helmer,  
2 Planning Specialist, to the City Council dated June  
3 1 of 2007, and it concerns data modeling for the  
4 propagation studies for the proposed site at the  
5 Knights of Columbus Hall at 1500 N.E. Englewood.

6 Exhibit 16, and I'm not trying to make  
7 this as boring as I'm sure it sounds, but it just  
8 happens that way with a lot of exhibits, Exhibit 16  
9 is a verification study conducted by Chris Helmer,  
10 of our City Staff, using an actual cell phone and  
11 showing the streets that he traversed and where he  
12 got positive call responses on a T-Mobile cell  
13 phone.

14 Exhibit 17 is an aerial photograph of  
15 the area from - the portion of the area that is in  
16 discussion here, including the Knights of Columbus  
17 site and the southern boundary of N.E. Englewood  
18 Road, extending north to the northern portion of  
19 Flora Park and it specifically reflects what the  
20 City calls Flora East, which is a drainage area and  
21 essentially a rough terrain area.

22 Also, included in that exhibit are  
23 relative elevations of various sites in Flora East  
24 as well as the blue imprint of the flood plane in  
25 that area. And included in Exhibit 17 are two

1           photographs of Flora East. One showing the access  
2           and one showing the - one of the - one site, which  
3           I believe Staff is going to suggest as an  
4           appropriate alternative site for a proposed tower.

5                     Exhibit 18 is the memorandum and order  
6           and supporting City file in the matter of APT  
7           Kansas City, Inc., d/b/a Voicestream Wireless,  
8           versus the City of Gladstone. This was a case of  
9           an application for a location of a cell tower by  
10          Plaintiff, Voicestream, which is the predecessor to  
11          T-Mobile.

12                    It was contested by the City in 2000.  
13          The City Council ultimately rejected the  
14          application. A suit was brought in the United  
15          States District Court for the Western District of  
16          Missouri. The City's decision in that case was  
17          upheld and we are offering this as guidance in what  
18          our local Federal Court deemed the appropriate  
19          analysis of this type of case, particularly in the  
20          City of Gladstone.

21                    Exhibit 19 is a series of four  
22          photographs of sites in the immediate area of the  
23          Knights of Columbus Hall. Two sites within Kansas  
24          City's Englewood Park. One site being Northminster  
25          Presbyterian Church. The other site is the Holy

1 Cross Lutheran Church.

2 Exhibit 20 is a photograph of the  
3 existing cell tower in the City of Oakview that is  
4 near the intersection of North Oak and Shady Lane.  
5 Exhibit 21 is a photograph of that portion of the  
6 Knights of Columbus property where the proposed  
7 cellular tower would be located.

8 Exhibit 22 is Section 80-41 of the City  
9 Ordinances of the City of Kansas City, Missouri,  
10 relating to that City's regulation of cellular  
11 telephone tower sitings. And we're asking, Mr.  
12 Mayor, we're asking you to accept these exhibits as  
13 part of the public record. And I believe in his  
14 testimony Director Scott Wingerson, will refer to  
15 each of them in his comments.

16 MAYOR SMITH: Thank you and we have  
17 received the exhibits.

18 MR. BEELER: Mr. Mayor, would you like to  
19 record the objection now or wait?

20 MAYOR SMITH: We can discuss objections.  
21 I think most of these will be - their relevance  
22 will be made clear as Mr. Wingerson testifies. I  
23 would invite Mr. Beeler to make what objections he  
24 would like at this point.

25 MR. BEELER: I just want to follow your

1 protocol, whatever it is.

2 MAYOR SMITH: It might be better served  
3 for us to hear the explanations to go along with  
4 the exhibits and for us to understand those better  
5 before you object.

6 MR. BEELER: That would be fine.

7 MAYOR SMITH: All right. Thank you.

8 MR. RAMSAY: I might just point out that  
9 what you've received are two sets of exhibits. One  
10 is Exhibits 1 through 7, which were included in  
11 your Council packets. The application and the  
12 basic supporting documentation.

13 And then Exhibits 8 through 22 are  
14 additional exhibits that have been developed by the  
15 Staff and are drawn from the Staff's analysis and  
16 ongoing work on this. Let me - I forgot one  
17 exhibit.

18 Let me offer Exhibit 23. For purposes  
19 of the record, I'd like to offer the Code of  
20 Ordinances of the City of Gladstone, Missouri,  
21 marked Exhibit 23. This is the code certified by  
22 the City Clerk and was re-codified in 2005.

23 MAYOR SMITH: Thank you.

24 MR. RAMSAY: And after all that boring  
25 stuff, I'd like to turn the hearing over to Mr.

1 Beeler and his Applicants to make their  
2 presentation.

3 MAYOR SMITH: Thank you.

4 MR. BEELER: Mr. Mayor, if there's going  
5 to be an explanation of those exhibits, I think it  
6 would only be fair, since I have only received them  
7 tonight, that we hear from Staff as to what they  
8 deem the relevance to be or I don't know what to  
9 object to.

10 MAYOR SMITH: Let's do this. If you have  
11 a presentation that you can make to us on the  
12 merits of the project, why don't you do that. I'll  
13 then ask Mr. Wingerson to work through the exhibits  
14 and then give you an opportunity at that time.

15 MR. BEELER: To come back at that point  
16 in time?

17 MAYOR SMITH: Yes, sir.

18 MR. BEELER: That's fine.

19 MR. BEELER: Mayor, I am Scott Beeler,  
20 B-E-E-L-E-R. I'm with Lathrop and Gage, 10851  
21 Mastin, in Overland Park, Kansas is where my office  
22 is. Although, as most know, my firm is also at  
23 Crown Center on the Missouri side.

24 Let me say that the procedure tonight  
25 comes at some surprise to me. And as I was at the

1 Planning Commission, it seems to be the course that  
2 we follow in this application and I honestly don't  
3 know why.

4 Again, all of these exhibits, many of  
5 which obviously have absolutely nothing to do with  
6 the Knights of Columbus site, deal with  
7 applications in 1994, deal with rezoning or SUPs  
8 apparently on a completely different site in 2006.  
9 They aren't relevant. They're prejudicial to  
10 whatever extent they're attempting to show  
11 something that would apply to this site because  
12 they have no applications in this site. But I will  
13 listen to those explanations and I will come back.

14 Next, as I said, walking in tonight and  
15 just being handed that folder of documents, having  
16 last been before the Planning Commission on June 4,  
17 seems odd. It seems odd to me in the fairness of  
18 the process, especially given the wonderful  
19 comments I heard this evening about Staff.

20 And I have thought I have had a good  
21 working relationship with Mr. Wingerson. We've  
22 telephoned one another probably more times than  
23 either of us wish to count, but yet I seemingly  
24 come to meetings only to be surprised.

25 One thing in particular, and as I said,



1 I'll come back up, but the inclusion of the report  
2 from Mr. Helmer, I believe is dated June the 1st.  
3 Again, I saw it tonight. My client has had no  
4 opportunity to see it and we're here on June the  
5 25th.

6 Mr. Holmer is a Planner, to the best of  
7 my knowledge. He is not an R.F. Engineer. He is  
8 not a Site Acquisition Specialist. He has no  
9 experience or background in the communications  
10 industry, yet he is proffered to you a report,  
11 apparently to take issue with licensed Radio  
12 Frequency Engineers who have studied these models  
13 and produced computer analyses. And he apparently  
14 is going to offer his opinion in substitute for  
15 theirs.

16 Again, I find that very odd and very  
17 disturbing in terms of the process. To be handed  
18 that tonight without any opportunity to do what we  
19 most assuredly could, and that is cut into the meat  
20 of what's being stated there.

21 Now, let me get to our application.  
22 Garth Adcock is the Director of Real Estate for T-  
23 Mobile. He's with us this evening. Ed Michaels is  
24 with Selective Site Consultants. He is with us  
25 this evening. Mr. Michaels did all of the site

1 acquisition work, which I'm going to explain to you  
2 in a moment.

3 I also have Vince Christofano with me  
4 this evening who is a Radio Frequency Engineer and  
5 who has done many of the profiles in the studies.  
6 There's a statement in the Staff Report that I only  
7 received tonight in this packet that says we didn't  
8 provide to the Staff a propagation study at the 77-  
9 foot high tower. I think that's an error.

10 We've explained numerous times and, in  
11 fact, the very document that is a propagation study  
12 at 77 feet is part of the exhibits that Counsel  
13 just went through. So, indeed, we have done that  
14 propagation study.

15 But let me get to the history of this  
16 tower. The tower itself came before you, before  
17 you meaning the City in an application, at 140  
18 feet. A very high tower. I am relatively familiar  
19 with the case that's been attached as an exhibit.  
20 And, again, a case which has no relevance  
21 whatsoever to the matters before you.

22 But the tower in that case, where the  
23 City denied the permit, was 164 feet tall. It was  
24 a case where there was an application that received  
25 a protest petition from your residents signed by

1 more than 200 people.

2 In this particular case, at the Knights  
3 of Columbus, we've had numerous meetings. We've  
4 had the required neighborhood meeting. We've had  
5 two Planning Commission Hearings. There was one in  
6 April and then one in June. There has not been a  
7 single person appear at any of those meetings to  
8 state in opposition to this tower.

9 As I mentioned, it started at 140 feet.  
10 But what we've learned was, this particular - which  
11 tells you something about the desires, in a perfect  
12 world, of where this tower would be placed and the  
13 height.

14 But what we've learned was, the Aviation  
15 Administration has their own regulations for the  
16 flight path that involves Downtown Airport. And  
17 that total elevation is 1050. It's what you're  
18 limited to. So it doesn't matter what your ground  
19 elevation is. You can't be taller than 1050 above  
20 sea level. The site pad that we are dealing with  
21 now is at 975. Correct?

22 MR. CHRISTOFANO: Yeah.

23 MR. BEELER: In any event, it meant our  
24 tower was going to be limited to - or it may be  
25 973, to get it straight, 75 feet plus we have a

1 lightning antenna of two feet, makes it 77. That  
2 was the application made to the Planning  
3 Commission.

4 I also told the Planning Commission that  
5 in any application for T-Mobile, or any other  
6 communication provider that I've represented over  
7 the years, we applied the AAA standard. AAA  
8 standard is just my acronym for what is acceptable,  
9 what is agreeable, and what is available as a site.

10 Again, Mr. Michaels, that's his  
11 business. That's his speciality. He goes out only  
12 after the Engineers have done their job. So when  
13 we talk about what's acceptable, the engineering  
14 people are looking at this from a 30,000 foot view.  
15 Pun intended.

16 They are looking at the entire network.  
17 And in this case, of course, the Metroplex Network.  
18 And more specifically that it becomes a Northland  
19 and more specifically it ultimately keeps moving  
20 in, moving in, moving in, until we're talking about  
21 this Knights of Columbus site. They're determine  
22 is over that review, that analysis, what is the  
23 area needed for a tower to provide a hole in  
24 coverage.

25 Now, let me say something else. This is

1 not an application that is so much about what we  
2 all started with. in terms of cell coverage, and  
3 that is, what we do in our cars. They were called  
4 mobile phones.

5 Well, the customer base, all carriers  
6 have learned now, the customers are saying, "I  
7 don't just want my phone to work in my car. I want  
8 it to work at home." And, in fact, now that's over  
9 double digits in percentage of people who have  
10 gotten rid of their land line completely and are  
11 working solely on a cell phone basis.

12 So the customers drive the reason for  
13 additional towers, for a fill out of coverage.  
14 These things, as you might expect, are quite  
15 expensive. Carriers don't come to you simply  
16 because they want to spend the money.

17 They're coming to you because they've  
18 either had customer complaints, or something like  
19 that, where they've determined we do have a  
20 weakness here. Someone can't use their phone on a  
21 regular basis.

22 It doesn't mean it doesn't work. It  
23 means that it drops a call accidentally for no reason  
24 and what worked yesterday, doesn't work today. It  
25 means it's garbled. It means sometimes you punch

1 in all the numbers and the call just doesn't  
2 connect. It's any of those things.

3 So the engineering folks do their  
4 homework and they come forth with what's called a  
5 search ring. And a search ring is saying, if you  
6 can locate this tower for us somewhere within this  
7 concentric circle, it will basically provide the  
8 solution to the need we've identified in the  
9 network.

10 Then it's handed over to Mr. Michaels.  
11 They go into the marketplace. And remember, I've  
12 said I've got three As. One's acceptable. So the  
13 search ring defines, can we put it anywhere in  
14 here. That's acceptability from an R.F.  
15 standpoint.

16 Next is, it has to be available.  
17 There's a lot of folks who own property that might  
18 be the perfect site who simply aren't in the  
19 market. They say I'm not interested. They don't  
20 return the phone call. Any number of reasons. I'm  
21 sure he could tell some stories, speaking of dogs,  
22 of where he's been run off of properties. And the  
23 point is, they're not always available.

24 And the third element is, it has to be  
25 agreeable. So even if it's available, if they want

1 a million dollars to locate a tower there, it's not  
2 an economical - economically viable project. So  
3 we've identified all of these areas.

4 Then we work with the Staff. We found a  
5 site. It's available. It's agreeable. It's  
6 acceptable. And the Staff sometimes, as Mr.  
7 Wingerson did, says, you know, "I understand that.  
8 It looks okay to me. But I maybe think it might be  
9 better over here."

10 We go back to the drawing board. We  
11 find out first and foremost, is it acceptable from  
12 an R.F. standpoint. Because it doesn't really  
13 matter if that doesn't work. We're not solving the  
14 problem.

15 So in this case, Mr. Wingerson had  
16 suggested Flora Park. Well, we had a to do, for  
17 lack of a better term, at the Planning Commission  
18 the first time. We all got emotional, myself  
19 included in that, and we decided to back down a  
20 step and have a continuance and everybody settle  
21 down and try to revisit the information. And we  
22 did that.

23 We then had a good meeting and we went  
24 to the Flora Park site. Not just Mr. Wingerson and  
25 myself, but we brought the experts. We brought the

1 R.F. folks. We brought the site at folks. And we  
2 got out the flood plane maps. And we took a look  
3 at those things.

4 Interestingly, one of the exhibits that  
5 was in the packet I was handed tonight, is that  
6 flood plane, well, it's not a flood plane study,  
7 but the flood plane is highlighted on the aerial  
8 view. And there are a number of red dots. And  
9 frankly I don't know what those are meant to be.  
10 They're not identifiable pieces of property, but  
11 they're red dots down in the Flora Park area.

12 And from the best I can see there,  
13 traveling down Flora, the first red dot that's  
14 marked over there at 918 feet is beyond where we  
15 had our meeting, but not too far away. We have  
16 determined through our site folks that where we  
17 were standing, literally, to have our meeting,  
18 which was right next to the roadway, right across  
19 from that school, was about 925 feet.

20 These numbers are slightly greater or  
21 it's a lesser elevation even than we thought it  
22 was. But what you can quickly see when you look  
23 back down to the site that we're here about  
24 tonight, which is at 976, it's 60 feet lower by the  
25 City's own exhibit at Flora Park. We thought it



1 was roughly 50 when we were making the Planning  
2 Commission presentation on June 4th.

3 But the point is this, I told you that  
4 we can't go above 1050, due to FAA regulation. So  
5 if we wanted to have a tower at the same height as  
6 it is at 77 feet at the Knight site, and we wanted  
7 to do that same tower at Flora Park to, again, have  
8 the same height for coverage purposes, we have to  
9 take that tower up to, it appears from this, 136  
10 feet.

11 So the same tower at 77 feet at Knights,  
12 due to ground elevation, would have to be 136 tall  
13 to provide the same type of coverages at Flora. We  
14 then said, all right. We know that. Obviously,  
15 that's a much bigger tower. Most governmental  
16 entities, if you can get a shorter one, that's your  
17 preference, but we'll take a look at that. We said  
18 we would. Now, let's find out about coverages.

19 So what we did is, we had our  
20 Engineering Staff determine the number of homes  
21 that are served from each of those locations by  
22 those towers, at those heights. And the answer is,  
23 it's about 1,000 homes that are served from the  
24 Knights of Columbus site and about 750 from the  
25 Flora site.

1                   The point being, for a tower that is 40  
2           percent taller, you're going to get 25 percent less  
3           in-home coverage. That's not meeting the goals  
4           that anybody has. Certainly not the carrier.  
5           Certainly not the customer base asking for the  
6           coverage. And I would think also not for the City  
7           either, but I will let Mr. Wingerson and his Staff  
8           speak for themselves. But the exhibit  
9           demonstrates, unequivocally, what those elevation  
10          changes mean to an Applicant.

11                   The next thing, and again in the  
12          exhibit, I mentioned there is a propagation study  
13          that is done for this particular tower at 77 feet.  
14          And if you note, the location that we're here  
15          about, it's virtually in the center of the green  
16          area that's in the propagation study. And I'll  
17          just submit to you that green means good things in  
18          terms of in-home cell coverage. It means basically  
19          that under the criteria, you effectively have good  
20          in-home coverage.

21                   Let me say one other thing, and I think  
22          this exhibit also shows this quite well, you'll see  
23          that when you really let - forget search rings,  
24          which are concentric circles, anywhere within  
25          this circle would probably be acceptable. When you

1 put the real computer to work, there is nothing  
2 concentrical about it. The edges are rough and  
3 poorly defined.

4 The point is, and I used this example at  
5 the Planning Commission, these analyses are much  
6 like jigsaw puzzles, except the pieces aren't  
7 precut for you. There is almost no possibility,  
8 aside from gross overlap, meaning two towers  
9 probably too closely located to one another, where  
10 each is reaching out over the other's coverage  
11 area.

12 Absent that, there's really no  
13 possibility of providing complete coverage  
14 everywhere, every time. There's always going to be  
15 a few gray areas in the coverage. And we've all -  
16 we all know it. Because I assume we all carry a  
17 phone, just like I do, and we're driving along and  
18 everything is fine, especially most days it's  
19 always fine, and just (snapped fingers) and no  
20 one's there. We've all seen the commercial. And  
21 it's a true - it's a truism and likely not one to  
22 be solved.

23 But the point is, these carriers study  
24 this at great expense over much time to determine  
25 where the areas are truly deficient and where they

1 need additional in-home coverage. That brings us  
2 back here.

3 So again, at the Planning Commission, I  
4 made these presentations. I frankly kind of  
5 thought we were beyond the Flora Park issue only to  
6 again see it here tonight. Flora Park is not  
7 acceptable from an R.F. standpoint. It also -  
8 there's no agreement to go at Flora Park under any  
9 set of circumstances. No one has even offered a  
10 deal at Flora Park. But more importantly, the  
11 facts are simply, it's not the right place for the  
12 coverage.

13 The Knight site fits the network. It is  
14 an available site and it's agreeable. So that left  
15 it to the wisdom of the Planning Commission to  
16 discuss. And frankly there were three points made.  
17 I note that you have been provided a transcript. I  
18 commend that to your reading. I doubt any of you  
19 have had the opportunity yet to read it, but it's  
20 late night reading, at best. But you'll find that  
21 - I think you'll find there are really three points  
22 that are made.

23 One, and you've all heard this from just  
24 your basic zoning applications, where people gave  
25 the acronym NIMBY. And we all know what that

1 means. Not in My Backyard. We've all heard it.  
2 Anyone whose done this kind of work has heard it.

3 But the comment that was coming out of  
4 the Planning Commission, and this is not meant to  
5 be a joke or to be critical of anybody, but on the  
6 way home I was thinking about that acronym nimbi,  
7 and I came up with NIMC, N-I-M-C, Not in My City.

8 And I say that, because the comments  
9 that were coming out on June the 4th from several  
10 of the Commissioners, certainly not all, in fact,  
11 several voted for this application, but that  
12 comment that was coming out was, "Well, isn't this  
13 tower providing more coverage over in Kansas City,  
14 Missouri than it is in Gladstone?"

15 To which my response was, "Well, I hope  
16 we all understand that radio frequency waves do not  
17 know City boundaries. We're trying to fill a  
18 network out and locate the towers in the best spot  
19 to fill the network out, regardless of whether  
20 they're in your City or in your neighboring City."

21 But it did occur to me that perhaps I  
22 hadn't done as well - as good a job as I should  
23 have in explaining to the Commissioner that you do  
24 realize there are other cell towers not located in  
25 your fair City providing extensive coverage in the

1 City.

2 So I asked the R.F. Engineer to draw  
3 something up and I want to at least offer it for  
4 your consideration. With apologies to Mr.  
5 Wingerson, I'm going to use the edge of his desk.  
6 All this is, ladies and gentlemen, within the  
7 fuchsia area that's described on the document,  
8 that's your City boundaries from an overview.

9 And in that City boundary, I asked Mr.  
10 Christofano to locate towers of T-Mobile's that are  
11 providing coverage in Gladstone today, even though  
12 they're not physically located in Gladstone, and  
13 they're denoted by the blue triangular pieces.

14 And what I can tell you is, on this map  
15 right here, there are eight of them all around the  
16 perimeter of your City. And I've asked him, of  
17 course, to tune this to make the coverage point at  
18 Gladstone, because obviously these towers point all  
19 directions, so there's coverage reaching out from  
20 there, but the coverage from outside your City to  
21 your City, there are eight existing towers today.  
22 Only two T-Mobile towers are actually physically  
23 located in your City. One is on a water tower and  
24 one is the Kansas City Power and Light complex.

25 So to the extent that the Commissioner

1            somehow thought that, well, if there's more  
2            coverage in Kansas City, it ought to be in Kansas  
3            City, I'm just suggesting that rather narrowly  
4            defines what we're trying to accomplish.

5            And certainly we didn't use that analogy  
6            in reverse when we located eight other towers in  
7            the network, from that 30,000 foot perspective, to  
8            provide good in-home coverage to Gladstone  
9            residents.

10           The second point was raised by a  
11           Commissioner that, "Well, I think that the Knights  
12           of Columbus are trying to sell their property and,  
13           therefore, I don't think we ought to be locating a  
14           cell tower there because they're going to be  
15           selling it." Well, that was news to me.

16           And I had spoken to the Knights of  
17           Columbus residents, but in abundance of caution, I  
18           asked Mr. Michaels to revisit the issue with the  
19           Knights' representatives. And they have, and he's  
20           here tonight to verify that conversation, their  
21           property is not for sale and has not been for sale.  
22           They considered, about three years ago, what all of  
23           their alternatives might be, but they never placed  
24           the property for sale and have never intended to  
25           sell it. Have I fairly represented that?

1 MR. MICHAELS: I cannot say for sure they  
2 never placed it for sale.

3 MR. BEELER: Okay.

4 MR. MICHAELS: They may have, but I'm not  
5 aware of it.

6 MR. BEELER: But three years ago.

7 MR. MICHAELS: At least.

8 MR. BEELER: All right. So I hope that  
9 there is no confusion about that at this point.  
10 And the last element was that the placement of the  
11 tower at the Knight site might create a further or  
12 a continuing hole of coverage further to the north.

13 And I tried to explain that night that,  
14 while - and I've already said for you folks this  
15 evening, there's going to be holes in the coverage.  
16 There's only so much that can be done about that at  
17 this stage of technology.

18 But I can tell you this much, and the  
19 R.F. Engineer is here to verify, if we move the  
20 coverage further to the north on a site that isn't  
21 identified, I mean, there's no available,  
22 accessible, agreeable site for us at this point in  
23 time, but even if there were, the R.F. folks can  
24 verify for you that the hole that would be  
25 remaining, and hole is a difficult term, but a gap.



1 just an area where the coverage isn't what it  
2 should be, they will tell you that that gap will be  
3 greater in our network to the south, than if we  
4 locate on the Knight site. How do you we net all  
5 this out? We're offering - oh, and I've left out  
6 one item. And that is, sometimes the R.F. needs  
7 are such, and I know you all have dealt with this,  
8 that a full tower height, the standard 140/150  
9 tower with a full platform and array of arms of the  
10 antennas, sometimes it's necessary. That's what  
11 the R. F. need is.

12 Here, and principally working with Mr.  
13 Wingerson, we have tried our best to - because  
14 there is a neighborhood right next door, again a  
15 neighborhood that has proposed no opposition  
16 whatsoever at this point in time, we've not only  
17 lowered the tower to 77 feet, but we've made it  
18 completely stealth. That's our meaning. It just  
19 has a cone on it and the antenna is within the  
20 cone, within the pole. There's no platform.  
21 There's no array. There's not even the antennas  
22 that affix to the outside of the pole, which is  
23 another application we're working with Mr.  
24 Wingerson on. So it is the most stealth of stealth  
25 varieties. It's 77 feet, so it's 40 percent less

1           than it would be at Flora Park and it provides a  
2           greater array of coverage. We have a willing  
3           Applicant on virtually a perfect site that has no  
4           opposition.

5                       Now, we came to the proceeding tonight.  
6           There's a court reporter. We have Counsel talking  
7           about swearing in witnesses. To the extent that  
8           anybody thinks that my client has threatened anyone  
9           or suggested anything, that would be incorrect. We  
10          are in the process as written by your rules. And  
11          we've worked with your Staff diligently to come to  
12          the right conclusion.

13                      But this is an important site to us.  
14          All the applications that we bring you here in  
15          Gladstone are important to us and we hope you  
16          understand that. And we hope also that you won't  
17          be swayed by a pile of exhibits that we haven't  
18          even seen and I doubt that you have and certainly  
19          the Planning Commission didn't have. It just seems  
20          odd, again.

21                      With that, Mr. Mayor, I will be happy to  
22          answer any questions of the Council. And then  
23          other than that, I'll resign myself to come back  
24          after Mr. Wingerson's presentation.

25                      MAYOR SMITH: Any questions of Mr.

1 Beeler?

2 COUNCILWOMAN RUDI: Yeah. I have a lot  
3 of questions.

4 MAYOR SMITH: Okay.

5 COUNCILWOMAN RUDI: First of all, you  
6 talked - we'll just deal with this one first of  
7 all. The exhibits that you haven't seen from the  
8 City leads me to the question. the one that you  
9 just brought with the fuchsia and the purple, has  
10 our City Staff seen that one?

11 MR. BEELER: The location of towers  
12 outside the City?

13 COUNCILWOMAN RUDI: Outside.

14 MR. BEELER: No. That's just fact  
15 information.

16 COUNCILWOMAN RUDI: Okay. Just fact.  
17 Can you tell me, this 77-foot pole, how many  
18 stories would that be if it was a building? Can -  
19 or any of your colleagues--

20 MR. BEELER: Well, my general  
21 understanding of stories is that it varies  
22 depending upon what you're trying to identify them  
23 for. And I'd be hesitant--

24 COUNCILWOMAN RUDI: Okay. If it was a  
25 house with an eight-foot ceiling in each room, how

1 many stories would that house be?

2 MR. BEELER: The top of the roof line,  
3 I'd - it's been a Planning Commission and City  
4 Council day for me. I was in Overland Park all  
5 afternoon and there was an application in there  
6 today where the top of the ridge line in the roof  
7 was 70 feet and it was a five-story facility. And  
8 again, all we're talking about here is a gray pole.

9 COUNCILWOMAN RUDI: I just - I need  
10 something that give me a perspective. That's what  
11 I'm looking for. And then regarding the FAA...

12 MR. BEELER: He's just reminding me. As  
13 I said, the diameter of the top of this pole is  
14 this big, 24 inches.

15 COUNCILWOMAN RUDI: I'm just trying to  
16 get an idea of the height. Regarding the FAA  
17 regulation.

18 MR. BEELER: Yes, ma'am.

19 COUNCILWOMAN RUDI: It's 1,050--

20 MR. BEELER: Feet.

21 COUNCILWOMAN RUDI: --feet.

22 MR. BEELER: Above sea level.

23 COUNCILWOMAN RUDI: Has anyone contacted  
24 them? Do they ever offer a variance or any kind of  
25 special...

1 MR. BEELER: I guess I should never say  
2 never, but I've rarely see much cooperation out of  
3 the FAA when it comes to that kind of thing.

4 COUNCILWOMAN RUDI: So you haven't  
5 contacted them?

6 MR. BEELER: Yes, ma'am. We have.

7 COUNCILWOMAN RUDI: In this--

8 MR. BEELER: In this proceeding. We have  
9 a letter from the FAA, which I think we've shown to  
10 Mr. Wingerson.

11 COUNCILWOMAN RUDI: Is that in my packet?

12 MR. WINGERSON: No, ma'am.

13 COUNCILWOMAN RUDI: And this - this is  
14 the propagation study for the 77-foot pole?

15 MR. BEELER: Yes. It is.

16 COUNCILWOMAN RUDI: I also have - by the  
17 way, I've read all this material.

18 MR. BEELER: I congratulate you.

19 COUNCILWOMAN RUDI: It was long and I  
20 don't do it in the middle of the night.

21 MAYOR SMITH: And I knew she had done  
22 that.

23 MR. BEELER: I find myself having to do  
24 it in the middle of the night, so I congratulate  
25 you.

1 COUNCILWOMAN RUDI: Are any of these  
2 three - this is an existing T-Mobile coverage?

3 MR. BEELER: Yes. It is. That's a  
4 propagation showing existing coverages.

5 COUNCILWOMAN RUDI: Okay. Are any of  
6 these three - one says was 150 foot site at Flora  
7 and the other says 120 foot site at Knights of  
8 Columbus. Would this study be equivalent to this  
9 with the blue and the green?

10 MR. BEELER: The one in your right hand  
11 is the last one done to show the change by reducing  
12 the height of the tower from 120 to 77.

13 COUNCILWOMAN RUDI: These are easier to  
14 read for a future reference, but - for me.  
15 Although, we do have one Councilman for whom colors  
16 are useless, so...

17 COUNCILMAN BEER: I'm not exactly  
18 useless. Sometimes difficult. (laughter)

19 MR. BEELER: No matter what time of night  
20 you read.

21 COUNCILWOMAN RUDI: Can this pole be used  
22 by more than just your company?

23 MR. BEELER: Yes. I will tell you that  
24 the taller the facility, the more opportunity there  
25 is for co-location, due to the separation

1 requirements between carriers.

2 COUNCILWOMAN RUDI: How many users could  
3 be on this pole?

4 MR. BEELER: I'm mean, effectively two.

5 COUNCILWOMAN RUDI: So yours and one  
6 other?

7 MR. BEELER: Yes, ma'am. I do have that  
8 FAA letter, if you would like that.

9 COUNCILWOMAN RUDI: I would like to see  
10 it.

11 MR. BEELER: May I approach, Mayor?

12 MAYOR SMITH: Please. Thank you.

13 COUNCILWOMAN RUDI: I think I'm going to  
14 have several other questions. Did we get a map of  
15 your search ring at all? Have we seen that? I've  
16 got so much that I didn't remember which one I read  
17 and which one I didn't.

18 MR. BEELER: I'm trying to remember if  
19 that's part of the original packet. That's where  
20 it would be if it was at all. I know there were  
21 discussions about an identification of other sites  
22 that were part of the process, but the physical  
23 description and a search ring, I don't know if that  
24 was printed out of our engineering or not.

25 COUNCILWOMAN RUDI: And just - once

1 again, I'm trying to clarify for my own benefit.

2 This tower, or if the tower was at Flora Park, no  
3 matter which location it is, the very top of that  
4 tower could only be 1,050 feet no matter where it  
5 is?

6 MR. BEELER: That's correct. Both of  
7 those sites are within the FAA flight path.

8 COUNCILWOMAN RUDI: So if it's not in the  
9 flight path--

10 MR. BEELER: All of this area is.

11 COUNCILWOMAN RUDI: That helps. That  
12 helps, yes. That's all for me right now.

13 MR. BEELER: It's a band of area. I  
14 could get a definition or a description if you need  
15 it.

16 COUNCILWOMAN RUDI: No. That's okay.

17 MAYOR SMITH: Mr. Beeler, just so I  
18 understand. The propagation study, the green mass,  
19 if this site were located farther north, and  
20 obviously it doesn't move household to household.  
21 Does that green ring, if you will, move with it  
22 more or less? I mean, you may not get this - you  
23 mentioned 1,000 houses, which is 750 houses. I  
24 understand that. But does this move with it? In  
25 other words, is there a greater percentage of



1 Gladstone residents who would benefit by enhanced  
2 service if the tower moved north?

3 MR. BEELER: That's a fair question. I -  
4 again, with hopefully in the understanding that our  
5 analysis, just like those eight towers, is not what  
6 percentage of Gladstone--

7 MAYOR SMITH: Oh, I understand. I'm just  
8 trying to wrap my arms around this thing.

9 MR. BEELER: But theoretically, yes. As  
10 any site moves further north, there is a greater  
11 percentage, "of Gladstone versus some other  
12 resident that might be subject to that coverage".

13 MAYOR SMITH: But, you know, I'm sure  
14 that--

15 MR. BEELER: But another hole in the  
16 network would be created. I mean, as Mr. Adcock  
17 said, site proliferation is an issue for all  
18 communities. And that's one of the elements in the  
19 charges of the R.F. Engineering Department is to  
20 work within the network to try to keep the total  
21 number of sites to a minimum.

22 And while you're - to your question, it  
23 may have a technical yes answer to that question if  
24 it is a proliferation issue by creating another  
25 bigger hole than we have now.

1 MAYOR SMITH: Any questions of Mr. Beeler  
2 at this time?

3 MAYOR PRO TEM REVENAUGH: Yeah. I was  
4 just wondering. I was trying to follow your four  
5 points and I got the not in my city, the Knights of  
6 Columbus trying to sell the property, and the tower  
7 would continue the hole further north. So I missed  
8 one in there somewhere.

9 MR. BEELER: There were only three. You  
10 got them all. Those were the three major issues  
11 that we made note of at the Planning Commission.

12 MAYOR PRO TEM REVENAUGH: So when the  
13 technicians originally decided, hey, we have this  
14 big hole in coverage, you know, north of the river  
15 and they proposed, I imagine they looked at the  
16 size of the hole and then figured out what size  
17 tower they were going to need to fill the hole?

18 MR. BEELER: That's correct.

19 MAYOR PRO TEM REVENAUGH: So to fill the  
20 hole, their recommendation was 140 foot tower?

21 MR. BEELER: Yes, sir.

22 MAYOR PRO TEM REVENAUGH: Originally?

23 MR. BEELER: Yes, sir.

24 MAYOR PRO TEM REVENAUGH: So then they  
25 find out through the FAA that they couldn't put in

1 a 140-foot tower, which is what - ideally, that was  
2 the ideal location. It was available. It was  
3 agreeable.

4 MR. BEELER: Yes, sir.

5 MAYOR PRO TEM REVENAUGH: And at least as  
6 far the company was concerned, acceptable.

7 MR. BEELER: Yes, sir.

8 MAYOR PRO TEM REVENAUGH: But then  
9 because the FAA restriction, then it was like,  
10 well, we can't put in one that's going to - I  
11 assume that wouldn't have necessarily filled the  
12 entire hole either, but maybe a larger percentage  
13 than the next proposal, which is the maximum  
14 height, if I'm getting this right, is 73 feet.

15 MR. BEELER: Seventy-seven.

16 MAYOR PRO TEM REVENAUGH: Seventy-seven  
17 feet. So I guess what I'm curious is, what is that  
18 doing for the hole? How much reduction in hole are  
19 you getting at 77 feet, versus the original 140  
20 feet?

21 MR. BEELER: Do you want to address that?  
22 Do you have a house number?

23 MR. CHRISTOFANO: I'm not sure I  
24 understand the question.

25 MR. BEELER: I think the Councilman is

1 asking, if when that tower was originally reduced  
2 from 140 feet at Knights, down to 77 feet, how much  
3 coverage reduction are we suffering from lowering  
4 that tower by almost half?

5 MAYOR SMITH: All right.

6 MR. BEELER: Have I stated that fairly?

7 MAYOR PRO TEM REVERAUGH: That's exactly  
8 what I was wondering.

9 MAYOR SMITH: If you will. Would you  
10 please identify yourself?

11 MR. CHRISTOFANO: I'm Vince Christofano.

12 COURT REPORTER: Excuse me. Am I  
13 supposed to be swearing these witnesses in?

14 MR. RAMSAY: That was our original  
15 intent.

16 COURT REPORTER: Then, everybody started  
17 talking.

18 MR. BEELER: I'm an officer of the Court  
19 and don't need to be sworn in.

20 COURT REPORTER: Now, we are moving to  
21 someone else.

22 MAYOR SMITH: Want to swear them in,  
23 Counselor?

24 MR. RAMSAY: I think we should. I think  
25 we need to have a formal record.

1

2

(WHEREIN, Mr. Vince Christofano was duly  
sworn-in by the Court Reporter.)

3

4

MAYOR PRO TEM REVENAUGH: State your  
name.

5

6

7

MR. CHRISTOFANO: I'm Vince Christofano.  
I'm an R.F. Engineer for T-Mobile. I've been an  
R.F. Engineer for about two and a half years. I've  
lived in the Northland for a very long time.

8

9

10

MAYOR SMITH: I think you have. So has  
your family.

11

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18

MR. CHRISTOFANO: I went to middle school  
at Antioch over here and went to public schools  
around here. Your question was about the  
difference in coverage at 150 feet as opposed to 77  
feet. I believe - I don't have the exact number.  
I didn't count all the homes that we would lose  
with that, but...

19

20

MAYOR PRO TEM REVENAUGH: Well, I'm  
thinking it must be significant?

21

22

23

24

25

MR. CHRISTOFANO: Well, it is  
significant. In your package there's a prop study  
that was submitted or that was dated on, I believe,  
November 30th. Let me just double check that.

MAYOR PRO TEM REVENAUGH: Does anybody

1 know which thing we're supposed to be looking at?

2 MR. CHRISTOFANO: This one right here,  
3 yeah. So this is in your packages. And this is a  
4 prop study that contains a tower at 120 feet, which  
5 is not 140, but 120 feet less than... So these  
6 yellow areas correspond pretty closely to in-home  
7 coverage at 120 feet and this green area is similar  
8 in-home coverage levels at 77 feet. So I'm not  
9 sure if you guys can take from that how many homes  
10 are not covered, but that's a - that may give you  
11 an idea.

12 MAYOR PRO TEM REVENAUGH: I can't even  
13 tell between this and that.

14 MR. CHRISTOFANO: Okay.

15 MAYOR PRO TEM REVENAUGH: You know--

16 MR. CHRISTOFANO: Right.

17 MAYOR PRO TEM REVENAUGH: I mean, we're  
18 different colors even. And I'm a little bit  
19 colored challenged, to be honest with you, but I  
20 have no clue what we're - what you're trying to  
21 explain to me here.

22 MR. CHRISTOFANO: Well, so let's just  
23 start fresh. What you're holding in your hand,  
24 red, blue and green.

25 MAYOR PRO TEM REVENAUGH: Is it right

1 side up?

2 MR. CHRISTOFANO: No. You have that  
3 upside down.

4 MAYOR PRO TEM REVENAUGH: Okay.

5 MR. CHRISTOFANO: What's in pink there,  
6 is the outline of Gladstone City boundary. And I  
7 guess in the middle line and going across, this  
8 middle line here, that's Englewood Road.

9 MAYOR PRO TEM REVENAUGH: Okay.

10 MR. CHRISTOFANO: Okay. And Flora Park  
11 is running up and down in the middle here in the  
12 green. So with - the intersection of Flora Park  
13 and Englewood Road is very close to the Knights of  
14 Columbus.

15 MAYOR PRO TEM REVENAUGH: That's where  
16 the tower is proposed. Right?

17 MR. CHRISTOFANO: And this green area is  
18 in-home coverage that will be added by the Knights  
19 of Columbus cell tower.

20 MAYOR PRO TEM REVENAUGH: What's the  
21 blue?

22 MR. CHRISTOFANO: The blue coverage is -  
23 the blue coverage are existing in-home coverage  
24 from the towers that are standing already.

25 MAYOR PRO TEM REVENAUGH: Okay.

1 MR. CHRISTOFANO: So that's an  
2 explanation of this.

3 MAYOR PRO TEM REVENAUGH: Of what it is  
4 currently?

5 MR. CHRISTOFANO: The blue is the  
6 current.

7 MAYOR PRO TEM REVENAUGH: Okay. And this  
8 would just be pink. The green would be pink. Is  
9 that what you're saying?

10 MR. BEELER: No. The green, if it's  
11 granted--

12 MAYOR PRO TEM REVENAUGH: Right. But  
13 without the tower--

14 MR. BEELER: Without it, it would be  
15 gray.

16 MR. CHRISTOFANO: It would be--

17 MAYOR PRO TEM REVENAUGH: Gray?

18 MR. CHRISTOFANO: Yeah. There would be  
19 nothing there. It would be just empty, which I can  
20 show you that, as well. I have a prop over there  
21 if you'd like to see it.

22 MAYOR PRO TEM REVENAUGH: So this is  
23 where there is no coverage?

24 MR. CHRISTOFANO: There is - it is not--

25 MAYOR PRO TEM REVENAUGH: No in-house



1 coverage?

2 MR. CHRISTOFANO: In-home coverage is not  
3 guaranteed in those areas.

4 MAYOR PRO TEM REVENAUGH: Okay.

5 MR. CHRISTOFANO: This is not - it's not  
6 at a level that we find acceptable to penetrate  
7 homes.

8 MAYOR PRO TEM REVENAUGH: Okay. So with  
9 - and this is the proposed in-home additional  
10 coverage area at 77 feet?

11 MR. CHRISTOFANO: Correct.

12 MAYOR PRO TEM REVENAUGH: Okay. So I  
13 guess the question I have is, what is this circle  
14 going to look like if you had your originally  
15 proposed, this is - this is the tower we need. We  
16 need 120, 140 feet. And with that, we're going to  
17 cover X percent somewhere more in-home coverage.

18 And so what I'm trying to get at is,  
19 what is that reduction from 140 foot tower, which  
20 is what you originally wanted, because that's what  
21 the experts say we need to fill as many of this  
22 hole - or as much of this hole as we can, what I'm  
23 trying to get at is, you know, you've had to reduce  
24 your coverage height by almost 50 percent, so  
25 correspondingly, you know, how much smaller

1 coverage area are you actually going to enjoy by  
2 having this reduced tower?

3 MR. CHRISTOFANO: I don't know the exact  
4 number, but I do know it was maybe a few hundred,  
5 maybe two to 300 homes. That's just a vague  
6 recollection. I'd have to...

7 MAYOR PRO TEM REVENAUGH: Out of a  
8 thousand?

9 MR. CHRISTOFANO: Well, so a thousand--

10 MAYOR PRO TEM REVENAUGH: Around 1300?

11 MR. CHRISTOFANO:--it would have been  
12 1300. But that's a - again, I don't know for a  
13 fact.

14 MAYOR PRO TEM REVENAUGH: Right. Here's  
15 what I'm saying is, that when you originally did  
16 this with your 140-foot tower, you would have come  
17 up with some kind of coverage area, you know, that  
18 would say, wow, look at - look at all the holes  
19 we're going to fill with this 140-foot tower. But  
20 we're not seeing that. All we're seeing is, well,  
21 it's going to cover this much now.

22 And so I guess, you know, what seems to  
23 be, or at least, you know, I'd like to have a  
24 better understanding is, with a 50 percent  
25 reduction of the ideal tower location, what is it

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1 going - how many fewer homes are going to actually  
2 enjoy in-home coverage as a result of it?

3 MR. CHRISTOFANO: Well, that's a very  
4 good question. I would have to go back and re-  
5 evaluate that to give you a, you know, an answer to  
6 this--

7 MAYOR PRO TEM REVENAUGH: Okay.

8 MR. CHRISTOFANO:--that's true.

9 MAYOR PRO TEM REVENAUGH: Because you can  
10 understand, you know, as people that are elected to  
11 represent the public, we want to make sure that the  
12 public is going to get as much bang for the buck as  
13 possible. Maybe, this makes perfect sense, but,  
14 you know, it was your Staff recommendation  
15 originally, your Staff, that said, if we're going  
16 to really put one in here, and we're going to go to  
17 the expense, we need a 140 foot tower.

18 And so I'm just wondering, you know,  
19 okay, well, you know, you ran into the FCC thing.  
20 I understand that. Or the FAA. And so we've got  
21 to live with a much smaller coverage area and I'm  
22 just trying to figure out what that is on a  
23 percentage basis. Ballpark. It doesn't have to  
24 be, you know--

25 MR. BEYLER: I think that's a fair

1 question. The only caveat I'd offer is, as much as  
2 we might have wanted to do the 140, we can't. So  
3 its relevance is limited because we cannot do it,  
4 even if we wanted to, and even if it were 100  
5 percent, which to me means then we move to what are  
6 our next alternatives.

7 For example, we now already reduced it  
8 to go to 77 feet from the 140. Well, Vince doesn't  
9 have the exact number. I think your logic's  
10 perfectly accurate. It would have been bigger, a  
11 bigger coverage area at 140, and it's certainly  
12 less at 77.

13 But when we then make a comparison to  
14 Flora Park, or anything else moving to the north,  
15 we lose more homes from where we already are at 77  
16 feet. That's the point that needs to be made.  
17 That's where we have a thousand homes there in that  
18 green area.

19 But if we move to Flora Park, even  
20 though the - and the tower height goes up 40  
21 percent, still staying under the 1050, becomes a  
22 136 tower, the homes served by that 136 in that  
23 location are 750. So we lose 250 homes more than  
24 we already have by moving to Flora Park.

25 MAYOR PRO TEM REVENAUGH: Okay. Well,

1           thank you for that thought.

2                   MR. BEELER: Sure.

3                   COUNCILMAN BEER: Mr. Beeler, you made a  
4           comment that your characterization by the City  
5           Planning Commission, that is, was that not to do  
6           this in our City. Not in my City. And I'm not  
7           sure that your characterization of their concerns  
8           is quite accurate. I think that probably more  
9           accurate would be that they were concerned not that  
10          the tower not be located in Gladstone.

11                   In fact, there was an offer of Flora  
12          Park. Not a formal offer, but the offer certainly  
13          was - or the site was certainly discussed. And the  
14          communication that the Planning Commission was  
15          making was that maybe the Flora Park site would be  
16          more acceptable as a site for Gladstone.

17                   Not that we didn't - that they were  
18          concerned that the tower should not be located in  
19          Gladstone, but rather the tower should be located  
20          where it is most beneficial to Gladstone citizens  
21          and not to say - they were not saying that Kansas  
22          City should not be covered.

23                   What they were saying was, that  
24          Gladstone should be given consideration for  
25          coverage more so by the Planning Commission because

1 they are representatives for the City of Gladstone  
2 and not Kansas City. They can't make decisions  
3 based upon Kansas City's needs.

4 Their basis for a decision is that  
5 decision which best accommodates the citizens of  
6 Gladstone. No one said no tower in Gladstone. No  
7 one said not in my City. And I guess that's kind  
8 of where the questions tonight were being made was,  
9 why not at Flora.

10 And you gave us your rationale for why  
11 not at Flora, but the question I guess has to be,  
12 from my standpoint, knowing that your coverage -  
13 your homes served our not as great overall at the  
14 Flora Park location with 140 foot tower, but that  
15 is it totally unacceptable because there is no  
16 coverage necessary, you know, no - not acceptable  
17 coverage at all. And that's your decision to make.

18 Our decision to make is, what best  
19 benefits Gladstone. That's why I'm hoping that  
20 we'll have some more - some more testimony here  
21 tonight that will provide that rationale.

22 MR. BEELER: Thank you for your comment.  
23 I hold in my hand 300 advocate signatures for the  
24 tower to be located at Knights of Columbus. Most  
25 all, or perhaps it's even all, are Gladstone

1 residents. At least, as I thumb down, beginning  
2 with Dr. Worley, to Danny Wonder, to 300 or 298  
3 others, these folks responded to direct mail.

4 Took their time of their day to explain  
5 where their issues were and how they believe this  
6 tower located at this location would help them.  
7 They aren't paid anything. They weren't given  
8 anything. They were just taking time of their day  
9 to be advocates, which in these types of  
10 proceedings, is rare indeed when they take the time  
11 to do that. We normally hear the negatives.

12 And he's pointing out - and this was  
13 given to the Planning Commission. So it's whoever  
14 responded to this survey. Many of whom are  
15 Gladstone residents. Not all of them are.

16 I'm only comparing that to all the time  
17 and the effort, not only with Staff, but in the  
18 neighborhood meetings, that occurred and the two  
19 Planning Commission meetings, both of which had  
20 public hearings where there weren't any negatives.  
21 These are all positives.

22 So I'm not here to dispute your  
23 interpretation of the Planning Commission record.  
24 Again, it's been transcribed and it says what it  
25 says. And as I said when I made the comment, I

1           wasn't making it to be critical of anybody.

2                     I was simply saying I left with an  
3           impression that, if you could provide us this same  
4           coverage in Gladstone, that's fine. But if you're  
5           providing coverage to residents of Kansas City,  
6           Missouri and if the majority of those households  
7           happen to be in Kansas City, Missouri, locate your  
8           tower over there.

9                     Again, I believe the record is fairly  
10          clear about that. Now, were they saying never,  
11          never. I don't think I have suggested that. And  
12          if that's the inference, I apologize. I don't  
13          think that's so.

14                    You may be correct that someone had the  
15          intention to say that, well, Flora Park is better  
16          for me than Knights. I didn't hear that that  
17          night. But I can tell you that from an R.F.  
18          standpoint and for the fact reasons I've given you  
19          here, it isn't better. And it isn't in the best  
20          interest of the whole to do that.

21                    Maybe there are differences of opinion,  
22          but from my client's standpoint, they've put the  
23          expense into it from the expert standpoint.  
24          They've had the engineering. They've had the site  
25          acc. There is no evidence in this record and there



1           can't be any in the record, that those facts aren't  
2           true as represented.

3                     The propagations are so. The site  
4           analysis is so. And the network location is so.  
5           That's the record. And it would be my hope that  
6           we'll rule on this application based upon the  
7           record as it's provided to you from the experts as  
8           it relates to R.F. Engineering and not speculation  
9           from others.

10                    And that's not critical of anybody.  
11           Folks have differences of opinion. It's just I  
12           hope we can approach this from a record standpoint  
13           of what the studies have been and what they show in  
14           terms of the location of the coverage and then  
15           we'll go from there.

16                    COUNCILMAN BEER: Okay. The records from  
17           the records standpoint, we have a number of  
18           propagation studies that were presented to us.  
19           Some in one color scheme, some in another color  
20           scheme and some in black and white. And from  
21           someone who is less than fully - having less than  
22           full color vision, makes it very, very difficult--

23                    MR. BEELER: I can understand that.

24                    COUNCILMAN BEER: --to be able to  
25           understand what we see.

1 MR. BEELER: And I didn't know that or we  
2 would have changed the--

3 COUNCILMAN BEER: Well, that's beside the  
4 point that even if it were two color schemes, when  
5 one tries to translate one color scheme to another,  
6 I would suggest that that would also be very  
7 difficult to analyze properly and get good feel for  
8 what the actual propagation studies are. And then  
9 when you throw in a black and white, there is  
10 nothing that provides any kind of a clue as to what  
11 the propagation studies actually present.

12 MR. BEELER: I hope you understand,  
13 Councilman, that packet of exhibits came from your  
14 Staff. Not from us. Those are things that we've  
15 discussed with them and we've narrowed this - this,  
16 again, started at 140. But working in cooperation  
17 with your Staff, it's now at 77.

18 Mr. Wingerson asked, himself asked,  
19 would you do another propagation that just shows  
20 the coverage from the 77-foot tower. We did as  
21 instructed. That's what the document with the  
22 green is. That's not an attempt to confuse anyone,  
23 sir.

24 COUNCILMAN BEER: I wasn't suggesting you  
25 were intentionally trying to confuse anyone.

1 MR. BEELER: We were trying just to

2 cooperate with Mr. Wingerson's request.

3 MAYOR SMITH: What I might suggest.

4 First, Mr. Beeler, let me give you back this FAA  
5 letter and note that we made a copy and if someone  
6 would give me an exhibit number, I'd be happy to  
7 add it to the pile.

8 (WHEREIN, Exhibit 24 was marked for  
9 identification by the Court Reporter.)

10 MAYOR SMITH: What I might suggest is,  
11 that unless you have some other information to  
12 present, we'll let Mr. Wingerson present the  
13 information he has and then allow you to speak to  
14 that and we'll get all the facts on the table  
15 before we discuss it further.

16 MR. BEELER: Where would you like the  
17 advocate letters for the record?

18 MAYOR SMITH: Let me ask you, did you  
19 receive any negative responses?

20 MR. BEELER: A couple.

21 MAYOR SMITH: A couple.

22 MR. BEELER: Three or four. A couple.

23 MAYOR PRO TEM REVENAUGH: Can I ask one  
24 more question of Mr. Beeler before he goes?

25 MAYOR SMITH: Sure.

1 MAYOR PRO TEM REVENAUGH: With the  
2 current proposed tower at 77 feet, you said you'd  
3 pick up maybe a thousand homes.

4 MR. BEELER: Yes, sir.

5 MAYOR PRO TEM REVENAUGH: How many of  
6 those homes are existing T-Mobile customers?

7 MR. BEELER: I don't know the answer to  
8 that. Again, that's just done over a roof top  
9 count on what coverage is being gained that isn't  
10 in the system right now. So if they have T-Mobile  
11 phone and use it at work or whatever, I couldn't  
12 identify that.

13 MAYOR PRO TEM REVENAUGH: Okay. So I was  
14 just wondering, because I'm sure they, you know,  
15 they have that information. You know, they know  
16 exactly who their customers are and where they are.  
17 I would just be interested in knowing that, you  
18 know, how many T-Mobile customers are going to be  
19 affected out of this thousand home additional  
20 coverage. Is that fair?

21 MR. BEELER: Sure. I understand.

22 MAYOR PRO TEM REVENAUGH: Thanks.

23 MAYOR SMITH: Mr. Wingerson.

24 MR. WINGERSON: Thank you, Mr. Mayor.  
25 I'm going to start in a rather non-traditional

1 fashion.

2 MAYOR SMITH: Excuse me. Mr. Wingerson,  
3 would you be sworn as a witness?

4 MR. WINGERSON: Sure.

5 (WHEREIN, Mr. Scott Wingerson was duly  
6 sworn-in by the Court Reporter.)

7 MR. WINGERSON: Mr. Mayor and members of  
8 the Council. My name is Scott Wingerson, currently  
9 Assistant City Manager for the City of Gladstone,  
10 Missouri. I, speaking today how time flies, I  
11 think I was hired in 1996 as a Planning and  
12 Development Director.

13 Prior to that time, I was the Assistant  
14 City Planner and Technical Services Coordinator in  
15 a town called Gulfport, Mississippi on the  
16 Mississippi Gulf Coast. Went through a rather  
17 large expansion. So throughout my career,  
18 including obtaining a Master's Degree and a  
19 Bachelor's Degree, I've worked in the area of  
20 Planning and Development in municipal affairs.

21 As I start, I'd like to start in a non-  
22 traditional kind of manner and first start with  
23 some apologies and talk to you about what this case  
24 is not about to be perfectly clear. I'd first like  
25 to apologize to the audience.

1 Many of the exhibits I'll talk about  
2 will not be in a format to present on a large scale  
3 to the audience. However, I would volunteer to sit  
4 down with any member of the audience and go over  
5 those exhibits in small groups or individually, if  
6 that's necessary.

7 Also, I'd like to apologize to the City  
8 Council. The copies may not be perfectly aligned  
9 in your packet. Some of them are black and white,  
10 as Mr. Beeler said.

11 And I - finally, I'd like to apologize.  
12 I have a long presentation. We have already been  
13 in this hearing a long time. My presentation will  
14 not serve to abbreviate the proceedings here  
15 tonight.

16 The application is not about two things.  
17 Number one, it is not about the great work that the  
18 Knights of Columbus does. We all recognize that in  
19 Gladstone and throughout Kansas City and the  
20 country, the Knights of Columbus perform  
21 outstanding work in a lot of different areas.

22 It's also not about the basic provision  
23 of wireless service in the Northland or  
24 specifically in the City of Gladstone. We have  
25 supported consistently the provision of wireless

1 communication, whether it be T-Mobile, which I'll  
2 talk about more in a minute, Verizon, Cingular,  
3 Cricket, you name them, they provide service here  
4 in the City of Gladstone and throughout the  
5 Northland.

6 Staff has four major themes to talk to  
7 you about tonight. Land use, property values,  
8 alternative locations, and the expansion of an  
9 existing service, the availability of overall  
10 service throughout the City and the overall need  
11 for a telecommunications tower at this location.

12 Those are the same themes, the same  
13 thread, that was provided to the Planning  
14 Commission. In the presentation, I'll try and  
15 methodically step through any of the submitted  
16 exhibits. Unfortunately, that will require a lot  
17 of reading from me.

18 And I'll also try and explain some of  
19 the exhibits that Mr. Beeler has started to  
20 explain. I also request the ability to summarize  
21 at the end of the presentation after any public  
22 comment or Mr. Beeler's objections.

23 And the goal for tonight is to ask the  
24 City Council to make a motion in support, as is  
25 your custom, a motion to support the special use

1 permit and to direct Staff to create a written  
2 findings of fact and conclusion of law consistent  
3 with your discretion on during the public hearing  
4 and ultimately with your vote on a motion.

5 Mr. Beeler, I will try and pause after  
6 each exhibit to give you a chance to speak, if  
7 you'd like to, and I'll move out of the way. Fair  
8 enough?

9 MR. BEELER: I think the Mayor asked that  
10 I respond after you're done.

11 MAYOR SMITH: The two of you decide which  
12 is best--

13 MR. BEELER: I'm sorry, Mayor.

14 MAYOR SMITH: --to serve the expedition  
15 of the process and we'll go accordingly.

16 MR. BEELER: Mr. Mayor, just for the  
17 record. Again, I don't purport to know how the  
18 Council normally handles these matters. I can only  
19 speak to my experience, which is not insignificant  
20 in these matters. And generally the Staff always  
21 presents their position first and the Applicant  
22 responds and then the Staff can wrap up if they  
23 like.

24 As I understood your direction tonight,  
25 it was for them to do that, which Council made the



1 presentation of the exhibits, and then I was  
2 invited to make my presentation. I think it's  
3 inappropriate and I object, for the record, to Mr.  
4 Wingerson now making a presentation that  
5 effectively I don't have the opportunity to respond  
6 to. I think that violates the standard process of  
7 this City, as well as any that I'm used to.

8 And so I'm finished with my statement  
9 for the record and I apologize.

10 MAYOR SMITH: Sure.

11 MR. BEELER: I do have some objections to  
12 these exhibits and I've understood that his  
13 position now was to be to explain the exhibits that  
14 he's provided to you and then for me to offer any  
15 objections that I have. And it sounds as though,  
16 from that introduction, that he intends to do  
17 something far different than that, which again I do  
18 object to.

19 MAYOR SMITH: Mr. Wingerson, I would like  
20 for you to not pause and give him an opportunity  
21 respond point by point. We will allow him to do so  
22 at the end, as we discussed earlier.

23 MR. WINGERSON: Thank you, Mayor.

24 First exhibit is simply the City of  
25 Gladstone application, checked the special use

1 permit box.

2 The second exhibit is simply the T-  
3 Mobile application.

4 I believe the third exhibit is a Staff  
5 report. And if I can get out of order slightly, I  
6 hope you'll forgive me and correct me.

7 The Applicant is T-Mobile Central, LLC,  
8 doing business as T-Mobile. The owner is F.R.A.H.,  
9 Inc., Knights of Columbus Hall. The Architect in  
10 this case represented is Selective Site  
11 Consultants. The address of the property is 1500  
12 Englewood Road. General location of the property  
13 is Englewood Road and North Flora.

14 The current zoning of the property is  
15 R-1 single family residential. It's been zoned R-1  
16 since 2005. That is based - zoned R-1 far longer  
17 than that; however, it is based on the Council's  
18 adoption of a new comprehensive zoning map from the  
19 City. It's also subject to - the property is  
20 subject to a special use permit issued to the  
21 Knights of Columbus originally in 1994, renewed in  
22 1997.

23 On December 7, 2006, the Applicant filed  
24 an application requesting a special use permit to  
25 allow construction of 140 foot stealth flagpole

1 type monopole at 1500 Englewood Road. Staff  
2 reviewed the site selection proposal and made a  
3 recommendation for an alternative site. This site  
4 is to the north of the current proposal at Flora  
5 Park East in Gladstone.

6 On January 3, 2007, the Applicant met  
7 with City Staff and presented a propagation and  
8 study report for the proposed site at the Knights  
9 of Columbus Hall, along with a propagation study  
10 for the alternative site requested by Staff.

11 In the report, the Applicant states, "It  
12 will be shown that a site at the Knights of  
13 Columbus Hall location will improve T-Mobile's  
14 coverage deficiency, while at the Flora Park  
15 location will not."

16 After reviewing the alternative site,  
17 the Applicant requested a special use permit to  
18 allow construction of a monopole with antennas  
19 mounted at 120 feet and materials related to the  
20 application were attached to the report provided to  
21 the Planning Commission.

22 On April 13, 2007, prior to the  
23 submittal of this report to the Planning  
24 Commission, the Applicant made changes to the  
25 current tower design.

1 In a letter submitted to Staff on April  
2 13, 2007 by Selective Site Consultants states,  
3 "T-Mobile's Radio Frequency Engineers have re-  
4 evaluated the above referenced site and feel that  
5 they can obtain and meet their minimum coverage  
6 objective with a 75-foot flagpole style monopole."  
7 And we'll actually reference that specific letter  
8 in just a minute.

9 Currently the Applicant is requesting  
10 approval of a 75-foot tower to be located at the  
11 Knights of Columbus Hall. The Applicant requests  
12 consideration of a special use permit, which would  
13 allow the construction, operation and maintenance  
14 of a 75-foot wireless communication monopole.

15 Prior to discussing the specifics,  
16 please consider the following information relative  
17 to the 1996 Telecommunication Act. Much of this  
18 was provided to the Planning Commission during  
19 their public hearing process.

20 The Act establishes a comprehensive  
21 framework for the exercise of jurisdiction by state  
22 and local zoning authorities over the construction  
23 modification and placement of a facility such as  
24 Towers for Cellular, personal communication  
25 services, and specialized mobile radio

1 transmitters.

2 Section 704 of the 1996 Act specifically  
3 preserves the authority of state and local  
4 governments to regulate the siting modification and  
5 removal of such towers within their jurisdiction.

6 Section 704 preserves local zoning  
7 authority, while also clarifying the exercise of  
8 local zoning authority may be preempted by the FCC,  
9 it prohibits any action that would unreasonably  
10 discriminate between different providers of  
11 equivalent personal wireless services and it  
12 provides - it prohibits, I'm sorry, any action that  
13 would have the effect of prohibiting the provision  
14 of personal wireless service.

15 Also, in Section 704, it requires local  
16 governments to act in a reasonable time and  
17 requires that the denial of applications be in  
18 writing and supported by substantial evidence  
19 contained in the written record.

20 It's important to understand that  
21 Gladstone is substantially served by wireless  
22 services. The Applicant leases different locations  
23 within the City and outside of the City in Kansas  
24 City, Missouri.

25 Further, Verizon, T-Mobile, Cingular,

1 which is AT&T, Sprint/Nextel are located at the  
2 Linden tower and the water treatment plant and the  
3 Antioch tower. Cricket is also located at the  
4 Antioch water tower.

5 In addition, within the past year, the  
6 City has approved construction of a new tower by  
7 T-Mobile near 72nd and North Euclid. All the  
8 leases on public property have been negotiated to  
9 be competitively neutral and clearly the City has  
10 not taken any action, whatsoever, which would ban  
11 the installation of wireless facilities in this  
12 community.

13 Materials provided by the Applicant  
14 indicate that this request is designed to increase  
15 service or even expand service. This is an  
16 important point in considering the appropriateness  
17 of the special use permit request.

18 The Applicant states in the application  
19 material, "The primary communication objective of  
20 T-Mobile in placing a facility at this location, is  
21 to provide adequate in-home and in-building  
22 coverage to these existing residential areas and  
23 vehicular traffic in all directions of the proposed  
24 site."

25 The report also states, "Wireless

1 carriers are constantly expanding and improving  
2 their networks in order to keep their competitive  
3 edge." Based on this information, it is clear that  
4 the purpose of the request is to increase existing  
5 service.

6 The Applicant's propagation study  
7 indicates a coverage deficiency from Shady Lane  
8 Drive to 52nd Street from north to south and  
9 between Troost Avenue and Antioch from east to  
10 west.

11 As stated earlier in the report, Staff  
12 provided the Applicant with an alternative site  
13 within the City of Gladstone. Concerns also exist  
14 regarding overall compatibility, in terms of the  
15 surrounding land uses. Significant amount of  
16 surrounding residential population will be affected  
17 by this request.

18 The City of Gladstone encompasses nearly  
19 nine square miles, much of which is built up and  
20 will be subject to in-fill or redevelopment in the  
21 coming years. Taking prime developable land out of  
22 its current land use classification, is not the  
23 future vision of the City. As a result, this  
24 request is not compatible with surrounding land  
25 uses.

1 In terms of housing impacts, the  
2 Applicant states in the initial report, "One of the  
3 primary issues raised at zoning hearings for  
4 telecommunication towers is the fear that property  
5 values will plummet and neighborhoods will  
6 deteriorate."

7 Based on specific studies, but not at  
8 this location, around the country, the proposed  
9 facility will have no adverse effect on property in  
10 the area and will not limit the continued use or  
11 additional development of adjacent area property.

12 The Applicant used a paired sales  
13 analysis. This type of analysis compares the sale  
14 price of a home from which a communication tower  
15 was visible to the sale price of a similar home  
16 from which no tower was visible.

17 For example, if a community/neighborhood  
18 was studied by the cell phone company's experts  
19 were not sufficiently similar to the location of  
20 where the tower is being proposed, extrapolation of  
21 this study would be flawed. Staff has not received  
22 a paired sales analysis for the current application  
23 at this location.

24 The City has a substantial obligation to  
25 use its current land resources in the most



1 efficient and compatible manner. It should be  
2 noted that there are numerous reasons why the mean  
3 property values might increase in residential areas  
4 with or without the construction of a  
5 telecommunication tower.

6 These factors can be attributed, but are  
7 not limited to, neighborhood home improvements,  
8 close to transportation networks, rapid population  
9 growth, quality schools, near public amenities, low  
10 crime rate, high quality of life in a community,  
11 surrounded by open space and mature trees, increase  
12 in production or material costs, and supply and  
13 demand of the housing stock in the specific area  
14 we're discussing.

15 Other likely reasons for sustained rapid  
16 price increases of homes include continued low  
17 interest rates, income growth in the general area,  
18 and the impaired impact of speculation in some real  
19 estate markets.

20 Residential property values are site  
21 specific and vary greatly as to the reasons for  
22 their fluctuation. The City of Gladstone is known  
23 throughout the Northland as a quality place to live  
24 and the median home prices reflect this. However,  
25 the main argument in this case is specifically

1 taking residential land out of the market in a land  
2 locked community.

3 I just spoke at length about property  
4 value comparisons and I want you to know that it's  
5 just not your Assistant City Manager talking about  
6 that. Many of you know Staci Hagen. Staci Hagen  
7 is a local residential real estate agent, meaning  
8 the premier, in terms of volume, real estate agent  
9 in the City of Gladstone and a significant agent in  
10 the Northland.

11 I had an opportunity to speak with Ms.  
12 Hagen. And what she said, and I'll quote her, is,  
13 "I'm a licensed real estate agent in the State of  
14 Missouri and Kansas since 1990. I have sold over  
15 500 homes in the Northland area, specializing in  
16 Gladstone and surrounding area. I'm familiar with  
17 the location of Englewood Road and North Floris. I  
18 have listed and sold several homes around that  
19 specific location."

20 MR. BEELER: Excuse me for just a second.  
21 Mr. Mayor, given Counsel's requirement that we  
22 swear witnesses this evening, I object to reading  
23 anything from this witness being offered for  
24 testimony as she's not here to be sworn. It's - in  
25 the vernacular of my business, it's called hearsay.

1 MR. RAMSAY: Well, I think after Mr.  
2 Beeler's extensive presentation of facts well  
3 beyond argument of Council and citations to  
4 exhibits that have not been provided, such as any  
5 physical evidence of this supposed study of number  
6 of houses that would be served, I would say that  
7 the Council is certainly within its authority to  
8 consider the factual opinion of a real estate agent  
9 known to the Council, particularly when it is  
10 presented for the purpose of rebutting a nationwide  
11 statement that was contained in the application for  
12 which no author even is cited, let alone is  
13 presented here today. We need to play by the same  
14 rules.

15 MR. BEELER: I agree.

16 MR. RAMSAY: If Mr. Beeler comes in and  
17 he provides us with a national study that purports  
18 to say that cell towers don't affect local values,  
19 then I think we have the - Staff has the right and  
20 the opportunity to present evidence in the same  
21 form. So I would urge the City Council to accept  
22 this testimony.

23 MAYOR PRO TEM REVENAUGH: You know, I  
24 don't know, I - I imagine we'd have to rely on the  
25 opinion of the City Counselor, but - and we're

1           certainly not a Court of law, but if we're going to  
2           swear in witnesses and the City's got a witness or  
3           an opinion from a person who wants to testify on  
4           the City's behalf as a witness, then my personal  
5           opinion is we should have produced the person to  
6           testify, for what it's worth, but I'm no attorney.

7           COUNCILMAN BEER: Mayor Smith, I could  
8           take the opposite view of that and - or not exactly  
9           the opposite view, but if Ms. Hagen's testimony is  
10          to be deemed inadmissible, then all previous  
11          evidence that has been presented to us should be  
12          stricken, if it can't be provided in the same  
13          vernacular as Ms. Hagen's testimony.

14          COUNCILWOMAN RUDI: Everything in our  
15          packet tends to be what I would call a summary of  
16          studies, opinions, interests. It would be my  
17          desire that Mr. Wingerson give us a summary, what  
18          the local real estate market feels is a comparison  
19          before and after a cell tower.

20          MR. BEELER: My last comment, with  
21          respect to this, and in particular regard to  
22          Councilman Beer's comment, I brought my Radio  
23          Frequency Engineer. I brought my site acquisition  
24          person. I brought the representative from T-  
25          Mobile. I am here myself as a legal representative

1 making a presentation.

2 All I'm saying is, perhaps the term  
3 ambush or surprise is over used. But even tonight,  
4 with the presentation of this packet of exhibits, I  
5 wasn't given this statement. And I think it's  
6 inappropriate and it's unfair to a good corporate  
7 citizen trying to do business in your City. And I  
8 think the objection needs to be made for the record  
9 and that's all I'm doing.

10 MAYOR SMITH: Mr. Beeler, and please  
11 refresh my - did you, in fact, make a statement as  
12 Counselor Ramsay indicated about property values  
13 and there would not be a loss of property values as  
14 part of your presentation?

15 MR. BEELER: I did not. I did not. At  
16 this hearing, I did not. There was a discussion of  
17 the property value issues and the studies that have  
18 been performed. I always go back again when we  
19 meet with Staff in various cities, and Mr.  
20 Wingerson is very good at his job, he asked if you  
21 have such studies. We provided them. That's  
22 happened more months ago right now than I can  
23 think. To have it presented that tonight there is  
24 a rebuttal to that, how could it be more  
25 prejudicial to an Applicant?

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1 MAYOR SMITH: Mr. Wingerson, proceed with  
2 summarizing without stating specifically.

3 MR. WINGERSON: Basically, Ms. Hagen  
4 concludes that a 75 or 77-foot tower at the Knights  
5 of Columbus would have a negative impact on  
6 property values in the surrounding area.

7 MAYOR SMITH: Okay. Thank you.

8 MR. WINGERSON: The need for a new tower  
9 has not been sufficiently demonstrated in a level  
10 of benefit of a new tower as contradicted by  
11 various factors. The Applicant's propagation maps  
12 are computer generated maps and are not actual data  
13 for the coverage area. There's no evidence that it  
14 is accurate. In fact, Staff believes that service  
15 currently exists within the service area.

16 In a public hearing held on April 16,  
17 2007, the same Applicant proposed several different  
18 height requirements for a proposed cell tower at  
19 Knights of Columbus. The original application  
20 submitted went from 140 foot tower to 120 foot  
21 tower and then down to 75 feet.

22 The Applicant states that 150 foot tower  
23 in Flora Park will not meet their needs. The park  
24 is less than half a mile away. Staff is concerned  
25 about the overall credibility of the Applicant as

1 it relates to the current proposal and the studies  
2 provided, as well as to the evaluation of alternate  
3 sites.

4 The changing statements as to need,  
5 particularly in light of concerns related to actual  
6 coverages in the same areas, weighs against the  
7 Applicants overall need. In an effort to assist  
8 the Applicant and maintain the current vision of  
9 the City, Staff has provided an alternative site  
10 for consideration. This site is located at Flora  
11 Park East public area in Gladstone.

12 The Applicant's own computer analysis  
13 shows that this alternative site would better serve  
14 Gladstone residents and be consistent with the  
15 future needs of its citizens.

16 An overall summary, in terms of the  
17 Staff report exhibit, Staff believes that the  
18 request is designed to improve existing service in  
19 areas substantially outside the jurisdiction of  
20 Gladstone and is not consistent or compatible with  
21 the goals and vision of the City of Gladstone.

22 Next exhibit is April 16th. transcript  
23 of the Planning Commission. Draw your attention to  
24 page 19, comment by Commissioner Suter. My  
25 question has to do with multiple users. At 75

1 feet, will this tower be available to other  
2 vendors?

3 Well, Mr. Beeler states, well, 75 feet  
4 creates availability for other vendors, principally  
5 one I would say at 75 feet. I think your point is  
6 well taken. The higher you go, the more room you  
7 have to do that, so is part of this give and take?

8 If people are interested in creating the  
9 less visual image, you are going to have less  
10 carriers on that pole. That's a fact of life.

11 Ms. Suter follows up, "Does this  
12 Applicant intend to have another vendor on this  
13 site?"

14 Mr. Beeler, "They'll be below, not  
15 above. I mean, if there's another vendor, we will  
16 allow that, if that's your question. But if you  
17 were saying are we going to come back and add them  
18 on top of it, that is not the plan."

19 That is consistent, I believe, with the  
20 comments of Mr. Beeler earlier in the year.

21 Drawing your attention to page 30.  
22 Commissioner Babich asks, "I have a technical  
23 question. This is to improve coverage within  
24 residential homes. Correct?"

25 Mr. Adcock, "Yes."



1 Finally, I draw your attention to page  
2 35. Chairman Hill states, "Mr. Beeler mentioned  
3 the Flora Park potential location. And obviously  
4 this is on Englewood and running across the street,  
5 to the south is Kansas City, Missouri. Have there  
6 been any sites investigated in Kansas City,  
7 Missouri for this particular tower?"

8 Mr. Adcock states, "Well, the - we feel  
9 like the Knights of Columbus was the most  
10 reasonable location. We always go to the place  
11 that is the most reasonable. I guess that is the  
12 short answer."

13 Chairman Hill says, "What? I mean, I  
14 don't understand what is the most reasonable, if  
15 you could define that."

16 Mr. Adcock states, "We can't put a cell  
17 site in a residential single family backyard. We  
18 can't do that on either side of the jurisdiction  
19 line. The target is Gladstone and the target, of  
20 course, is, of course across Englewood Road as  
21 well. It is not both. We can't go in an R-1  
22 single family lot."

23 The next exhibit is a transcript from  
24 June 4th, Planning Commission. No comments other  
25 than to advise you that the Planning Commission

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Two

1 voted on an affirmative motion two to seven.  
2 in favor of the special use permit. Seven in  
3 opposition to the special use permit.

4 The next exhibit is simply an excerpt of  
5 the City of Gladstone's zoning map indicating to  
6 you that the property that we're talking about  
7 tonight on Englewood Road is, in fact, zoned R-1,  
8 as is all of the property north shown on this  
9 exhibit zoned R-1.

10 The next exhibit is the January 3rd  
11 report provided by T-Mobile. Draw your attention  
12 to that exhibit and this where it's going to be  
13 extremely difficult. This is the one with the  
14 black and white propagation studies. I apologize.

15 I'm going to try and be very consistent  
16 with how I explained this at the Planning  
17 Commission level. So if I vary too much from that,  
18 I'm sure, based on your review of the transcript,  
19 you'll correct me.

20 First large exhibit is titled, Existing  
21 T-Mobile Coverage. And you can see the  
22 intersection of Englewood Road and North Flora.  
23 What this graph is showing you is that the red  
24 areas on this exhibit are commercial in-building  
25 coverage. Okay? The yellow areas - I'm sorry,

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1 Councilman Beer, I don't know how else to do this.

2 COUNCILMAN BEER: The yellow one I can  
3 sec.

4 MR. WINGERSON: The other one is  
5 residential in-building coverage. The green is in-  
6 vehicle and the white indicates, by their computer  
7 model, that it's unreliable coverage. So you can  
8 see that the majority of the northern part of the  
9 area is yellow and green, with the white area being  
10 in the southern portion of the service area. Clear  
11 so far?

12 The second large exhibit is the 120 foot  
13 tower at the Knights of Columbus Hall. And you can  
14 see the site located. The colors are the same.  
15 Red, commercial. Yellow, residential. Green,  
16 vehicle. And white, unreliable.

17 You can see a significant amount of  
18 commercial in-building coverage in a single family  
19 residential area. You can also see significant  
20 increases in yellow in the northern part and the  
21 southern part at 120 feet at the Knights of  
22 Columbus Hall. So these are kind of ample samples.

23 No tower at the Knights of Columbus, 120  
24 foot tower at the Knights of Columbus. Clearly, an  
25 increase and expansion of service in that area.

1 This is an exhibit with a 150 foot tower at Flora  
2 Park. And when I say Flora Park, unless I  
3 specifically say otherwise, it's Flora Park East.  
4 Of the east side - I'm sorry.

5 This exhibit is 150 foot at Flora Park  
6 proper on the west side. Okay? You can see an  
7 increase in red for commercial service, in-building  
8 service yellow for residential services, covers  
9 almost all of the northern portion of the original  
10 search ring. You see a large increase in vehicle  
11 coverage on the south portion of the service area.  
12 Okay?

13 The next exhibit is a letter dated April  
14 13th from Robert Herlihy to me. April 13th in  
15 chronological order. Very close to the Planning  
16 Commission public hearing. T-Mobile's Radio  
17 Frequency Engineers have reevaluated the above  
18 referenced site and feel that they can obtain and  
19 meet the minimum coverage objectives with a 75-foot  
20 stealth flagpole style monopole.

21 Please have this letter act as an  
22 amendment to our original application lowering the  
23 tower height from 140 feet to 75 foot. I've  
24 enclosed a new site plan reflected in the change of  
25 height of the new photo simulation of how the 75

1 foot tower will look on the property. Please  
2 contact me, et cetera, et cetera. Signed, Mr.  
3 Herlihy.

4 With that letter, came the attachments  
5 reference. With that letter came a new site plan  
6 that shows where the tower would be located  
7 physically in plan view on the property. With this  
8 letter came a new photo simulation of how the 75  
9 foot tower will look on the property. At least one  
10 of those, specifically the photo of the 75 foot  
11 tower, is in your packet.

12 The site plans were so similar, we  
13 decided not to reproduce full site plans that were  
14 practically the same. What was not part of this  
15 letter was a propagation study indicating the  
16 service changes based on a 75 foot tower.

17 So we come to the famous propagation  
18 study, blue and green. Mr. Beeler's comments and  
19 explanation, I'm sure, is sufficient for you to  
20 understand how this works. This was actually  
21 provided to the Planning Commission in a public  
22 hearing. It provided again, at the second Planning  
23 Commission, here and where they made their  
24 decision. Okay?

25 What you see, although we can't compare,

1           because it's not the same format, we can't compare  
2           this propagation study with the three studies I  
3           just explained to you because they're not similar  
4           in presentation to allow us to evaluate in an equal  
5           capacity.

6                     The next exhibit is an ordinance signed  
7           by then Mayor, George Nodler, dated 10/4/1994. It  
8           is the initial special use permit issued to the  
9           Knights of Columbus.

10                    The second exhibit - and Mr. Beeler, I  
11           will go further into these exhibits in just a  
12           second.

13                    The second exhibit, following the '94,  
14           is the renewal of the special use permit in 1997  
15           for the Knights of Columbus. For your reference,  
16           Council, the first one is Ordinance 3.414 and the  
17           second is 3.644.

18                    There was a significant amount of  
19           discussion at the Planning Commission level and  
20           generated by Staff concerning the appropriateness  
21           of this application. One of the conditions of the  
22           '94 and '97 special use permit, and I'm  
23           paraphrasing, says basically any expansion of the  
24           site or the use requires a re-public hearing of the  
25           merits of the basic special use permit granted to

1 the Knights of Columbus. Okay?

2 Staff made the presentation to the  
3 Planning Commission that a more proper way to  
4 pursue this would be to ask the Planning Commission  
5 and Council to consider the merits of the Knights'  
6 special use permit and then consider the specifics  
7 of a telecommunication tower application.

8 Mr. Beeler objected quite vehemently and  
9 Planning Commission members tended to consensually  
10 agree with Mr. Beeler's argument. After the first  
11 Planning Commission hearing, Mr. Beeler and I and  
12 Mr. Ramsay talked about can we fold these  
13 applications into one.

14 And, in fact, if the Council approved  
15 the special use permit on this application, it will  
16 serve as an authorized amendment to the '97 - '94  
17 and 97 renewed special use permit. So I just  
18 wanted to be very clear about that.

19 We made that argument. The Planning  
20 Commission objected. Mr. Beeler objected. And we  
21 believe that it's appropriate that in your approval  
22 of the tower proposal, it would serve as an  
23 amendment to both of those ordinances at the same  
24 time.

25 MR. BEELER: You might just clarify that

1 we did agree at the hearing.

2 MR. WINGERSON: Yes. We do agree, yes.

3 I'm sorry. Absolutely. I meant to imply that we  
4 agree that it's good.

5 The next exhibit is minutes from 1994  
6 public hearing before the City Council on the  
7 special use permit.

8 We apologize for the inability to read  
9 it. It's on 1994 microfilm. But I think the point  
10 is to show the City Council that the activity on  
11 the site was quite a concern to the neighborhood.

12 In fact, on the very first page, the  
13 gentleman speaking, Mr. Townley, lives on 56th  
14 Terrace, or did in 1994, they just don't want them  
15 to have their meeting hall and social club in a  
16 residential area. They would be in a commercial  
17 setting. Honestly, would you want that in your  
18 backyard? That's generally representative of what  
19 the people said in 1994.

20 The next exhibit is a packet. The front  
21 of the packet begins with Ordinance Number 4.001.  
22 It's an ordinance granting a special use permit to  
23 T-Mobile to operate a communications tower facility  
24 at 2013 N.E. 72nd Street. In that particular  
25 argument - not argument, in that particular



1 discussion, Staff was supportive of the request.

2 Staff made a positive recommendation to  
3 the Planning Commission. The Planning Commission  
4 made a positive recommendation to the City Council.  
5 The City Council approved the ordinance and that  
6 tower is existing and operating today.

7 I'd like to read to you from the Staff  
8 report. It's about the third or fourth to the last  
9 page in that packet. Third paragraph. "From a  
10 more clearly defined zoning perspective, the  
11 proposed facility is located north of and adjacent  
12 to a Kansas City Power and Light, KCP&L substation,  
13 and south of and adjacent to City operated tennis  
14 courts. Approximately 125 feet to the west are  
15 residential uses."

16 And in that particular case, they're  
17 rent or occupied duplexes. "Approximately 150 feet  
18 to the east are office uses. More specifically,  
19 the substation includes industrial scale electrical  
20 distribution and communication equipment, including  
21 an antenna that existed prior to this application  
22 that is approximately 110 feet in height."

23 So I think the point of providing this  
24 information to you is, number one, to tell you that  
25 we have been supportive of the construction of

1 telecommunication towers in the City. And second,  
2 we have been supportive of this Applicant when the  
3 land use discussion makes sense.

4 I believe numbered as part of your  
5 exhibits, I'm sorry, I lost track of numbers, were  
6 a series of photographs. All of these photographs  
7 are of the telecommunication tower near 72nd and  
8 Euclid.

9 The first one you can see is the  
10 telecommunication tower about where my finger is.  
11 See the tennis courts in the foreground. You can  
12 see the screening of the existing vegetation. You  
13 can see the existing antenna at the Kansas City  
14 Power and Light substation in that photograph.

15 Second photograph is also at the Kansas  
16 City Power and Light substation and that's where  
17 you can see the base of the tower screened with a  
18 open privacy fence, if you will, electrical  
19 equipment on the outside. You begin to see the  
20 trees, but up close you see what this tower looks  
21 like at the ground view from a car, for example.

22 The third picture, that's the KCP&L  
23 substation industrial-sized equipment. And the  
24 last one is an interesting perspective, in terms of  
25 the existing type of facilities that exist at the

1 Kansas City Power and Light station prior to the  
2 installation of the telecommunication tower.

3 That particular request was appropriate  
4 because it was in close proximity to public uses,  
5 the tennis courts. It's well screened, given  
6 public uses, office and industrial uses directly  
7 adjacent.

8 It's an industrial substation consistent  
9 with the tower construction. They're similar  
10 materials. They're similar texture. They're  
11 similar heights. They're similar uses. And  
12 they're similar in scale with the existing antenna  
13 that existed on the site.

14 The next exhibit is a memorandum on June  
15 1, 2007 from Chris Helmer, Planning Specialist for  
16 the City of Gladstone. I'm going to read it in its  
17 entirety. "Staff conducted a series of real data  
18 modeling in response to the Applicant's proposed  
19 propagation studies.

20 On February 27, 2007, a T-Mobile prepaid  
21 phone was purchased to begin a real data modeling.  
22 The phone has been used randomly since this date in  
23 various parts of the City without having any  
24 dropped calls.

25 More specifically, a study was conducted

1 on March 7th and April 5, 2007 and consisted of a  
2 two-prong approach. The phone was used from  
3 approximately 2:15 p.m. to 3:50 p.m. and was used  
4 continuously.

5 The study consisted of testing service  
6 in the T-Mobile coverage deficiency area by driving  
7 roads shown in the impacted, "Unreliable area," on  
8 the propagation study and continuously using the  
9 purchased phone tested on March 15th, randomly  
10 calling from inside churches near the proposed  
11 tower at the Knights of Columbus Hall.

12 Specifically, Holy Cross Lutheran at  
13 2003 N.E. Englewood Road, Northminster Presbyterian  
14 Church at 1441 N.E. Englewood Road, Englewood  
15 Baptist Church at 1900 N.E. Englewood Road. Staff  
16 did not encounter a single dropped call while  
17 driving along Englewood Road and was able to  
18 successfully initiate carried calls from inside all  
19 of the churches listed above.

20 On April 5th, from approximately 10:50  
21 to 11:05 a.m., Staff successfully initiated calls  
22 from Englewood Road near the Lutheran Church and  
23 Flora Park and the vacant land to the east of Flora  
24 Street, generally called Flora East. The coverage  
25 area of concern for T-Mobile to the north of

1 Englewood Road in Gladstone, Missouri and the  
2 neighborhood south of Englewood Road in Kansas  
3 City, Missouri were also tested. Initialing and  
4 carrying calls was successful.

5 Although these roads were the main focus  
6 of the study, other calls within the City were made  
7 and no dropped calls occurred." The next exhibit,  
8 the map looks like this, graphic representation of  
9 the memorandum I just read. The red streets are  
10 the streets that were traveled during the times I  
11 indicated.

12 The yellow buildings, those that were  
13 available from a mapping perspective are those in  
14 which calls were made inside the building.

15 In addition, I drove the area numerous  
16 times using the City issued Verizon service since  
17 the application was filed. I've never personally  
18 encountered poor Verizon service in the vicinity of  
19 the Knights of Columbus Hall.

20 Additionally, I've spoken with the Plan  
21 Administrator for the City's Verizon wireless  
22 account and she has not received any complaints  
23 from City Staff about coverage in this area of the  
24 City. And for just general scale and volume  
25 purposes, the City has more than a hundred Verizon

1 phones and have not received any complaints.

2 The next exhibit, I believe Mr. Beeler  
3 provided - didn't provide, he's already shared with  
4 you, it's the map of Flora Park East. What you see  
5 at the bottom part of that map is an elevation of  
6 976. It's on the north side of Englewood Road.  
7 It's the southernmost main road on your map. An  
8 elevation of 976.

9 You can see directly across the street,  
10 south of Englewood Road, an elevation of 976. And  
11 further to the east, south of Englewood Road, an  
12 elevation of 980 feet. In the Flora Park site, the  
13 red dots simply indicate possible areas without  
14 performing engineering in which a cell phone tower,  
15 a telecommunication tower, could be located in  
16 Flora Park East outside of the flood plan.

17 That's one of the purposes of this, is  
18 to show you the flood plane and show you that there  
19 are areas outside of the flood plane that are  
20 appropriate for telecommunication tower  
21 construction.

22 Each of those red dots have a sea level  
23 elevation. Starting at the north, 913 feet, 916  
24 feet, 916 feet and 912 feet deep.

25 Also, some pictures. The first, I

1 believe, is Flora Park East looking west. If  
2 that's not confusing enough, but Flora Park East  
3 looking west toward North Flora, it's the general  
4 area of the meeting Mr. Beeler told you about.  
5 What that picture shows is that there's appropriate  
6 ingress and egress from North Flora. It also shows  
7 you that in all likelihood, proper utilities, in  
8 the form of electricity, are present to Flora Park  
9 East.

10 The second picture is simply an eastern  
11 portion of Flora Park, showing another plateau in  
12 Flora Park that is larger than the requested base  
13 compound size of the application. And really what  
14 we're trying to show here is the intensity of  
15 vegetative screening of the tower itself.

16 The next exhibit is a decision from the  
17 Western United States District Court, Western  
18 District of Missouri, Western Division at Kansas  
19 City, d/b/a Voicestream Wireless versus the City of  
20 Gladstone, as the Defendant in this case. In this  
21 case, there is a lot of information concerning land  
22 use, concerning compatibility, concerning property  
23 values, concerning a lot of things in addition to  
24 the things Mr. Beeler talked about.

25 I think one of the very key points in

1           this decision is that there are other technologies  
2           available that reduce the impact. In this  
3           particular case, those other technologies have not  
4           been employed or suggested by the T-Mobile experts.

5           One example would be to place more than  
6           one tower at a very short, very small level in the  
7           service area that they're trying to serve. The  
8           point is, none of those alternatives have been  
9           suggested by the T-Mobile experts. Although,  
10          clearly in the United States District Court they do  
11          exist.

12          The next two pictures are Englewood  
13          Park, Kansas City, Missouri. And Council knows  
14          Englewood Park is a very large park. Probably,  
15          approaching 100 acres. These are just two  
16          representative photos of dense vegetation and the  
17          ability to separate the telecommunication tower  
18          from single family homes.

19          Next picture is of Northminster  
20          Presbyterian Church, 1441 N.E. Englewood Road. You  
21          will see a steeple, you'll see open land, and  
22          you'll see a wooded area all in that picture. I  
23          think the question is, has the church been  
24          approached about the possibility of locating a  
25          tower. It could be stealth. It could be



1 incorporated as part of the existing steeple.  
2 Could be more compatible in a larger facility with  
3 better screenings.

4 The next picture is a Holy Cross  
5 Lutheran Church, 2003 Englewood Road. You can see  
6 a fairly significant structure on site and clearly  
7 some addition of the steeple component to this  
8 church may be appropriate from a land use  
9 perspective.

10 Next picture is of the telecommunication  
11 tower in the Village of Oakview at North Oak and  
12 64th. I think what you see there is a couple of  
13 things. Number one, Staff and City Council have  
14 significant history concerning this tower.

15 Most people do not realize that this  
16 tower is located in the Village of Oakview. Most  
17 people, especially as the tower was constructed,  
18 believed that this tower was in the City of  
19 Gladstone.

20 Based on that belief, Staff fielded  
21 numerous calls, I can't even begin to tell you how  
22 many, about how in the world could the City of  
23 Gladstone allow such inconsistent and incompatible  
24 land use along North Oak. Of course we explain,  
25 that's in the Village of Oakview. But I think you

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1 can see what the public at the time said.

2 You see a telecommunication tower that's  
3 far - that's far taller than any of the surrounding  
4 structures. You see that it's located in a  
5 commercial area. It almost over powers that  
6 photograph, in terms of the screen antenna array at  
7 the bottom and the platform antennas towards the  
8 top.

9 You just see that it's an incompatible  
10 land use. You can also begin to see the improper  
11 screening. You see the vast majority of that  
12 tower, with the exception of a very small portion  
13 that is behind the privacy fence, so you really get  
14 a full view of that tower.

15 I would suggest to you that the  
16 screening mechanism - not the height, I want to be  
17 clear about that, but the screening mechanism of  
18 the 75 foot tower being discussed tonight and this  
19 tower are similar. Not the same, but similar.

20 The last picture, I believe, in this  
21 stack is a picture taken from the south side of  
22 Englewood Road showing the proposed tower location.  
23 What I see in that photograph is a close proximity  
24 to single family homes and minimal vegetation,  
25 except for one tree.

1                   So I think comparing the 72nd and Euclid  
2                   site, comparing the Village of Oakview site, and  
3                   envisioning a 75 foot tower at the Knights of  
4                   Columbus, there's a clear distinction between what  
5                   is appropriate land use and what should be  
6                   considered inappropriate land use.

7                   Next exhibit is Section 80-41 of the  
8                   Kansas City, Missouri code. I would draw your  
9                   attention, I believe, in your packet, the back  
10                  page, but the second page for me, to Item G.  
11                  Sewage treatment plants, telephone exchanges,  
12                  electrical substations and similar services  
13                  provided, if the City Council approves, such use as  
14                  part of a subdivision plat or planned development  
15                  or as a special use by ordinance.

16                  So in talking with the Kansas City,  
17                  Missouri Legal Department this week, the City of  
18                  Kansas City has entertained and granted special use  
19                  permits in residential districts. They have  
20                  considered them, and approved them at churches,  
21                  they have considered and approved them in Kansas  
22                  City, Missouri park plan and other related  
23                  facilities, such as the Worlds of Fun Water Tower,  
24                  Swope Park and Pleasant Valley Park.

25                  Mr. Mayor and members of the City

1 Council, I think I'm done, but I'd be glad to  
2 answer any questions you might have for me.

3 MAYOR SMITH: Councilwoman Rudi.

4 COUNCILWOMAN RUDI: Mr. Wingerson, I'm  
5 going to ask you if you know anything about the FAA  
6 regulations on the 1050 feet?

7 MR. WINGERSON: Ms. Rudi, I do not. And  
8 I know Mr. Beeler explained to you that the City  
9 has been provided that letter. I'll tell you that  
10 is not the case. In fact, before tonight, I have  
11 not seen that FAA letter that was provided to you,  
12 so we don't. However, it seems unusual that a  
13 government agency would not have a permitting  
14 process. Seems unusual that the FAA, as a  
15 government agency, would not have a various  
16 provision - variance provision or the ability to  
17 have that discussion in an official setting.

18 So, no, Councilman Rudi, I don't have  
19 any specific knowledge of the FAA requirements and  
20 the flight path of the Downtown Airport or KCI or  
21 any other place. But working in government, it  
22 seems unusual that those provisions wouldn't be  
23 available.

24 COUNCILWOMAN RUDI: Assuming that we  
25 approve this, I'd like to see some kind of a

1 provision. I'm just telling you this for the  
2 future, I guess, that provides for the removal of  
3 the towers.

4 It's no longer useful or in-use, due to  
5 technology changes, due to company changes, for  
6 whatever reason, I really don't want to see these  
7 towers just sit there forever and ever and - or for  
8 the City to have to bear the expense of removal.  
9 So if you would make note of that.

10 MR. WINGERSON: Yes, ma'am.

11 COUNCILWOMAN RUDI: You explained the  
12 amendment to the special use permit for Knights of  
13 Columbus for me. I appreciate that. I have one  
14 more question. I don't know who I really need to  
15 ask this to.

16 Regarding the elevation on the site at  
17 Knights of Columbus, when I look at, I think, a  
18 couple of different places, I think we're looking  
19 at an elevation of 975 or 973. How do we know  
20 exactly what that elevation is? Because depending  
21 on which number we've used, the 77 feet may still  
22 be over the 1050 that the FAA allows. And I don't  
23 want to vote for something that then has to be  
24 changed. So how do we determine that and who do I  
25 ask that question?

1 MR. WINGERSON: Ms. Rudi, with your  
2 permission, I'll take the first stab at it and Mr.  
3 Beeler can comment if he likes. I think, should  
4 the Council direct Staff to write up findings in  
5 support of this application, not only would we  
6 include a provision in the adopting ordinance  
7 concerning removal of obsolete equipment and what  
8 you just said.

9 I think we would also include our sea  
10 level elevation and not to exceed sea level  
11 elevation based on the presentation tonight, that  
12 being 1050 feet from sea level. So we would  
13 suddenly change the argument in an approval from  
14 how tall the tower is, although we would say that.  
15 But we would cap it at 1050 seal level elevation.

16 COUNCILWOMAN RUDI: For right now, that's  
17 all I have.

18 MR. WINGERSON: Thank you.

19 MAYOR SMITH: Mr. Wingeron, I'll have to  
20 give you a copy of the FAA letter. Any other  
21 questions of Mr. Wingeron? Councilman Beer.

22 COUNCILMAN BEER: The FAA notice, the way  
23 I read this is that, this is an elevation, that is  
24 the 1050 feet, is an elevation that is not required  
25 for parking and lighting. There's no mention made,

1           however - and the reason I mention this is, the  
2           efficiency that was sited at Flora Park, as an  
3           alternate location, there's nothing here that  
4           states that a tower that's taller than 1050 feet is  
5           not prohibited, but rather - maybe, I'm reading  
6           this, that it might be permitted if it were  
7           properly marked and lighted. That would be  
8           something to be helpful for us, I'm wanting to  
9           know.

10           MAYOR SMITH: Well, I think for purposes  
11           of this application that we're dealing with is, as  
12           I read this, is specifically this location, which  
13           is what we were dealing with at that time.

14           Any questions? Mr. Beeler, would you  
15           like an opportunity to address any of the exhibits  
16           that Mr. Wingerson has explained?

17           MR. BEELER: I will. Mr. Mayor, I'll  
18           have to jump back and forth here.

19           MAYOR SMITH: Sure.

20           MR. BEELER: But Councilman Beer's  
21           question - first of all, I want to apologize to Mr.  
22           Wingerson that he didn't have the letter. I hope I  
23           said earlier, I think he has a copy of it. I sure  
24           did think you did and I apologize if you did not.

25           I have two pieces of clarification to

1           that question. In my reading of this document, it  
2           states that the maximum height is 1050 and at that  
3           maximum height, lighting is not necessary. It's  
4           not a reflection that you can go above that height.

5                     In addition, in R.F. analysis of the FAA  
6           requirements, the statement there is the minimum  
7           descent altitude for the type of approach is 1300  
8           feet. A required obstacle clearance of 250 feet  
9           yields a maximum tower structure of 1050. So the  
10          R.F. analysis of the FAA requirement is that you  
11          cannot exceed the sea level elevation of 1050.  
12          That's all I can say to that.

13                    With respect to the exhibits, I stated  
14          early on that my early general objection to being  
15          provided those kinds of exhibits here in this  
16          hearing and trying to digest them, not having had  
17          the opportunity that Councilwoman Rudi did to get  
18          through them. And I still haven't had that  
19          opportunity to read through them. But I can tell  
20          you that my objection with regard to relevance  
21          certainly stands.

22                    I see no relevance, whatsoever, to  
23          showing you - in fact, I believe it's prejudicial  
24          to show you pictures of tower structures,  
25          particularly the one that Mr. Wingerson referred to



1 in the Village.

2 That tower structure not only is taller  
3 than the one that we're proposing, it's bigger at  
4 the bottom. It's grossly designed, in my opinion.  
5 I have no idea why the bottom of that tower is as  
6 big as it is and it contains not only one, but two  
7 platforms.

8 And as I indicated, we're talking about  
9 a stealth tower to be located on the site at the  
10 Knights of Columbus. So there's not - not only is  
11 it technically different, it doesn't even resemble  
12 the same tower.

13 And I, again, would direct your  
14 attention to the photo simulation that has been  
15 included in your packet and was included in the  
16 Planning Commission packet, which accurately  
17 depicts the tower as designed.

18 I also would like to say that, with  
19 respect to the term stealth tower, which is a term  
20 of art at the industry, the whole point of it is to  
21 be as unobtrusive as possible. You don't put  
22 screening on them.

23 The studies all show that the most  
24 invisible, if you will, tower to the eye over time  
25 is the pure pole painted gray. In the old, old

1 days, if you've been around or if you've driven to,  
2 perhaps, to Lawrence on K-10 and seen some of the  
3 baby blue towers that are in Eudora, you realize  
4 that the old day thought of what best way to hide  
5 them, to paint it blue was not a very good thought,  
6 because our days that are absolutely blue, weren't  
7 that many. We have more gray days. And so a gray  
8 painted pure pole, is known as the most  
9 unobtrusive.

10 The case that Mr. Wingerson referred to,  
11 again, which I've not had the opportunity to hear  
12 tonight to refresh my recollection about, has a  
13 couple of interesting statements in it. However,  
14 particularly in light of his comments with respect  
15 to Verizon, which again I would just respectfully  
16 submit to you, had no basis in this hearing.

17 Verizon isn't before you. T-Mobile is.  
18 T-Mobile is a separately licensed FCC provider of  
19 telecommunication services. And the Federal Court  
20 in that prior APT case said as follows, and I'm  
21 quoting off of page 2. "A local government may  
22 not, unreasonably discriminate among providers of  
23 functionally equivalent services" or explicitly or  
24 effectively prohibit the provisions of personal  
25 wireless services. That's an or, so to the extent

1 that there's some statement being made that because  
2 Verizon is here, that's good enough for T-Mobile,  
3 that's not neither met in fact nor is it met with  
4 compliance in the law.

5 With respect to the remainder of the  
6 exhibit list, I again would just state for the  
7 record my objection to the matters that pertain to  
8 1994 and 1997 as opposed to the extent that they  
9 are only listed there to show the agreement that we  
10 came to with Staff with respect to the amended  
11 application, I don't object to that, but I would  
12 say that the reason we have the - I can't remember  
13 if he called it a bugaboo or a snafu, that we had  
14 at Planning Commission was a little more of the  
15 same, and that is, I had no prior warning before  
16 that night that an issue with respect to the  
17 Knights of Columbus special use application was  
18 even going to be raised. It wasn't in the Staff  
19 report and it wasn't communicated to me.

20 So, I objected that night to being  
21 surprised by that and I felt that the application  
22 was subject to different interpretation in the  
23 Staff, and as Mr. Wingerson indicated, several of  
24 the planning commissioners agreed, but that's  
25 neither here nor there, we were able to come to an

1 accommodation which I appreciate Counsel and Mr.  
2 Wingerson's work with that.

3 With regard, however, to the SUP packet,  
4 that is Exhibit 14 - excuse me, with regard to the  
5 1994 minutes from the Knights of Columbus SUP  
6 hearing, I find no relevance or reason that that  
7 should be in your packet. Again, the idea that  
8 somebody made a statement some 13 years ago under  
9 the facts known that night on the Knight of  
10 Columbus application that didn't even contemplate a  
11 cell tower, is hardly relevant to this proceeding.

12 And again, we would have no opportunity  
13 to speak to any of those people or cross examine,  
14 if you will, for one who is swearing witnesses.

15 Before the item 14 packet, I'm just  
16 submitting to you that what T-Mobile did at N.E.  
17 72nd Street is irrelevant to this proceeding. I  
18 certainly admit that's an industrial area. I also  
19 admit that whenever possible, we like to locate  
20 towers in those types of areas so that we don't  
21 have meetings that are at 10:30 at night in front  
22 of the concerned citizenry and Council. But, the  
23 fact remains that cell towers are allowable in  
24 residential areas, even in Gladstone, when you have  
25 an SUP.

1                   An the reason for that is obvious. We  
2                   need coverage in our residential areas and in this  
3                   day and age, we need it in home. There aren't a  
4                   lot of industrial locations in residential areas.  
5                   I think we can all agree to that. There aren't a  
6                   lot of tall commercial buildings.

7                   In fact, that same case that Mr.  
8                   Wingerson referred to cites his own testimony,  
9                   indicating that there weren't any structures taller  
10                  than 30 feet where it could be placed on a roof.  
11                  It's true in most residential areas, so we do what  
12                  we can in the way of stealth design at the lowest  
13                  elevation possible, providing co-location, if  
14                  possible.

15                  A tower in Flora Park at 136 feet is not  
16                  going to give you any more co-location spots from  
17                  the one that is at the Knights. The reason again,  
18                  is that this tower has to see. The radio frequency  
19                  has to have access to work. It's not about how  
20                  tall it is from ground elevation, it's how tall is  
21                  it in the air and those two would be the same.  
22                  Seventy-seven feet at one is the same as 136 at the  
23                  other. Flora Park is in a hole. It's in a flood  
24                  plane. Whether it's immediately adjacent to that  
25                  flood plane or in the flood plane itself, flood

1 plane designations are obviously there for a  
2 reason, they are the river basins, the creek  
3 basins. They are in a hole. They are in the  
4 lowest point, which obviously is not a fun  
5 conversation for a cell provider. You're looking  
6 for elevation to provide coverage so you don't have  
7 proliferation of towers.

8 So, again, with regard to item 14, I  
9 simply object that it has no relevance or bearing,  
10 and in fact, constitutes prejudice on the Applicant  
11 to the extent there's any inference that this  
12 application deals with those items.

13 I've already referred to Mr. Helmer's  
14 memo without taking this - we'll take it as deep as  
15 the Council would like to go with the science, but  
16 I can tell you that driving around in a car,  
17 testing a cell phone is not the method used by the  
18 scientists to determine when coverage is  
19 appropriate. It's not even the terminology that  
20 would be used to do that.

21 It's a data input system that the  
22 computer checks to determine where coverages are  
23 appropriate or they are not. It has nothing to do  
24 with voice, it has to do with what the data ability  
25 is on the phone, over the line, through the radio

1 frequency.

2 And that's as good as I can do as a  
3 lawyer. I'm not a scientist and if you'd like to  
4 go deeper, we can do that, but the study they did  
5 is not only flawed, it fails on every scientific  
6 basis there is. That's items 15 and 16.

7 Then, there were some references to  
8 Kansas City, Missouri. For the life of me,  
9 especially given my discussion with councilmen  
10 earlier, I've tried every way I know to say this  
11 isn't about whether you're in Missouri or you're in  
12 Gladstone, this is about a cell provider trying to  
13 fill its network out and satisfy its customers.

14 We believe that the best interest of  
15 Gladstone is to locate this tower at the Knights'  
16 site. It isn't up for residential development,  
17 that's not in the near or the long term future.  
18 There is no property for development being taken  
19 off the market, in fact, this is the owner of the  
20 property saying this is how they want to develop  
21 it.

22 Finally, I'll close by indicating  
23 references to land use and property values. We are  
24 talking about - I guess we are talking about  
25 property values without any evidence. We did

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1 submit evidence in the form of written studies done  
2 by independent third parties. They were submitted  
3 in the record long before the Planning Commission.

4 There's been no evidence submitted to  
5 you or to me or my client, with regard to any  
6 counter to that. There's no study been performed.  
7 Even if you do accept this hearsay opinion of Ms.  
8 Hagen, which I have not seen, but even if we did  
9 accept that, she's not done a study. There's no  
10 pairings numbers, it is worthless in terms of your  
11 consideration. The evidence factor swings two  
12 ways.

13 I've been involved in these applications  
14 in numerous cities where there was some question  
15 about RF engineering, the city hired an independent  
16 consultant to obtain reports. We didn't speculate,  
17 we didn't say as Mr. Wingerson did, and with due  
18 respect, that at the Flora Park site, it's possible  
19 to locate, of course without engineering, he says,  
20 at any of those elevations he showed you.

21 What does that do for us here? I would  
22 submit it doesn't do anything. There's been no  
23 engineering done by the City to suggest that those  
24 sites are appropriate. We've done engineering.  
25 We've given you the numbers. That's the



1 uncontroverted evidence that you have in front of  
2 you.

3 Similarly with the other churches, maybe  
4 he said, a steeple could be built. Remember again,  
5 that triple A thing, accessible - I mean, it has to  
6 be available, has to be agreeable. I mean, again,  
7 Mr. Michaels has testified about site ac, he  
8 testified about several of those churches and why  
9 they did not meet the criteria for one reason or  
10 another. Frankly, this is not the appropriate  
11 forum to argue whether or not some church somewhere  
12 else is an appropriate application.

13 We are here about this one and we want a  
14 ruling, if we can, please, on the facts and the  
15 evidence that's being submitted. With respect to  
16 the removal provisions that is a very apropos  
17 comment, Councilwoman, and we would agree with you  
18 about that. Those are things that should be there  
19 and we agree to have them be there. We also accept  
20 that Mr. Wingerson's reference to using the sea  
21 level elevation of 1050 as the maximum height so  
22 that we can avoid any question about what the  
23 ground elevation is.

24 Again, Councilman Revenaugh indicated  
25 earlier that I said, "Hey, if I could have it at

1 140, that would be best." It would be. I don't  
2 back down from that statement, but we can't, so  
3 we're taking the next best thing to provide  
4 coverage to Gladstone residents, per those  
5 proponents, 300 strong that I gave you earlier this  
6 evening.

7 Those are my objections and comments,  
8 Mr. Mayor, and again I stand for any questions, but  
9 otherwise, thank you very much for your patience.

10 MR. WINGERSON: May I ask just one  
11 question. What percentage of the Kansas City  
12 market are the T-Mobile customers in the wireless  
13 market?

14 MR. BEELER: We do not have that answer  
15 tonight. I have no problem providing that, by the  
16 way, I just don't think we have it tonight.

17 MAYOR SMITH: Any questions? Thank you,  
18 sir.

19 MR. BEELER: Thank you, Mr. Mayor.

20 MR. WINGERSON: Mr. Mayor, members of the  
21 Council, I will be brief when I respond to - the  
22 opportunity to respond. Just a couple of things.  
23 Number one, no agreement at Flora Park East was  
24 offered because we have in writing from the  
25 Applicant that it didn't work, and I think I've

1 spent a good portion of tonight indicating that in  
2 terms of service area, that it will work.

3 In terms of the public campaign, the  
4 Applicant provided you with nearly 300 positive  
5 comments, or 290 out of 300. Please note that  
6 those are T-Mobile customers. That the responses  
7 were not provided with any contrary discussion, any  
8 discussion of the issue about plan use, about the  
9 community's vision or about property value.

10 Finally, I want to talk about the  
11 exhibits. Over and over again, you were told that  
12 the Applicant has been surprised. The major themes  
13 that I started the presentation with were no  
14 surprises to the Applicant. They have been  
15 discussed at the Planning Commission, at the Staff  
16 level and again here tonight and we're just  
17 reiterating and continuing to provide additional  
18 detail as the application moves forward.

19 In terms of the packet, there were two  
20 different sets of exhibits. The first set of  
21 exhibits that Mr. Ramsay introduced, the first  
22 seven exhibits were provided as part of your  
23 Council packet last Thursday. Knowing this Council  
24 and your diligence, I'm sure that you've had time,  
25 as with every other development application, to

1           thoroughly review that information. The remaining  
2           exhibits of the twenty-five, were provided to you  
3           tonight and explained in this public hearing.

4                       In terms of the summary, I'm just going  
5           to read again because certainly we wouldn't want to  
6           have any surprises. City Staff recommended  
7           alternative sites for construction of a proposed  
8           tower at the location within the City commonly  
9           known as Flora Park East. Because of the negative  
10          aspects of the proposed location and the existence  
11          of factors making the alternative better suited to  
12          meeting the City requirements for a perimeter such  
13          as structure.

14                      In the January 3rd, 2007 document,  
15          despite prior claims that 140 feet was the height  
16          required, the Applicant amended its application to  
17          reduce the proposed height of the tower to 120  
18          feet. On April 13th, City Staff received a letter  
19          from the Applicant once again reducing the height  
20          of the proposed tower to 75 feet. The Applicant  
21          did not submit a propagation study with that letter  
22          from the proposed 75 foot tower. We talked about  
23          that.

24                      The public hearing on the application  
25          was held before the Planning Commission on April

1 16th. The Planning Commission's recommendation to  
2 you by a vote of two to seven is that - seven to  
3 two, that the application be denied.

4 I talked about the agreement of the  
5 parties concerning the continuation at the Planning  
6 Commission level. Design classification of the  
7 property at 1500 Englewood Road is R-1, the subject  
8 property which under the City's zoning ordinance  
9 allows a number of appropriate uses by right. The  
10 building at 1500 N.E. Englewood Road is not allowed  
11 as a matter of right under the R-1 zoning  
12 classification and requires a special use permit.

13 A further intensification of the use of  
14 the property at 1500 Englewood Road would be  
15 inappropriate because the increase in intensity of  
16 the use would seriously injure the appropriate use  
17 of neighboring properties and not conform to the  
18 general intent and purpose of the City zoning and  
19 planning ordinances.

20 Increase in intensity of use by way of  
21 the addition to the currently existing building at  
22 the site 1500 Englewood Road contemplated by T-  
23 Mobile's application, will not promote the health  
24 safety moral and general welfare but we can still  
25 impair the general welfare by negatively impacting

1 esthetics in the area surrounding this property.

2 The proposed tower would not be in the  
3 interest of the public health morals and welfare  
4 and that it would not be reasonably consistent with  
5 the surrounding area and design.

6 We did provide evidence received from  
7 experts in the real estate market, the comments by  
8 Staci Hagen which supported the inference, where  
9 ever the service towers in residential areas act to  
10 suppress properties values of properties  
11 surrounding such towers.

12 T-Mobile is aware of and has been  
13 authorized to locate a wireless service tower  
14 within the City in a manner consistent with good,  
15 land use planning standards. T-Mobile was recently  
16 granted a special use permit for a wireless service  
17 tower at 72nd Street near Euclid. The special use  
18 permit was granted in part because the tower was  
19 placed near pre-existing public utilities and the  
20 addition of the tower was consistent with the pre-  
21 existing use of land, did not contribute to the  
22 destruction of the residential nature of the area  
23 and ultimately could not be found to have a  
24 negative impact on the values of surrounding  
25 properties.

1 Evidence was received, I talked about it  
2 tonight, stating that the location of the proposed  
3 tower would effectively preclude further  
4 development, or re-development of the site.

5 T-Mobile already provides wireless  
6 service within the City. A denial of T-Mobile's  
7 special use permit would not be a prohibition of  
8 service. A denial of T-Mobile's special use permit  
9 would not be a prohibition of service considering  
10 the real world testing conducted by City Staff and  
11 the materials submitted by T-Mobile in its  
12 application. T-Mobile wishes to merely improve  
13 wireless service within the target area, not  
14 establish new wireless service.

15 I think, unless the Council has any  
16 questions, I think the very last thing is there was  
17 a lot of discussion with you tonight about the  
18 reduction of up to 300 homes between the two sites,  
19 the proposed site at the Knights of Columbus and  
20 the Flora Park East site. I think, and what  
21 generated my question before this response was if  
22 T-Mobile is 50 percent of the wireless market, 50  
23 percent, given the other carriers in the market,  
24 that is then perhaps 150 homes, and subsequent maps  
25 will work on down depending on the market segment

1 of the Applicant. Wireless service is available  
2 and works very good in this community.

3 Unfortunately, this is not one my Staff  
4 can agree with the Applicant and bring to you a  
5 recommendation that is consistent with their views.  
6 For that I apologize, however, I think it's in the  
7 best interest of the City, that the Council not  
8 approve this request.

9 Again, I'd answer any questions that you  
10 might have.

11 MR. MAYOR: Questions of the Council?

12 Is there anyone in the audience who  
13 would like to speak in favor of this proposal?

14 Is there anyone in the audience who  
15 would like to speak in opposition?

16 Any other comments from the Council?

17 The Public Hearing is closed.

18 Chairman entertain a motion, if you  
19 wish, to act on the request.

20 COUNCILWOMAN RUDI: Mayor Smith, I would  
21 like to move to approve the special use permit for  
22 the communications tower facility on property  
23 located at 1500 N.E. Englewood Road and I would  
24 also, along with this, like to direct Staff to  
25 create a written record, findings of fact that will



1           be consistent with the vote on this motion.

2                   MAYOR SMITH: Do I hear a second?

3                   COUNCILMAN BEER: I'll second.

4                   MAYOR SMITH: I have a motion and a  
5           second. Discussion?

6                   COUNCILMAN BEER: Yes.

7                   COUNCILWOMAN RUDI: Yes.

8                   COUNCILMAN BEER: There were a number of  
9           exhibits and there's a number of testimony given  
10          tonight that some seem to be considered on the  
11          scientific level, some considered to be on what I  
12          guess probably I would call a practicality level.

13                   One of those had to do with the use of  
14          T-Mobile cell phones used in the areas being asked  
15          for coverage by the Applicant. I understand that  
16          computer models provide what should be considered  
17          adequate coverage, or that should specify what that  
18          coverage is. Sometimes, however, and I believe  
19          that our test, provided by our Staff have shown  
20          that sometimes the practical and the scientific  
21          don't always go hand-in-hand.

22                   Areas that were provided to us from this  
23          site as having little or no cell phone coverage,  
24          when used with T-Mobile service coverage seemed to  
25          be adequate, with no dropped calls. Seems to be a

1        little bit of a difference between the scientific  
2        model and what actually seems to occur out there  
3        with phones.

4                This kind of leads me to believe that  
5        perhaps alternate sites have not been adequately  
6        considered. It appears from the testimony given  
7        tonight, that the sites provided to us were  
8        preconceived as being these are the ideal for us  
9        and that no other site should be considered, or  
10       considered given any practical consideration.

11               From the testimony that we have seen  
12       tonight and heard tonight, I believe that there are  
13       other sites, very simply, Flora Park East, that  
14       does provide adequate coverage for Gladstone and in  
15       fact, for some areas outside of Gladstone, in  
16       Kansas City.

17               We are not suggesting - I am not  
18       suggesting, that cell phone towers are to be  
19       prohibited in Gladstone. What I'm suggesting is  
20       that there probably is another site that is  
21       suitable and less intrusive upon land uses with -  
22       in terms of possible property values, but that  
23       there are other sites available that should have  
24       been considered.

25               We were shown some sites of cell phone

1 towers that are currently located in Gladstone.  
2 Applicant seemed to believe that those were there  
3 to prejudice us against cell phone towers, and  
4 that's not - that's exactly not the way I perceived  
5 it.

6 I perceived it as being this city is, in  
7 fact, friendly to cell phone towers and cell phone  
8 companies, that we have provided other sites, other  
9 locations for cell phone towers and we believe that  
10 there are other sites available that should be  
11 considered, or should be given greater  
12 consideration.

13 And I don't believe there is anyone here  
14 at this council table that doesn't understand that  
15 difference between actual cell tower height at the  
16 top of the tower versus the - that is the height of  
17 the tower above mean sea level as versus the actual  
18 tower height above ground level. We all understand  
19 the difference between above ground level and above  
20 mean sea level.

21 I'm going to go back again to the FAA  
22 report. I am an Army retiree, who was in the Army  
23 Aviation Unit, helicopters. I've flown a lot of  
24 hours in helicopters all over this United States  
25 and in those flights I have seen a large number of

1 towers that are clearly and obviously considerably  
2 above flight levels that would be considered by  
3 FAA.

4 How were they provided in those  
5 locations? Markings and lights. I believe if a  
6 136 tower is inadequate at Flora Park, maybe a 150  
7 foot might work with proper lighting and marking,  
8 could get the propagation that is necessary. And  
9 in an area that provides better screening, what I  
10 believe to be better land use and with that, I'm  
11 done.

12 MAYOR SMITH: Let me make one point of  
13 clarification. I think the reference to the  
14 studies that T-Mobile or Selective Sites provided  
15 versus those that we did in-house are more relative  
16 to what they call an in-building, if you will, than  
17 job calls on the street level itself. I just want  
18 to make that clarification because I believe Mr.  
19 Beeler did point that out. Councilman Rudi?

20 COUNCILWOMAN RUDI: Yes. I just have a  
21 few things that I'd like to say. First of all, we  
22 do have two T-Mobile towers in our city now. We  
23 are not interested in denying access to this  
24 company or to any other company.

25 Secondly, I personally believe that

1 Flora Park would be a better location for this  
2 tower for the City of Gladstone. And that is my  
3 job. I get paid \$100 a year for this job and my  
4 job is to watch out for our own citizens. And we  
5 can talk about Not in My City and the greater  
6 Northland area, that's not the issue here.

7 In looking at your own propagation  
8 studies, I look at that and it looks to me like a  
9 location in Flora Park would provide more coverage  
10 for the citizens of Gladstone. That's what I'm  
11 interested in.

12 Also, I am co-chair of the First Suburbs  
13 Coalition for the Greater Kansas City Area, and we  
14 are talking about renovation, rebuilding, in-field  
15 development and I cannot agree to remove land that  
16 has possibilities for a cell tower. I don't  
17 believe this is consistent with the surrounding  
18 area and I think that we need to look for a  
19 location that would be more suitable. Whether that  
20 location is in Gladstone or not, is up to the  
21 company to decide.

22 Staff has offered a number of  
23 alternatives and I believe that is because they  
24 thoroughly believe that this is an inappropriate  
25 location. It is not consistent with surrounding

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1 land use and as Mr. Beeler said, we are here about  
2 this one location. To me, this one location is not  
3 the right place. I hope that we will find a good  
4 one and it will work out for everyone, but I don't  
5 believe that this is the location for this tower.

6 MAYOR SMITH: Mr. Revenaugh, any  
7 discussion?

8 MAYOR PRO TEM REVENAUGH: I have just two  
9 things. One, we were elected to do what's in the  
10 best interest or what we feel is in the best  
11 interest of Gladstone citizens, much as Carol Rudi  
12 or Councilman Rudi, excuse me, suggested, but  
13 secondly, in Mr. Beeler's own summary where he  
14 said, you know, we're just trying to build a tower  
15 to serve the customers in Gladstone. We don't know  
16 and they don't know how many customers they are  
17 trying to serve.

18 I would have been much more impressed if  
19 they had said, you know, in this certain radius  
20 that we are trying to effect coverage for, it's  
21 going to effect X number of citizens. Well, we  
22 don't know that, and it goes to Mr. Wingerson's  
23 comment earlier, if they had half the coverage then  
24 a reduction of 300 homes from any point is actually  
25 a 150 reduction and it goes down from there, and

1 that's assuming that they have half the market.

2 So, it's an R-1, it's a neighborhood  
3 area, there's houses all around there and I don't  
4 think in good conscious I'll be able to support  
5 this application.

6 MAYOR SMITH: I generally don't say much  
7 when I cast a vote because I figure my decision is  
8 usually wrong but - or my decision is usually right  
9 but my reasons are wrong, but I'm right on the  
10 fence on this deal, quite frankly.

11 First of all, Mr. Beeler and the rest of  
12 you, Mr. Christofano, I probably went to high  
13 school with some of your relatives, but I don't  
14 know. Mr. Wingerson and Counselor, I appreciate  
15 your diligence tonight in presenting the case on  
16 all sides the best that you can. Our hourly wage  
17 is definitely going down, Councilman Rudi.

18 And I do appreciate the vision with  
19 proposing a cell tower, however that came about,  
20 because quite frankly, you know, in my mind that's  
21 what this community expects and deserves, and Mr.  
22 Wingerson in producing photos of the Oak View Tower  
23 is not to draw comparisons to this particular tower  
24 and obviously there is no comparison. I think the  
25 point he's trying to make is that the folks got

1 upset because it's inconsistent with what they  
generally expect in Gladstone and not knowing any  
2 differently, I think that was their overriding  
concern.

3 Unfortunately, there's nothing stealth  
about the base of these towers and the hardware  
4 that accompanies them and the screening that you  
can surround them for one thing, and number two,  
5 it's really not about whether or not Flora Park  
works, because quite frankly, we're only dealing  
6 with this application I think the point of Flora  
Park you know might work. It would definitely  
7 serve Gladstone residents better than this  
location, is a valid point.

8 But I go all the way back and tend to  
put things in the most simplistic of perspectives  
9 and that is, this particular piece of property is  
an incompatible and inconsistent use of residential  
10 area, and I can't get past that. If I could get  
past that, then I might be able to support it, but  
11 if you take all the information we've been given  
this evening and you make that funnel and get down  
12 to the very base of it and the bottom line is, it's  
incompatible and inconsistent use of residential  
13 area. For that reason, I cannot support it.

Any discussion?

14 Please call the role, Madam Clerk.

CLERK SWENSON: Councilman Wayne Beer.

15 COUNCILMAN BEER: No.

CLERK SWENSON: Councilman Carol Rudi.

16 COUNCILWOMAN RUDI: No.

CLERK SWENSON: Mayor Pro Tem Mark

17 Revenaugh.

MAYOR PRO TEM REVENAUGH: No.

18 CLERK SWENSON: Mayor Les Smith.

MAYOR SMITH: No.

19 The vote is to direct City Staff to  
create a findings of fact in support of the vote  
20 taken this evening.

(End of Proceeding)

21

22

23

24

25



## REPORTER'S CERTIFICATE

I, FRANCES F. HOLLAND, Certified Court 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.

Frances F. Holland, CCR  
Midwest Litigation Services  
711 N. 11th Street  
St. Louis, MO 63101

**Item 12. on the Agenda.**      **FIRST READING BILL 07-17**, establishing an Automated Traffic Signal Enforcement System in the City of Gladstone, Missouri, prohibiting the violation of traffic signals as detected by the automated system, and setting forth the penalties for violations.

Mayor Pro Tem Mark Revenaugh moved to place Bill 07-17 on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Mayor Pro Tem Mark Revenaugh moved to accept the First Reading of Bill 07-17, 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, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Mayor Pro Tem Mark Revenaugh moved to accept the Second and Final Reading of Bill 07-17 and enact the Bill as Ordinance 4.035. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0).

**Item 13. on the Agenda.**      **OTHER BUSINESS.**

There was no other business.

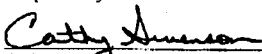
**Item 14. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

**Item 15. on the Agenda.**      **ADJOURNMENT.**

There being no further business to come before the June 25, 2007, Gladstone Regular 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

July



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JULY 9, 2007**

The City Council will meet in Closed Executive Session on Monday, July 9, 2007, starting at 6:00 PM in the City Manager's office, Gladstone City Hall, 7010 North Holmes.

The Executive Session is closed 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, and 610.21(3) for Personnel Discussion.

City Council may reconvene the Closed Executive Session immediately following the Regular meeting.

**OPEN STUDY SESSION: 7:00 PM**

**REGULAR MEETING: 7:30 PM**

**AMENDED A G E N D A**

[The Agenda is being amended to include Item #15, the approval of the purchase of new patrol vehicles in order to immediately replace a current vehicle that is non-operational]

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular June 25, 2007, City Council Meeting Minutes.
5. **PROCLAMATION:** designating the month of July 2007, as "NATIONAL PARKS AND RECREATION MONTH".

**6. CONSENT AGENDA**

**Resolution R-07-47**, authorizing execution of a contract with Rose-Lan Contractors, Incorporated, in the total amount not to exceed \$611,873.00 for the North Oak Water Main Replacement-Northeast 72<sup>nd</sup> Street to Northeast 77<sup>th</sup> Street.

**Resolution R-07-48**, authorizing the City Manager to execute a contract for the production of Streaming Videos with CGI Communications, Inc.

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:**

- The Hide Out Bar & Grill, 6948 North Oak Trafficway, Class A&B Liquor by the Drink License.
- Margarita's North, Inc, dba Margarita's, 7013 North Oak, Class A&B Liquor by the Drink License.
- Smokehouse BBQ, 6304 North Oak, Class A&B Liquor by the Drink License.
- Hy-Vee Inc., dba Hy-Vee, 7117 North Prospect, 7 Day Package Liquor and Wine Tasting License.
- Hy-Vee, Inc., dba Hy-Vee Gas, 7121 North Prospect, 7 Day Package Liquor License.
- Archa, LLC, dba Gladstone Mart & Liquor, 7020 North Oak, 7 Day Package Liquor License.
- Aldi #62, dba Aldi's, 7604 North Oak, 7 Day Package Liquor License.
- Applebee's Neighborhood Bar & Grill, 6069 Northeast Antioch Road, Class A&B Liquor by the Drink License.
- Mark & Michelle's Bar & Grill, 7102 North Oak, Class A Liquor by the Drink License.
- Kyle's Tap Room, 6825 North Oak, Class A Liquor by the Drink License.
- Big Stones, Inc., dba Stone Canyon Pizza, 6433 N Prospect, Class A&B Liquor by the Drink License.
- Trex Mart #7, 5810 North Antioch, 7 Day Package Liquor License.

**APPROVAL OF MAY FINANCIAL REPORTS.****REGULAR AGENDA**

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

9. Communications from the City Manager.
10. **APPROVAL OF LIQUOR LICENSE RENEWAL** for Gladstone Bowl, Inc., 300 NW 72<sup>nd</sup> Street, Class A&B Liquor by the Drink License.
11. **Resolution 07-49**, authorizing execution of a contract by and between the City of Gladstone, Missouri and the Kansas City Area Transportation Authority to provide Public Transportation for the period of July 1, 2007 through June 30, 2008.
12. **PUBLIC HEARING:** for consideration of a Site Plan Revision subject to certain conditions for construction of a Monument Sign at 6129 North Antioch Road. Owner: Missouri CVS Pharmacy, LLC. Applicant: Infinity Sign Systems for Icon Identity Solutions. (File #1299)
- 12a. **FIRST READING BILL 07-18**, approving a Site Plan Revision subject to certain conditions for construction of a Monument Sign at 6129 North Antioch Road. Owner: Missouri CVS Pharmacy, LLC. Applicant: Infinity Sign Systems for Icon Identity Solutions. (File #1299).
13. **PUBLIC HEARING:** On the proposed Non-Chartered Financial Institutions Ordinance. Applicant: City of Gladstone. File #1295.
- 13a. **FIRST READING BILL 07-19**, amending Ordinance Number 2.292 and being an Ordinance relating to Zoning Ordinance Regulations and the establishment of Use Districts within the City of Gladstone, Missouri, by adding new zoning regulations in Title VII Chapter 135, entitled "Non Chartered Payday and Title Loan Businesses".
14. **Resolution 07-50**, adopting the Findings of Fact and Conclusions of Law herein set forth and denying F.R.A.H. Inc.'s request for amendment to the Special Use Permit and denying T-Mobile's application for a Special Use Permit for a wireless communications service tower.
15. **Resolution 07-51**, authorizing the City Manager to purchase three (3) 2007 Ford Crown Victoria Patrol Vehicles from Shawnee Mission Ford, Shawnee, Kansas, for a total purchase amount of \$61,069.00
16. Other Business.
17. Questions from the News Media.
18. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JULY 9, 2007**

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION  
6:00 PM**

Mayor Les Smith opened the City Council Meeting to adjourn to a Closed Executive Session on July 9, 2007, at 6:00 PM. Councilman Carol Rudi made a motion to adjourn to Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(3) for Personnel Discussion. Mayor Pro Tem Mark Revenaugh seconded.

Roll Call Vote: All "aye" – Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, Mayor Les Smith. (3-0).

Mayor Les Smith recessed the Closed Executive Session to go into an Open Study Session at 7:00 PM.

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

**PRESENT:** Mayor Les Smith  
Mayor Pro Tem Mark Revenaugh  
Councilman Carol Rudi  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Councilman Wayne Beer

Mayor Les Smith opened the Regular July 9, 2007, City Council Meeting at 7:30 p.m. in the Gladstone City Council Chambers.

**Item 2, on the Agenda.      ROLL CALL**

Mayor Smith noted that all Council members were present this evening except for Councilman Wayne Beer, who was out of town.

**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 25, 2007, CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Mark Revenaugh moved to approve the Regular June 25, 2007, City Council Meeting Minutes as presented. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (3-0).

**Item 5. on the Agenda.**

**PROCLAMATION: designating the month of July 2007, as "NATIONAL PARKS AND RECREATION MONTH".**

Mayor Smith read and presented the Proclamation to Parks and Recreation Director Sheila Lillis. Director Lillis thanked Mayor Smith and stated that Parks and Recreation Advisory Board Member Don Harper was in attendance. Mayor Smith invited Mr. Harper to join him and Director Lillis in the front of the room.

Mr. Harper said this is a very nice Proclamation and is very well deserved. Mr. Harper said our City has the nicest Parks and Recreation Staff in the area, which can be seen by the recent events, such as the recent Theatre in the Park production, the new Community Center, and many other programs. Mr. Harper stated he is very proud to be a member of the Parks and Recreation Advisory Board, and part of this City.

Councilman Carol Rudi asked Director Lillis to give a report on upcoming activities in her department.

Director Lillis stated that this Friday, the "Relay for Life" would be held at Oak Grove Park, and begins at 5:00 PM and goes through the night until 7:00 AM, Saturday morning. The following weekend, the movie "Madagascar" will be shown, beginning at 9:00 PM. This is a movie from the "Movie in the Park" series. The "Night out Against Crime" will be held from 5:00 PM to 8:00 PM, on July 28, in Oak Grove Park. The next Theatre in the Park production, "Beauty and the Beast" will be held August 3, 4 and 5, followed by another production the following weekend. Director Lillis said the "Cinderella" production was very successful this past weekend.

**Item 6. on the Agenda**

**CONSENT AGENDA**

Councilman Carol Rudi moved to accept the Consent Agenda as presented. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (3-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-07-47**, authorizing execution of a contract with Rose-Lan Contractors, Incorporated, in the total amount not to exceed \$611,873.00 for the North Oak Water Main Replacement-Northeast 72<sup>nd</sup> Street to



Northeast 77<sup>th</sup> Street. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (3-0).

Councilman Carol Rudi moved to adopt **Resolution R-07-48**, authorizing the City Manager to execute a contract for the production of Streaming Videos with CGI Communications, Inc. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (3-0).

Councilman Carol Rudi moved to approve the Annual Liquor License Renewals as follows:

- The Hide Out Bar & Grill, 6948 North Oak Trafficway, Class A&B Liquor by the Drink License.
- Margarita's North, Inc, dba Margarita's, 7013 North Oak, Class A&B Liquor by the Drink License.
- Smokehouse BBQ, 6304 North Oak, Class A&B Liquor by the Drink License.
- Hy-Vee Inc., dba Hy-Vee, 7117 North Prospect, 7 Day Package Liquor and Wine Tasting License.
- Hy-Vee, Inc., dba Hy-Vee Gas, 7121 North Prospect, 7 Day Package Liquor License.
- Archu, LLC, dba Gladstone Mart & Liquor, 7020 North Oak, 7 Day Package Liquor License.
- Aldi #62, dba Aldi's, 7604 North Oak, 7 Day Package Liquor License.
- Applebee's Neighborhood Bar & Grill, 6069 Northeast Antioch Road, Class A&B Liquor by the Drink License.
- Mark & Michelle's Bar & Grill, 7102 North Oak, Class A Liquor by the Drink License.
- Kyle's Tap Room, 6825 North Oak, Class A Liquor by the Drink License.
- Big Stones, Inc., dba Stone Canyon Pizza, 6433 N Prospect, Class A&B Liquor by the Drink License.
- Trex Mart #7, 5810 North Antioch, 7 Day Package Liquor License.

Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (3-0).

Councilman Carol Rudi moved to approve the **FINANCIAL REPORT FOR MAY 2007**. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (3-0).

## **REGULAR AGENDA**

### **Item 7. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE.**

Larry Newport, 2002 NE 69 Terrace, said the house next door to him has been abandoned, but someone is mowing the grass. Mr. Newport said the house has been abandoned for about a month, and inquired into the process for an abandoned house.

Mayor Smith asked Assistant City Manager Scott Wingerson if he were aware of this property.

Mr. Wingerson indicated "no".

Mayor Smith said he believed that as long as the property is kept up to codes, there is no vandalism, or folks trespassing, he does not know what the City can do.

Assistant City Manager Wingerson suggested that Staff will look into this matter to see if there is any information that can be forwarded to Mr. Newport.

**Kirk Forslund, 3515 NE 61<sup>st</sup> Terrace**, said when his family learned that Gladstone was considering Breed Specific Legislation (BSL), they gathered information to help Council members make an informed decision. It is their understanding that an Animal Control Supervisor attended a conference on this very subject. She returned and information was presented to City Council members some time ago. Councilmembers Carol Rudi and Mark Revenaugh listened to the recommendation of the Animal Control experts and did not vote for the breed specific version of the Ordinance, because the reality is that it does not make the citizens safer. Mr. Forslund said you would not find statistics that support what Council has done. Many cities have in fact repealed the BSL animal Ordinances because it puts undue strain on the understaffed Animal Control Department, and costs more than they thought.

Mr. Forslund said both of the City's Animal Control Officers have from the beginning stood firm with their recommendation of a non-breed specific Ordinance. National organizations that deal with animals, including veterinarians, have position statements that do not support the breed specific legislation that has been passed. Mr. Forslund said at the last City Council meeting, City Manager Kirk Davis stated that it was Animal Control's recommendation that Bull Terriers not be removed from the dangerous dog list, because they were bred in the early 1800's for the sport of dog fighting. Mr. Forslund said this was not the recommendation of Animal Control, and he encouraged anyone in the audience tonight or reading the Minutes later to contact Animal Control and ask their position on BSL. The English Bull Terrier breeder, James Hinks, standardized the breed in England in 1835, and the breed quickly became known as a highly social and loving family pet. The American Kennel Club (AKC) recognized the breed for conformation in 1985, and the AKC best in show from 2005 was a Bull Terrier.

Mr. Forslund said as active members of the community, they chose this breed because it is best suited to their life style. Councilmembers Smith and Beer ignored the facts, statistics, and most disturbing of all, ignored the recommendation of the Animal Control experts of this City, and voted in favor of an Ordinance that is not supported by any experts in the field of animal health and behavior. Mr. Forslund continued by saying it is difficult to explain to their children why they researched breed options, chose a good breeder, attended 18 weeks of obedience class with their dog, and joined the national local clubs only to be told that they will not be allowed to have another dog like this. Mr. Forslund said they are members of the local club, which is in St. Louis, and attend shows in the Midwest, and their children enjoy helping in setting up the shows, and interacting with other Bull Terrier owners. Mr. Forslund said it is shameful that a City Council chooses to

pass an Ordinance that is not wanted by the majority of the citizens, the Animal Control Department, and every national organization on this issue, simply because they had the power to do it.

Mr. Forslund said they understand that while Gladstone has not enacted a ban on any one breed, what they have done is worse. They had to tell their daughters that if they ever wanted another Bull Terrier, they would be breaking the law by playing with it in their own back yard. According to this version, based on breed alone, an English Bull Terrier must be kept in an enclosed pen with a floor, roof and sides, even in its own back yard. Mr. Forslund said they encourage Council members to stay true to their word and follow the recommendation of Animal Control Officers and repeal the Breed Specific version of the Ordinance. While this may be embarrassing to admit a mistake was made, it can be done, and has been done all across the country. Mr. Forslund said they encourage all Council members to seek out the facts and do what is right, and not act on information obtained strictly from the media. Mr. Forslund stated the facts speak for themselves; do the right thing, follow the recommendations of the experts you claim to trust, and restore our faith in Gladstone City government. Mr. Forslund invited any questions or comments from City Council members.

Mayor Smith thanked Mr. Forslund for his time.

Mr. Forslund stated it was his understanding that when this all started, Animal Control recommended that the breed specific version was not necessary.

Mayor Smith said he believed that was correct, and he believed that this is a philosophical discussion that was had, and City Council members chose to do otherwise. Mayor Smith said he believed that Animal Control officers recommended that City Council not remove the breed that Mr. Forslund is referencing, and City Council also "grandfathered" in all the residents who have been responsible pet owners and had responsible pets. Mayor Smith said to Mr. Forslund that Council gave him that opportunity and he would challenge Mr. Forslund to verify the fact that the majority of Gladstone residents do not support our legislation. Mayor Smith said Mr. Forslund cannot factualize that and neither could he.

Mr. Forslund said in reading the Minutes dealing with this topic, more citizens spoke out against it than for it.

Mayor Smith said he would challenge Mr. Forslund to find that more citizens are against it than for it. Mayor Smith said between Mr. Forslund and his wife, he respects their persistence and their tenacity, but he believes that Council members have considered this Ordinance and he does not see that will change; the other two Council members may disagree, but Council has enacted this Ordinance and did what they thought was right, an Ordinance is in place, and it is their intent to enforce it. Mayor Smith said he does not know what else to discuss with Mr. Forslund. Mayor Smith said to be perfectly clear, he is not changing his mind, and he knows that he is the one to whom Mr. Forslund is addressing his comments. Mayor Smith said Mr. Forslund may say whatever he wishes, but based on what he has seen, and based on what he has read and based on what he has determined that the residents of this City want, he is not changing his mind.

Mr. Forslund said at the beginning of the discussions several months ago, it was Animal Control's recommendation that the City not have the Breed Specific Ordinance, and if they recommend that Bull Terriers not be removed now, that is because they believe that all the breeds should be removed, not just because there is something about Bull Terriers that requires them to be on the list. Mr. Forslund said his wife pointed out that none of the surrounding communities have Bull Terriers listed, other than Liberty, and he believes that Independence, Kansas City, Missouri, and Kansas City, Kansas, have had the most trouble or been in the media the most, and none of them list Bull Terriers, so it doesn't make any sense.

Mayor Smith said the way an Ordinance comes to the City Council is that City staff, led by the City's legal Counsel in many issues, determines what should or should not be included. They draft the Ordinance for the City Council, and that is the information that the City Council relied upon when they included the breeds. City Council members do not always do exactly what Staff recommends as far as the BSL, which is what Mr. Forslund is discussing. City Council members are not married to Staff, and do not have to take their recommendations. That part of the legislation was more philosophical than it was factual. Mayor Smith said every two weeks Mr. or Mrs. Forslund come to a City Council meeting to debate the issue, and he does not know how to debate the issue with Mr. Forslund, other than to tell him that the City has compromise legislation that allows those citizens that have demonstrated their ability to be responsible pet owners to not have to fall under the new Ordinance. Mayor Smith stated that City Council members tried to protect those who are already in the community, he believes that was a bold step forward. Mayor Smith said he does not know what else to say, other than there is nothing further that Mr. Forslund can say that will make him change his mind.

Mr. Forslund asked how the inclusion of Bull Terriers came about.

Mayor Smith replied that recommendation came forward from City staff.

Mr. Forslund asked how they got that information.

City Manager Davis replied through research of the issue and probably looking at Ordinances in other cities. City Manager Davis said he would be happy to provide that background information to Mr. Forslund from Animal Control.

Mayor Smith said since Mr. Forslund referenced Animal Control's recommendations, he can tell Mr. Forslund that in the memorandum that he read regarding the Bull Terriers, he believed it said specifically, depending on what you want to read, it's almost 50/50. Almost every time one reads something that says the Bull Terrier should be excluded, there is something that says they should be included, and that is coming from those authorities.

Mr. Forslund stated Animal Control and other animal experts do not want this in, and if it's the Staff that includes it at their whim, that is sad, and City Council members are not listening to their own Animal Control Department.

Mayor Smith said he is sorry that is not good enough for Mr. Forslund, but that is the best he can do.

Mr. Forslund said in regard to the letter his wife received, her version of what was discussed is a lot different than the letter. Mr. Forslund said to read from the letter, it says, "at the conclusion of the meeting we advised you that it would be our recommendation that your Bull Terrier should not be excluded from the Ordinance as it is written based on various information sources that include Bull Terriers as dogs originally bred for dog fighting and includes the bully breed classification". Mr. Forslund said at the conclusion of the meeting his wife was told that the only reason they would not recommend Bull Terriers be removed, is because they did not want to single them out, because they thought they should all be removed, so this is not what his wife was told. The letter is signed by Angie Lee and Captain Clark.

Mayor Smith asked City Manager Davis if Ms. Lee is the Animal Control Supervisor?

City Manager Davis replied that was correct, and this letter was provided to City Council in their informational newsletter.

Mayor Smith asked if Captain Clark is Ms. Lee's supervisor.

City Manager Davis replied that was correct.

Mayor Smith asked Mr. Forslund what he would like for the City to do.

Mr. Forslund replied he would like the City Council to listen to the Animal Control Department.

Mayor Smith asked short of that, and the decision that has been made, what would Mr. Forslund like for City Council members to do.

Mr. Forslund replied remove the Bull Terriers from the list, and follow the examples of the other cities who drafted an Ordinance, and not Liberty's whose was written in the '80s. Mr. Forslund said Manhattan has drafted an Ordinance and they include 13 breeds, none of which are Bull Terriers. Mr. Forslund said this does not make sense; it was a mistake, and he believes City Councilmembers are afraid to admit that.

Mayor Smith thanked Mr. Forslund for his time.

**Larry Thrasher, 2379 NE 68 Street**, asked if there was a way to find out about a "park & ride" at Antioch Road and 60<sup>th</sup> Street, just behind Commerce Bank. This is a triangle lot that has been empty for at least three years. Mr. Thrasher said he did not need an answer, but if something could happen, that would be fine, if not, he would understand. The lot may cost too much.

Mayor Smith addressed Mark Swope from the Kansas City Area Transportation Authority, who was in the audience, and asked him to address this question.

Mr. Swope said he was not familiar with the site, but he would be happy to look at it. The locations of park & rides are determined by access to the location, and how easily people can get to the location. If it is not a place that one can drive to easily, one will not go there. Another determination is how much transit service is available in the area. These are the general concerns. Mr. Swope said he would evaluate the site, and if it would be a site that would be of value as a park & ride, he could initiate the process of making it become one. That means securing some funding from the Federal government, primarily, which is not an insurmountable task, but it takes a little time.

Mayor Smith asked that Mr. Swope communicate his findings with Assistant City Manager Wingerson, who could then pass it on to Mr. Thrasher.

Mr. Swope said he would be happy to do that.

**Item 8, on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Carol Rudi** thanked the City for the July 4<sup>th</sup> celebration events. She liked the fireworks, and felt like they were not as loud this year as they have been in the past. Councilman Rudi said she felt her grandson liked it not quite so loud also, and that is important to her. Councilman Rudi said she attended the 20<sup>th</sup> anniversary of Theatre in the Park Saturday night, and they had fireworks that night also, which was great. It was an excellent presentation, and Mayor Smith did a really good job thanking everyone for 20 years of really good work. Councilman Rudi thanked Parks and Recreation Director Sheila Lillis and the Parks and Recreation Department for everything they do.

**Mayor Pro Tem Mark Revenaugh** stated he wished to echo Councilman Rudi's comments, and said the fireworks display was great, and he commended Director Lillis and the rest of the City, and the Parks and Recreation Department that worked on this. Mayor Pro Tem Revenaugh said a couple of residents asked him if our trees have grown larger, or were the fireworks set to go off at a lower altitude, because they had a more difficult time seeing for some reason this year.

Parks and Recreation Director Lillis reported a lot of that had to do with the air, because of the rain, that makes a difference as to how high fireworks will go. The air was heavy.

**Mayor Les Smith** stated the 20<sup>th</sup> Anniversary of Theatre in the Park celebration was one of the more enjoyable events that he has had an opportunity to be a part of, and Councilman Rudi and City Manager Davis helped as well. The transition from the Ibsens to the Theatre in the Park Advisory Council has been seamless. They are really passionate and excited people, and they presented four plaques of appreciation that evening. One plaque was presented to Laurie Mayfield, who was the first orchestra – she was a one man orchestra at the very first Theatre in the Park by playing the piano in front of the stage. A plaque was presented to Faye Radar, of the North Star Community Band, for their 19 years of participation with Theatre in the Park, and they presented a plaque to Van and Susie Ibsen for their efforts as the driving force behind Theatre in the Park. They also presented a plaque of appreciation to Parks and Recreation Director Sheila Lillis, who was the Supervisor of Parks and Recreation when Theatre in the Park began. This shows her commitment to the program, and they have been very appreciative of what she has offered

over the years. Mayor Smith said it was a great weekend and crowds numbered in the 15,000 to 16,000 range, which is a lot of folks coming to Gladstone. Mayor Smith said going through the history of the Amphitheatre tied in nicely with Theatre in the Park, and it was a good evening for Gladstone.

**Item 9. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis stated it gave him great pleasure to inform the City Council that ICMA's (International City/County Management's Association) awards evaluation panel has selected the City of Gladstone's Gladstone on the Move-Citizens Making a Difference program as a recipient of the Association's 2007 Strategic Leadership and Governance Program Excellence Award. The Strategic Leadership and Governance Award recognizes innovative local government programs and processes that have significantly affected a local governmental organization's culture or strategic direction. ICMA will recognize the City of Gladstone at their 93<sup>rd</sup> Annual Conference in Pittsburg this fall. There are 15 cities receiving awards from a pot of communities that circle the globe. There will be 5,000 to 6,000 people at the conference. City Manager Davis said he does not know that the City of Gladstone has ever received an international award from ICMA before, and offered special congratulations to the City Council, Assistant City Manager Scott Wingerson, who managed that process, and to all the folks who participated in it. City Manager Davis said he was very proud of all of those people and the City of Gladstone, and he appreciates the recognition the City of Gladstone will receive.

Mayor Smith said congratulations should also be extended to City Manager Kirk Davis, who brought this program forward to City Council on a couple of occasions; once it did not quite go through, and the second time, it did. Mayor Smith said he wished Mr. Forslund had not left, as he wished to apologize for getting a little defensive, and if Mr. Forslund can provide irrefutable proof that Bull Terriers should be removed from the dangerous dog list, he might change his mind.

**Item 10. on the Agenda.**

**APPROVAL OF LIQUOR LICENSE RENEWAL** for Gladstone Bowl, Inc., 300 NW 72<sup>nd</sup> Street, Class A&B Liquor by the Drink License.

Councilman Carol Rudi stated considering the ownership of this business, she would like to move to continue this action to the July 23, 2007 City Council meeting, when Councilman Beer is present. Mayor Pro Tem Mark Revenaugh seconded. The vote: "Aye" - Councilman Carol Rudi and Mayor Pro Tem Mark Revenaugh. Due to a conflict of interest, Mayor Les Smith did not vote. Mayor Smith said this item would be considered at the July 23, 2007 Regular City Council meeting.

**Item 11. on the Agenda.**

**Resolution 07-49**, authorizing execution of a contract by and between the City of Gladstone, Missouri and the Kansas City Area Transportation Authority to provide Public Transportation for the period of July 1, 2007 through June 30, 2008.

Councilman Carol Rudi moved to adopt **Resolution 07-49**, authorizing execution of a contract by and between the City of Gladstone, Missouri and the Kansas City Area Transportation Authority to provide Public Transportation for the period of July 1, 2007

through June 30, 2008. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (3-0).

**Item 12. on the Agenda.** **PUBLIC HEARING:** for consideration of a Site Plan Revision subject to certain conditions for construction of a Monument Sign at 6129 North Antioch Road. Owner: Missouri CVS Pharmacy, LLC. Applicant: Infinity Sign Systems for Icon Identity Solutions. (File #1299)

Mayor Smith opened the Public Hearing and announced the process for the Public Hearing would be to first hear from City Staff and then the applicant, and then from those in favor of the application and those opposed to the application.

### **Staff Presentation**

Planning Specialist Chris Helmer began by pointing out that the Staff Report provided to City Council is for the requested action of a site plan revision to allow a monument sign at the CVS Pharmacy at 6129 North Antioch Road, with the general location being Antioch Road and Brooktree Lane. Mr. Helmer stated the following conditions shall be met as conditions to the Staff recommendation: 1. A true monument shall be utilized to serve the development. 2. All landscaping and related improvements shall be maintained in perpetuity. Mr. Helmer said the Ordinance that Council received is essentially the 1993 Ordinance that was the plan for CVS, and Staff has added Items 9 and 10 on that Ordinance to incorporate the landscaping issue, as well as the clause "a true monument shall be utilized to serve the development".

Mr. Helmer said the applicant is requesting to construct a six foot tall monument sign at the southeast corner of 6129 North Antioch Road. The sign will be 7 feet 10 inches long, and 2 feet 2 ¼ inches wide with an electric readerboard on top of the CVS Pharmacy logo. The proposed monument sign is in compliance with the City's sign code and meets current regulations for setbacks and square footage. Mr. Helmer said in the planned district, in which this zoning classification is, a CP-3, there is a maximum square footage of 50 square feet for a monument sign at this location. The proposed monument sign is well under that square footage at approximately 32 square feet. The height is also in compliance with City codes. The sight triangle or line of sight for this particular intersection is approximately 20 feet which exceeds the requirements from the Manual for Uniform Traffic Control Devices, which requires a safe sight triangle of 15 feet.

Mr. Helmer stated that when Assistant City Manager Wingerson and he first reviewed the application, they had concerns with traffic safety. After reviewing the original Site Plan, they contacted the applicant and asked if instead of taking the measurement from the inside curb line at the corner of Antioch Road and Brooktree Lane, that there would be actually a setback from the inside of the sidewalk, which would push the monument sign back a little ways more, taking into consideration some of the traffic issues. These are the main issues that Staff had reviewed with the Site Plan. Mr. Helmer said the applicant, Mr. Bourgart, was present this evening.



### **Applicant Presentation**

Mark Bourgart, 1009 NW Timber Oak, Blue Springs, Missouri, said he was with Infinity Signs Systems. Mr. Bourgart said his application was not approved on the preliminary plan; it falls well within the Ordinance and the criteria that was established by the City Ordinance; it just was not on the plan previously. At the City's request, Staff asked that the monument sign be set back as Mr. Helmer mentioned, and CVS was more than willing to set it back to allow for better visibility since it was possibly an issue. Even though it is a controlled intersection, they wanted to get that sight triangle further back, and CVS was willing to oblige that. Mr. Bourgart said they have made every concession. They did not have time to put together an actual schematic of exactly what the landscaping would be, but that is something they could come back with. If Council would want to approve this application subject to the landscaping, CVS is willing to do whatever Council would want as far as landscaping.

Mr. Bourgart said when he was at the Planning Commission meeting it became a little bit more of a discussion as to whether the Ordinance was correct or whether it should be changed. Mr. Bourgart said the main reason he was present at this meeting is that CVS and a lot of industries have found that this is an effective advertising medium for them to use. The year 2007 is the first year that the Nelson Ratings came back and they could not verify how many people watch television. Because so many people have TEVO at home, they are guessing that 40 percent of the people record TV programs and fast forward through the commercials. People with satellites get the satellite stations and they don't have to listen to the commercials. Most people don't get the classified ads; if they want to get a car, they go on line. The advertising medium is in quite a state of flux as to what to do. Companies like CVS have found that about 30 percent of their gross sales are actually through the pharmacy, so they are a point of destination. People come there for that purpose. Seventy percent of their sales are retail sales, and what they need to do is advertise to folks that they don't have to go to Quik Trip and pay \$6.00 for a pack of pop, when they have it for \$3.00. They are trying to maintain those sales. When CVS puts in a message center, it doesn't affect their pharmaceutical sales, but their retail sales go up between 17 and 40 percent, which increases the tax revenue for the City.

Mr. Bourgart said as he drove to this meeting, he drove down North Oak Trafficway, and there are all those message centers tacked on to the top of signs, which is giving a bad look to a lot of cities. Mr. Bourgart said he subscribes to a lot of the trade journals, and what is happening is that a lot of cities have passed moratoriums on message centers, because there is such a demand for them. It is a necessary method anymore to advertise to the public. If CVS can't sell their retail sales, they will downsize and just have a pharmaceutical store. One of the comments the Planning Commission made is that this is a great spot, if CVS goes under, someone else will take it. Mr. Bourgart said this is not the right attitude to take. As a City, you want to keep the City safe, beautify, and at the same time encourage business to be profitable. What a lot of cities are doing is incorporating into the Ordinance the ability to have message centers, but it can be only about 30 to 40 percent of the sign. They are allowing a larger sign as long as it is ornate and not constrained to the actual square footage of the sign. Mr. Bourgart said in Gladstone, 50 square feet is the maximum signage, and when you have that kind of limitation, the business tries to utilize that to the maximum that they can use.

Mr. Bourgart said in this particular instance, with the limited square footage they have, they are actually asking for a sign that is smaller than the Ordinance would allow. They are also trying to incorporate the message center in a dignified way. They are not trying to have a message center bigger than the sign. They do not want to appear to be a tacky corporation, but they are finding that it is a necessary medium of advertising that they are finding successful in the market place. No one wants everything looking like Times Square in New York City, but that is kind of the direction people are going, because the advertising is not getting out to people in other methods. Point of purchase advertising is effective – they realize it, as does Walgreens down the street who has a message center of similar size. It is going to cost more to get the electrical lines to the sign than the sign itself, but they recognize the benefits of it.

Councilman Rudi inquired into the size of the sign.

Mr. Bourgart said the sign is 6 foot by 7 foot 11 inches.

Councilman Rudi asked what percentage of that is the readerboard.

Mr. Bourgart said the readerboard is a little less than one half if you count the base and the architectural aspects underneath the sign.

Mayor Smith asked how this compares to the CVS sign at 72<sup>nd</sup> Street and North Oak Trafficway.

Mr. Bourgart replied he did not know.

Councilman Rudi stated this sign is almost at the City's maximum.

Mr. Bourgart said 50 square feet is the maximum for advertising area, and this sign is under 40 square feet, based on the calculations of Staff, because they don't count the architectural base underneath the sign, but they do have a six foot limitation on the overall sign.

Councilman Rudi asked if there were a possibility of moving the sign even farther back from Antioch Road.

Mr. Bourgart said they are all the way to the curb – they would be infringing on a parking lot. They are right up against the parking lot now.

Councilman Rudi said the drawing shows there is some space. Councilman Rudi asked if the landscaping would be maintained.

Mr. Bourgart said he could not guarantee that, he is just installing it. His company would be doing the landscaping for them, and he would certainly hope that CVS would want to maintain a positive image in the community and take care of their property, and based upon the investment CVS is making, he cannot see that they would not.

Councilman Rudi said they have invested a lot on that corner already, and there has been some issues.

Mayor Smith pointed out that one of the conditions in the Ordinance is that all landscaping and related improvements shall be maintained in perpetuity.

**Comments from those in Favor of the Application**

There was no one to speak in favor of the application.

**Comments from those in Opposition to the Application**

There was no one to speak in opposition to the application.

Mr. Helmer mentioned that the Planning Commission recommended approval of this application with a vote of 5-2, with a lot of issues addressed that the applicant did focus on tonight.

Mayor Smith closed the Public Hearing.

**Item 12a. on the Agenda.** **FIRST READING BILL 07-18**, approving a Site Plan Revision subject to certain conditions for construction of a Monument Sign at 6129 North Antioch Road. Owner: Missouri CVS Pharmacy, LLC. Applicant: Infinity Sign Systems for Icon Identity Solutions. (File #1299).

Mayor Pro Tem Mark Revenaugh moved to place Bill No. 07-18 on First Reading. Councilman Carol Rudi seconded.

Councilman Rudi stated she would like Staff to report back at the next meeting if the sign can be moved back farther, and asked if there were any way to get someone from CVS to give a commitment to maintain the landscaping. Councilman Rudi said she would also appreciate it if CVS would commit to conforming to the City's outside sales regulations. Councilman Rudi said this application was approved by the Planning Commission, but since she was at that meeting, it was obvious to her that it was approved, not because they wanted to do it, but because they felt they had to do it. There is an option, because this came to us outside of the planned proposal from a long time ago. That plan came in without a monument sign, and that makes this inconsistent with the plan that is in place, so as far as being able to approve it or not approve it, there is an option. This isn't something we have to do.

Mayor Smith suggested that one of the ways of guaranteeing that the landscaping is maintained, is perhaps to require CVS to submit some funds in escrow or a bond, or something, so if they do not take care of it, the City can take care of it with their money.

Mayor Pro Tem Revenaugh said the fact that Mr. Bourgart said the advertising trend seems to be going toward a more New York City style of advertising, because this is what they have to do to reach clients is not an argument that he buys, and frankly he would like to see the Ordinance reviewed before this application comes up again. Mayor Pro Tem

Revenaugh said he can envision a number of bright light blinking signs down North Oak and Antioch Roads, and it doesn't paint a pretty picture in his mind. Mayor Pro Tem Revenaugh said before this Ordinance is passed, he would like to see this particular part of the sign Ordinance revisited.

Mayor Smith asked that Mr. Wingerson investigate to see if the 72<sup>nd</sup> and North Oak Street location is basically the same sign, so Council can view it and see if it is something they can support.

Councilman Rudi asked if there could be a review of the sign Ordinance, because she does not believe there is anything in it that prohibits these kinds of signs, but maybe it is something that needs to be addressed in the future. Once that has been reviewed, or maybe before we look at it, we may want to initiate some kind of moratorium on readerboards until we make a decision.

Mayor Smith said we tend to revisit the sign Ordinance issue from time to time, probably in seven to eight year cycles, and we've been through one extreme and the other, but perhaps it is time again.

Councilman Rudi agreed and said things change and the Ordinance needs to be reviewed. Councilman Rudi said she did not have a timeframe for that, and she does not know that it will apply to this application, but does feel that it needs to be done.

The vote: All "aye" – Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (3-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 07-18. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (3-0).

**Item 13. on the Agenda.** **PUBLIC HEARING:** On the proposed Non-Chartered Financial Institutions Ordinance. Applicant: City of Gladstone. File #1295.

Mayor Smith said the Public Hearing would be conducted in the same manner as the previous Public Hearing.

### **Staff Presentation**

Planning Specialist Chris Helmer began by thanking the City Council for consideration of this issue. The focus of the following Ordinance is centered mainly on the land use restriction of the distance of 5,280 feet separation requirements of any new payday loan or similar type business entering the City of Gladstone, or being adjacent or in close proximity to the City's boundaries, as well as the 200 feet separation requirement for residentially zoned property. City staff, along with the task force committee, reviewed legislative findings that have occurred not only in the State of Missouri, but also nationally. Staff feels they have incorporated a lot of main issues that have been seen in other Ordinances that have been passed, and hopefully will end up being successful. There was concern initially with the clustering of these types of businesses, and therefore by

passing this Ordinance we hope to reduce the clustering of these types of businesses in stand-alone type buildings, with additional payday loans or similar type businesses being in a multi-tenant building, therefore reducing the amount of large signage that is seen with stand-alone buildings.

Mr. Helmer said he feels Staff has addressed many of the main issues that we see as being some of the adverse effects of the clustering of these businesses, and therefore, ask Council's consideration of approval of the Ordinance.

**Comments from those in Favor of the Application**

**Don Horton, 7102 North Kingston Court**, stated he was a member of the task force who dealt with this issue, and wished to stress that from the standpoint of City staff and the members of the task force, he truly believes that all sides of the issue were considered. Mr. Horton said he believes a great number of applications of what happens with this type of business were considered, and he encouraged City Council members to vote in favor of this Ordinance.

**Comments from those in Opposition to the Application**

There was no one to speak in opposition to the application.

Mayor Smith closed the Public Hearing.

**Item 13a. on the Agenda.**

**FIRST READING BILL 07-19**, amending Ordinance Number 2.292 and being an Ordinance relating to Zoning Ordinance Regulations and the establishment of Use Districts within the City of Gladstone, Missouri, by adding new zoning regulations in Title VII Chapter 135, entitled "Non Chartered Payday and Title Loan Businesses".

Councilman Carol Rudi moved to place Bill 07-19 on First Reading. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (3-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 07-19, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (3-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of Bill 07-19 and enact the Bill as Ordinance 4.036. Mayor Pro Tem Mark Revenaugh seconded.

Mayor Smith said he appreciated the task force's work on this issue. Mayor Smith stated it has become quite an interesting issue as there is a lot of discussion regarding payday loans and title loans. Mayor Smith said it becomes almost a land use and economic development issue due to the clustering of businesses, and especially because by some of their own practices, they have somewhat of a reputation of being predatory in nature. This is not a business that seems to bode well for the community, in the sense that they do represent an

area that might be in decline for whatever reasons. That, combined with the fact that they, especially in single use buildings, tend to be somewhat counter productive to good economic development practices, is an important issue for City Council members to face. The City is still providing the opportunity for these folks to do business in our community, as we should; however, it is in the community's best interest to limit these businesses.

Roll Call Vote: All "aye" – Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (3-0).

**Item 14. on the Agenda.**      **Resolution 07-50**, adopting the Findings of Fact and Conclusions of Law herein set forth and denying F.R.A.H. Inc.'s request for amendment to the Special Use Permit and denying T-Mobile's application for a Special Use Permit for a wireless communications service tower.

Mayor Smith stated the applicant has requested this action be continued to the next regular City Council meeting, so they have an opportunity to review the findings of fact.

Mayor Pro Tem Mark Revenaugh moved to continue Resolution 07-50 to the July 23, 2007, regular City Council meeting. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (3-0).

**Item 15. on the Agenda.**      **Resolution 07-51**, authorizing the City Manager to purchase three (3) 2007 Ford Crown Victoria Patrol Vehicles from Shawnee Mission Ford, Shawnee, Kansas, for a total purchase amount of \$61,069.00.

Councilman Carol Rudi moved to adopt **Resolution 07-51**, authorizing the City Manager to purchase three (3) 2007 Ford Crown Victoria Patrol Vehicles from Shawnee Mission Ford, Shawnee, Kansas, for a total purchase amount of \$61,069.00. Mayor Pro Tem Mark Revenaugh seconded.

Mayor Smith said this item was added to the agenda and is a budgeted item, but it is his understanding that the City has an opportunity for some savings here.

City Manager Davis stated that was correct; there is an opportunity for some savings, and the City is also down one patrol vehicle and this gives us a chance to get it back in service as quickly as possible.

The vote: All "aye" – Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (3-0).

**Item 16. on the Agenda.**      **OTHER BUSINESS.**

There was no other business.

Item 17. on the Agenda.

**QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

Item 18. on the Agenda.


**ADJOURNMENT.**

There being no further business to come before the July 9, 2007, Gladstone Regular City Council Meeting, Mayor Les Smith adjourned the regular meeting.

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, JULY 23, 2007**

The City Council will meet in Closed Executive Session on Monday, July 23, 2007, starting at 6:00 PM in the City Manager's office, Gladstone City Hall, 7010 North Holmes.

The Executive Session is closed 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, and 610.21(3) for Personnel Discussion.

City Council may reconvene the Closed Executive Session immediately following the Regular meeting.

**OPEN STUDY SESSION: 7:15 PM**

**REGULAR MEETING: 7:30 PM**

**AMENDED A G E N D A**

[The Agenda is being amended to include Item #15, granting a Permanent Easement to Kansas City Power & Light Company in conjunction with the Gladstone Community Center Project]

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular July 9, 2007, City Council Meeting Minutes.
5. **CONSENT AGENDA**



**RESOLUTION R-07-52**, authorizing acceptance of work under contract with AB Creative, Incorporated for the Happy Rock Park Playground Replacement; and authorizing final payment in the amount of \$500.00.

**RESOLUTION R-07-53**, accepting Temporary Construction Easements and Permanent Easements from certain property owners in conjunction with the 2200 block of NE 67<sup>th</sup> Street Storm Sewer Improvement Project.

**RESOLUTION R-07-54**, accepting Right-Of-Way parcels from certain property owners in conjunction with the North Oak at NE 76<sup>th</sup> Street Traffic Signal Improvement Project.

**RESOLUTION R-07-55**, authorizing the City Manager to purchase one 2007 Toyne Fire Engine and to trade in the City's 1991 Sutphen Engine in part consideration, resulting in a total expenditure of \$453,622.00.

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:**

- CVS Pharmacy, 7107 North Oak Trafficway, Seven Day Package Liquor License.
- CVS Pharmacy, 6129 North Antioch Road, Seven Day Package Liquor and Wine Tasting License.
- Senor Tequila, 6502 North Oak Trafficway, Class A&B Liquor by the Drink License.
- Multiple Investments, LLC dba Show-Me's, 6300 North Oak Trafficway, Class A&B Liquor by the Drink License.
- Gasmart USA, Inc, 7303 North Oak Trafficway, Seven Day Package Liquor License.

**APPROVAL OF JUNE FINANCIAL REPORTS.**

**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, Inc., 300 NW 72<sup>nd</sup> Street, Class A&B Liquor by the Drink License.
10. **SECOND READING BILL 07-18**, approving a Site Plan Revision subject to certain conditions for construction of a Monument Sign at 6129 North

Antioch Road. Owner: Missouri CVS Pharmacy, LLC. Applicant: Infinity Sign Systems for Icon Identity Solutions. (File #1299).

11. **RESOLUTION R-07-50**, adopting the Findings of Fact and Conclusions of Law herein set forth and denying F.R.A.H. Inc.'s request for amendment to the Special Use Permit and denying T-Mobile's application for a Special Use Permit for a wireless communications service tower.
12. **FIRST READING BILL 07-20**, amending Schedule VIII of the Model Traffic Ordinance (Gladstone Municipal Code Section 4.100.020) to establish Stop Sign locations at North Wabash at Northeast 73<sup>rd</sup> Terrace and North Cherry Street at Northeast 69<sup>th</sup> Street.
13. **FIRST READING BILL 07-21**, amending Schedule V of the Model Traffic Ordinance (Gladstone Municipal Code Section 4.100.020) to establish a "No Parking" zone for eastbound and westbound traffic on Northeast 61<sup>st</sup> Street from the intersection of North Bales east 85 feet.
14. **FIRST READING BILL 07-22**, amending Sections 5.110.190 and 5.110.260 of Title V of the City Code, by adding four new categories of licenses for the sale of liquor within the City of Gladstone, Missouri, being Temporary Caterers, Annual Caterers, and Beer only licenses, and establishing fees for such licenses.
15. **RESOLUTION R-07-56**, granting a Permanent Easement to Kansas City Power & Light Company in conjunction with the Gladstone Community Center Project.
16. Other Business.
17. Questions from the News Media.
18. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JULY 23, 2007**

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION  
6:00 PM**

Mayor Les Smith opened the City Council Meeting to adjourn to a Closed Executive Session on July 23, 2007, at 6:00 PM. Councilman Carol Rudi made a motion to adjourn to Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(3) for Personnel Discussion. Mayor Pro Tem Mark Revenaugh seconded.

Roll Call Vote: All "aye" -- Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, Mayor Les Smith. (4-0).

Mayor Les Smith recessed the Closed Executive Session to go into an Open Study Session at 7:15 PM.

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

**PRESENT:** Mayor Les Smith  
Mayor Pro Tem Mark Revenaugh  
Councilman Carol Rudi  
Councilman Wayne Beer  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Les Smith opened the Regular July 23, 2007, City Council Meeting at 7:30 p.m. in the Gladstone City Council Chambers.

**Item 2, on the Agenda. ROLL CALL**

Mayor Smith noted that all Council members were present this evening.

**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 9, 2007, CITY COUNCIL MEETING MINUTES.**

Councilman Carol Rudi moved to approve the Regular July 9, 2007, City Council Meeting Minutes as presented. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

**Item 5. on the Agenda**

**CONSENT AGENDA**

Councilman Wayne Beer moved to accept the Consent Agenda as presented. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-52**, authorizing acceptance of work under contract with AB Creative, Incorporated for the Happy Rock Park Playground Replacement; and authorizing final payment in the amount of \$500.00. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-53**, accepting Temporary Construction Easements and Permanent Easements from certain property owners in conjunction with the 2200 block of NE 67th Street Storm Sewer Improvement Project. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-54**, accepting Right-Of-Way parcels from certain property owners in conjunction with the North Oak at NE 76th Street Traffic Signal Improvement Project. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-55**, authorizing the City Manager to purchase one 2007 Toyne Fire Engine and to trade in the City's 1991 Sutphen Engine in part consideration, resulting in a total expenditure of \$453,622.00. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Wayne Beer moved to approve the Annual Liquor License Renewals as follows:

- CVS Pharmacy, 7107 North Oak Trafficway, Seven Day Package Liquor License.
- CVS Pharmacy, 6129 North Antioch Road, Seven Day Package Liquor and Wine Tasting License.
- Senor Tequila, 6502 North Oak Trafficway, Class A&B Liquor by the Drink License.
- Multiple Investments, LLC dba Show-Me's, 6300 North Oak Trafficway, Class A&B Liquor by the Drink License.
- Gasmart USA, Inc, 7303 North Oak Trafficway, Seven Day Package Liquor License.

Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Wayne Beer moved to approve the **FINANCIAL REPORT FOR JUNE 2007**. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE.**

**Pat Gannon, 604 NE 67 Terrace**, said she wished to apologize for bringing up this issue, because everyone is probably as tired of it as she is, but she wished to talk about the Dangerous Dog Ordinance. Ms. Gannon said she knows that City Council has been asked to remove Bull Terriers from this Dangerous Dog Ordinance, and she wished to provide a little background on Bull Terriers. Ms. Gannon stated the name Bull Terrier came from the fact that the dogs were first used to fight and antagonize bulls just before they went into the ring for bull fights. This made the bull very mad and it was apt to put on a better show. When this was outlawed, the Bull Terrier was trained as a fighting dog. It was trained to fight to the death. One dog must die before they would stop fighting. When dog fighting was outlawed, the dogs were then taken into the coal mines to avoid being caught by the law or into the pits. This is where the name Pit Bull came from.

Ms. Gannon said she sent City Council members a packet of information on this, and also on the American Temperament Testing Society. Ms. Gannon said the American Temperament Testing Society, in her opinion, does not do much to test a dog. If they test one dog of a breed, and that dog passes its test, they rate that breed as 100 percent passed. The testing was done over a 29-year period, from 1977 to 2006. They tested 54 Bull Terriers, because 52 or something like that passed, they gave it a 98 percent breed rating.

Ms. Gannon said it took several months for this Council to pass, study, and come to an agreement on a Dangerous Dog Ordinance. It seems to her that we need to leave this Ordinance as it is or if there is consideration to change it, let's go back to the original

Ordinance and ban these dogs completely. Ms. Gannon said that is what she would have originally liked to have seen happen. Ms. Gannon said she has lived in her home for 36 years this month, and there have been a lot of dogs on her street. She has dog sat, fed, watered, walked, and even kept dogs in her home, while neighbors were gone. Ms. Gannon stated she likes dogs, and is not generally afraid of dogs, but she is afraid of the Pit Bull type dog. They are uncontrollable, unpredictable, and they just have no place in a neighborhood. Ms. Gannon said the main point she wished to make was please don't start removing dogs from this Ordinance right now - it is not the thing to do, and if you are going to reconsider the Ordinance, please ban these dogs entirely. Ms. Gannon thanked City Councilmembers for their time.

Mayor Smith thanked Ms. Gannon for the information she provided.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Wayne Beer** had no comments at this time.

**Councilman Carol Rudi** had no comments at this time.

**Mayor Pro Tem Mark Revenaugh** had no comments at this time.

**Mayor Les Smith** invited everyone to the Cornerstone Signing at the new Community Center, tomorrow at 4:00 PM. It is an opportunity for everyone to sign their name on something that hopefully will last for a 100 years or so, and jokingly said it may take that long to pay for it! Mayor Smith said the City Council has been charged with the task of finding someone to fill Councilman Cross's vacated position. The City advertised for applicants, and received 11 very qualified applicants. City Councilmembers on Saturday got together to discuss the process to develop some questions and to look at criteria for a new Council person. The candidates have been narrowed from 11 to 5. The five will be interviewed on a date not yet set. Those 5 have a good amount of experience either on a Board or Commission with the City, or were very actively involved in Gladstone on the Move, and Council feels they each have the credentials and the experience to "hit the ground running" once appointed.

Mayor Smith said he has contacted the 6 people who were not kept on the list to the final stage, and the 5 that have advanced to that round are: Don Horton, Don Harper, David Cox, Carol Suter and Robert Settich, and Council has biographies on all these people. City Council members will announce a date as soon as a date is agreed upon for interviews. The goal is to appoint someone at the first Council meeting in August.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

**City Manager Kirk Davis** reminded everyone that the Theatre in the Park Presentation of Beauty and the Beast is August 3, 4 and 5, and then again August 10, 11 and 12. The Night Out Against Crime event will be held in Oak Grove Park July 28<sup>th</sup>, 4:30 PM to 8:30 PM.

Mayor Smith, noting that Mr. McCullough, who had submitted an application for the Council vacancy, was in the audience, thanked everyone who submitted applications and were interested in giving of their time in serving their community. Mayor Smith said City Council members encourage all of them to stay involved in other ways in the City.

**Item 9. on the Agenda.**      **APPROVAL OF LIQUOR LICENSE RENEWAL** for Gladstone Bowl, Inc., 300 NW 72<sup>nd</sup> Street, Class A&B Liquor by the Drink License.

Councilman Carol Rudi moved to approve the Liquor License Renewal for Gladstone Bowl, Inc., 300 NW 72<sup>nd</sup> Street, Class A&B Liquor by the Drink License. Mayor Pro Tem Mark Revenaugh seconded.

Mayor Smith explained that due to a conflict of interest in regard to this item, as he is the proprietor of the Gladstone Bowl and he would abstain from voting.

The vote: "Aye" – Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Mark Revenaugh. "Abstain" - Mayor Les Smith. (3-0-1).

**Item 10. on the Agenda.**      **SECOND READING BILL 07-18**, approving a Site Plan Revision subject to certain conditions for construction of a Monument Sign at 6129 North Antioch Road. Owner: Missouri CVS Pharmacy, LLC. Applicant: Infinity Sign Systems for Icon Identity Solutions. (File #1299).

Councilman Carol Rudi moved to place **BILL 07-18**, on Second and Final Reading. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of **Bill 07-18** and enact the Bill as Ordinance 4.037. Mayor Pro Tem Mark Revenaugh seconded.

Councilman Rudi said she is not excited about this, and is not enthused about this. Councilman Rudi stated she understands the feeling of need for reader boards on our signs, and considering that we do have a few others, and have not yet reviewed our design standards for signage, she will reluctantly, as did the Planning Commission, be voting "yes" on this issue.

Mayor Pro Tem Revenaugh said he blocked this Bill at the last City Council meeting, and he is not particularly fond of the reader board signs, but the applicant has followed all the rules and they are legal. Mayor Pro Tem Revenaugh said he feels it would be unfair to change the rules midstream for this particular applicant in the middle of his application, so in the issue of fairness, he would be voting "yes" for this sign.

Councilman Beer stated he was not present for the discussion at the last City Council meeting, but he did read the minutes, and he was here for the Planning Commission meeting that dealt with this subject. Councilman Beer said he does understand that we are talking about a Planned District, so there is no compelling reason to approve this sign; however, he is in agreement with Mayor Pro Tem Revenaugh that because of other

precedents in the City and with the fact that there is no compelling reason to deny this, he will also be voting in favor of this application, but this is part of what has generated discussion of the City's Sign Ordinance Study Group. Councilman Beer said he is hoping the City can come up with a sign Ordinance that will be reasonable and fair to all future applicants.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0).

**Item 11. on the Agenda.** **RESOLUTION R-07-50**, adopting the Findings of Fact and Conclusions of Law herein set forth and denying F.R.A.H. Inc.'s request for amendment to the Special Use Permit and denying T-Mobile's application for a Special Use Permit for a wireless communications service tower.

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-50**, adopting the Findings of Fact and Conclusions of Law herein set forth and denying F.R.A.H. Inc.'s request for amendment to the Special Use Permit and denying T-Mobile's application for a Special Use Permit for a wireless communications service tower. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0).

**Item 12. on the Agenda.** **FIRST READING BILL 07-20**, amending Schedule VIII of the Model Traffic Ordinance (Gladstone Municipal Code Section 4.100.020) to establish Stop Sign locations at North Wabash at Northeast 73<sup>rd</sup> Terrace and North Cherry Street at Northeast 69<sup>th</sup> Street.

Mayor Pro Tem Mark Revenaugh moved to place Bill 07-20 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Mayor Pro Tem Mark Revenaugh moved to accept the First Reading of Bill 07-20, 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, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Mayor Pro Tem Mark Revenaugh moved to accept the Second and Final Reading of Bill 07-20 and enact the Bill as Ordinance 4.038. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0).

**Item 13. on the Agenda.** **FIRST READING BILL 07-21**, amending Schedule V of the Model Traffic Ordinance (Gladstone Municipal Code Section 4.100.020) to establish a "No Parking" zone for eastbound and westbound traffic on Northeast 61<sup>st</sup> Street from the intersection of North Balces east 85 feet.



Mayor Pro Tem Mark Revenaugh moved to place Bill 07-21 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Mayor Pro Tem Mark Revenaugh moved to accept the First Reading of Bill 07-21, 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, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Mayor Pro Tem Mark Revenaugh moved to accept the Second and Final Reading of Bill 07-21 and enact the Bill as Ordinance 4.039. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0).

**Item 14. on the Agenda.** **FIRST READING BILL 07-22**, amending Sections 5.110.190 and 5.110.260 of Title V of the City Code, by adding four new categories of licenses for the sale of liquor within the City of Gladstone, Missouri, being Temporary Caterers, Annual Caterers, and Beer only licenses, and establishing fees for such licenses.

Mayor Pro Tem Mark Revenaugh moved to place Bill 07-22 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Mayor Pro Tem Mark Revenaugh moved to accept the First Reading of Bill 07-22, 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, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0). The Clerk read the Bill.

Mayor Pro Tem Mark Revenaugh moved to accept the Second and Final Reading of Bill 07-22 and enact the Bill as Ordinance 4.039. Councilman Wayne Beer seconded.

Mayor Smith inquired into the Class "L" License, which is the 50-day license, and asked if it is the intent to allow it to be 50 continuous days, or should there be a maximum one-time license.

City Manager Kirk Davis said he believed that it is 50 continuous days maximum.

Mayor Smith asked if it is intended to be able to be licensed for 50 continuous days, or should there be a maximum number of continuous days within the 50 days.

City Counselor David Ramsay said both the State Statute and the Ordinance read a total of 50 days per year. Since the catering involves particular functions, occasions or events, then it would seem unlikely that someone would have a 50-day event. City Counselor Ramsay said the way the Ordinance is worded and is drawn from the State Statute, it is

contemplated that these events are individual events and that the reduced annual Caterer's License would be for 50 separate events per year.

Councilman Beer asked for clarification, if that would be for a maximum of 50 accumulated days.

City Counselor Ramsay said it could be 25 events that are over two days, but it would seem that over two or three days would not be typical.

Mayor Smith asked how the fees were established; specifically how they compare to a full time business and the fees they pay.

City Counselor Ramsay said the fees in the Ordinance are the fees that are set out in the State Statute for these particular items. Counselor Ramsay said he would like the opportunity to review the State Statutes, and he does suspect there have been some amendments to increase the fees for the other categories. Counselor Ramsay said he would like to present this to City Council in the guise of a comprehensive review and amendment for all the fees of the various Liquor Licenses. Counselor Ramsay said, as indicated in his memorandum, he set out the other fees and obviously they are less than these fees, and he is guessing they predate the most recent amendments to the State Statutes.

Mayor Smith inquired into the timeframe in reviewing those fees.

Counselor Ramsay said it could be done at any time, and it should not take too long to provide the information. Counselor Ramsay said he believed the Finance Director was going to do a comprehensive review of fees in the near future, but he is not certain what the schedule is.

Mayor Smith said the City is getting ready to open a Community Center, which is basically why we are doing this, and he would suggest that we have our fees in place and where we want them to be sooner, rather than later, and whatever it takes to do that would be his recommendation. Mayor Smith said if he had thought to ask that question sooner, he would have recommended that this item be tabled until the fees are established.

Mayor Pro Tem Revenaugh asked if there is some compelling reason to move forward without the fees in place, and will we have to revisit this again? Mayor Pro Tem Revenaugh said he would rather do this one time.

Counselor Ramsay said he knows that the Parks and Recreation Director was anxious to get the Caterer's Licenses in place, because they are already receiving booking requests for the banquet facilities at the new Community Center, and they wanted to be able to give people the opportunity to tie-in the caterers at the same time.

Mayor Smith said that is exactly his point; there will be some folks pulling licenses up front at one rate, and thirty days from now there will be another rate. It seems to him this should have come to City Council complete and ready to press forward for a longer period of time.

City Manager Davis said it was not intended to do the Fees and Charges in the next 30 days. That was a mid-year project, but if Staff needs to review the Liquor License fees now, and move those forward, aside from the regular Schedule of Fees and Charges that involve a million other fees, then Staff will be happy to bring them back to Council for review.

Mayor Smith asked if it makes sense to have them all in order rather than establish a set of fees that probably should be changed in the near future. We are embarking on a new venture here; let's tie it all up nice and neat.

Mayor Pro Tem Revenaugh said what he heard from Counselor Ramsay was that he intended to get the fees set before we did this, but he just did not get it done.

City Manager Davis said the Schedule of Fees and Charges is a much bigger project than Counselor Ramsay is anticipating. He was talking primarily about the liquor fees. City Manager Davis asked if Staff could go ahead and do the liquor fees, and that way no one will be held up. City Manager Davis suggested moving forward with one comprehensive look at those, and do the regular Schedule of Fees and Charges much later.

Councilman Beer asked Counselor Ramsay if he could have the information ready by the next City Council meeting.

City Manager Davis said the next meetings are August 13 or August 27.

Councilman Wayne Beer moved to table Bill 07-22 until the August 13, 2007, City Council meeting. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

**Item 15. on the Agenda.**      **RESOLUTION R-07-56**, granting a Permanent Easement to Kansas City Power & Light Company in conjunction with the Gladstone Community Center Project.

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-56**, granting a Permanent Easement to Kansas City Power & Light Company in conjunction with the Gladstone Community Center Project. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

**Item 16. on the Agenda.**      **OTHER BUSINESS.**

There was no other business.

**Item 17. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**


There were no questions from the News Media.


Mayor Smith congratulated Mr. Jeff Salem, of the Sun Tribune, on his recent marriage.

**Item 18. on the Agenda.**      **ADJOURNMENT.**

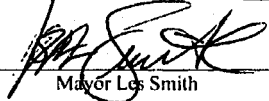
There being no further business to come before the July 23, 2007, Gladstone Regular City Council Meeting, Mayor Les Smith adjourned the regular meeting to reconvene to the Closed Executive Session.

Respectfully submitted:

  
\_\_\_\_\_  
Cathy Swanson, City Clerk

Approved as submitted: 

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

  
\_\_\_\_\_  
Mayor Les Smith

Aug.



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, AUGUST 13, 2007**

**OPEN STUDY SESSION: 7:00 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will hold a Closed Executive Session immediately following 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 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(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 23, 2007, City Council Meeting Minutes.
5. **FIRST READING BILL 07-23**, an Ordinance appointing **CAROL SUTER** to fill the City Council seat left vacant by the death of Councilman Bill Cross.
6. **CITY COUNCIL OATH OF OFFICE: CAROL SUTER.**
7. **CONSENT AGENDA**

**RESOLUTION R-07-57**, authorizing execution of a contract with SMI-CO Construction, Incorporated, in the total amount not to exceed \$336,168.00 for the 2006-2007 Water Main Replacements.

**RESOLUTON R-07-58**, authorizing acceptance of a proposal from KCR International for the purchase of a single axle 5-yard Dump Truck for the net purchase amount of \$67,950.

**RESOLUTION R-07-59**, authorizing acceptance of work under contract with Chief Construction Company, Incorporated, for the Public Works Master Plan Storage Building at Gladstone Public Works; and authorizing final payment in the amount of \$181,577.44.

**RESOLUTION R-07-60**, authorizing Change Order No. 1 in the amount of \$36,588.12 to the Contract with Linaweaver Construction, Incorporated, for the Community Center Streets Project.

**RESOLUTION R-07-61**, accepting a Permanent Easement from a certain property owner in conjunction with the 1401 NE 65<sup>th</sup> Street Storm Sewer Maintenance Project.

**RESOLUTION R-07-62**, accepting Temporary Construction Easements and Permanent Easements from certain property owners in conjunction with the 2200 block of NE 67<sup>th</sup> Street Storm Sewer Improvement Project (035012).

**RESOLUTION R-07-63**, authorizing acceptance of proposals from Vellar Consulting in the amount of \$25,000.00 for Neighborhood Development Consulting Services and \$5,000.00 for preparation of Neighborhood Strategic Plans and Action plans for neighborhood improvement for the Stormy Acres and Evanston Place subdivisions within the City of Gladstone, Missouri.

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:**

- Tortilla Flats, 5716 NE Antioch Road, Class A Liquor by the Drink License.
- Tommy's, 6221 North Chestnut, Class A&B Liquor by the Drink License.

**REGULAR AGENDA**

8. Communications from the Audience.
9. Communications from the City Council.
10. Communications from the City Manager.

11. **FIRST READING AMENDED BILL 07-22**, An Ordinance amending Sections 5.110.190 and 5.110.260 of Title V of the City Code, by adding four new categories of licenses for the sale of liquor within the City of Gladstone, Missouri, being Temporary Caterers, Annual Caterers, and Beer only licenses, and establishing fees for such licenses.
12. **FIRST READING BILL 07-24**, an Ordinance repealing Ordinance No. 4.011 (Section 6.110.100 of the City Code) and enacting in lieu thereof a new section to provide for an increase in the Minimum Service Charge to \$6.63 bi-monthly, as a portion of the Water Service Rates for the City of Gladstone, Missouri.
13. Other Business.
14. Questions from the News Media.
15. Adjournment.





**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, AUGUST 13, 2007**

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

**PRESENT:** Mayor Les Smith  
Mayor Pro Tem Mark Revenaugh  
Councilman Carol Rudi  
Councilman Wayne Beer  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Les Smith opened the Regular August 13, 2007, City Council Meeting at 7:30 p.m. in the Gladstone City Council Chambers.

**Item 2. on the Agenda.      ROLL CALL**

Mayor Smith noted that all Council members were present this evening.

**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 23, 2007,  
CITY COUNCIL MEETING MINUTES.**

Councilman Wayne Beer moved to approve the Regular July 23, 2007, City Council Meeting Minutes as presented. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

**Item 5. on the Agenda.      FIRST READING BILL 07-23, an Ordinance appointing  
CAROL SUTER to fill the City Council seat left vacant by the death of Councilman Bill  
Cross.**

Councilman Carol Rudi moved to place Bill 07-23 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 07-23, 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, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of Bill 07-23 and enact the Bill as Ordinance 4.040. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0).

**Item 6. on the Agenda. CITY COUNCIL OATH OF OFFICE: CAROL SUTER**

City Clerk Cathy Swenson gave the oath of office to Carol Suter, who will serve as a City Councilmember on the Gladstone City Council. Mayor Smith, on behalf of all City Councilmembers, presented Councilmember Suter with a bouquet of flowers, which was accompanied by applause from the audience. Mayor Smith invited Councilmember Suter to take her place at the Council dais.

Mayor Smith welcomed Councilmember Suter, and said it was a long selection process for the City Council, and all Councilmembers are excited about Councilmember Suter joining them. There was a great field of eleven applicants, which the Council narrowed down to five to interview. Mayor Smith said through the entire process, Councilmembers could not go wrong. Councilmembers were very excited with Councilmember Suter's depth of knowledge of the issues in the community. Mayor Smith said Councilmember Suter is a very intelligent, articulate lady, who will serve the citizens of Gladstone very well, and he welcomed her to the Council.

Councilmember Suter thanked Mayor Smith, and said she really appreciated the opportunity to be on the City Council, and stated she is very honored that City Councilmembers placed such confidence in her. Councilmember Suter said she was very humbled to be taking the seat of Bill Cross; he left very big shoes to fill, and she hopes her service in some way does justice to his legacy. Councilman Suter said she looks forward to working with each Councilmember as they all work together to move Gladstone forward.

**Item 7. on the Agenda CONSENT AGENDA**

Councilman Wayne Beer moved to accept the Consent Agenda as presented. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-57**, authorizing execution of a contract with SMI-CO Construction, Incorporated, in the total amount not to exceed \$336,168.00 for the 2006-2007 Water Main Replacements. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-58**, authorizing acceptance of a proposal from KCR International for the purchase of a single axle 5-yard Dump Truck for the net purchase amount of \$67,950. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-59**, authorizing acceptance of work under contract with Chief Construction Company, Incorporated, for the Public Works Master Plan Storage Building at Gladstone Public Works; and authorizing final payment in the amount of \$181,577.44. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-60**, authorizing Change Order No. 1 in the amount of \$36,588.12 to the Contract with Linaweaver Construction, Incorporated, for the Community Center Streets Project. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-61**, accepting a Permanent Easement from a certain property owner in conjunction with the 1401 NE 65<sup>th</sup> Street Storm Sewer Maintenance Project. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-62**, accepting Temporary Construction Easements and Permanent Easements from certain property owners in conjunction with the 2200 block of NE 67th Street Storm Sewer Improvement Project (035012). Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-63**, authorizing acceptance of proposals from Vellar Consulting in the amount of \$25,000.00 for Neighborhood Development Consulting Services and \$5,000.00 for preparation of Neighborhood Strategic Plans and Action plans for neighborhood improvement for the Stormy Acres and Evanston Place subdivisions within the City of Gladstone, Missouri. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Wayne Beer moved to approve the following Annual Liquor License Renewals:

- Tortilla Flats, 5716 NE Antioch Road, Class A Liquor by the Drink License.
- Tommy's, 6221 North Chestnut, Class A&B Liquor by the Drink License.

Councilman Carol Rudi seconded. The vote: All "aye" -- Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

## **REGULAR AGENDA**

### **Item 8. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE.**

Donald Harper, 1606 NE 68 Terrace, stated that as one of the five finalists for the vacant Council seat, he wanted to say thank you to City Councilmembers for the way that they conducted the search. The interview process was outstanding, well prepared, there were good questions, and the whole process was put together very well. Mr. Harper said Council's decision was a good one, and the new Councilmember will be a valuable addition to the Council, and he wished to give his personal congratulations to her, and his very best wishes. Mr. Harper said he would be available to help in any way he can along the way. Mr. Harper concluded by jokingly saying that he will not have to learn to tie a necktie again!

Mayor Smith thanked Mr. Harper, and said all City Councilmembers appreciate his comments. Mayor Smith stated he was so proud of his fellow Councilmembers, as this was not an easy process for them. They all had friends on the list, and they all knew people who would be good Council people, like Mr. Harper. Mayor Smith said it was a very "gut wrenching" decision, but he is very proud of the Council for the way they went about the process, and for making the tough decisions. Part of what this Council has talked about for a long time is building a good team from top to bottom, and that includes the various Boards and Commissions, and various volunteer positions within the City. Mayor Smith said a lot of good folks are in place, and Mr. Harper is an example. They are all key ingredients to what the City has going on, and Mr. Harper should be very proud of his role on the Parks and Recreation Advisory Board. Mayor Smith said it was not an easy decision, but it was a good decision for some reasons, because it left a lot of the other pieces in place where they are very valuable also. Mayor Smith said he appreciates Mr. Harper's service.

### **Item 9. on the Agenda.**

### **COMMUNICATIONS FROM THE CITY COUNCIL.**

Councilmember Carol Suter had no comments at this time.

Councilman Wayne Beer welcomed Councilmember Suter, and said he agreed with all Mayor Smith's remarks in regard to the difficulty of Council's decision, and the importance of the decision. Councilman Beer said he believed that any decision Council would have made would have been a good one, and he believes we have an outstanding

Councilmember here. Councilman Beer welcomed Councilmember Suter to the City Council.

**Councilman Carol Rudi** welcomed Councilmember Suter, and said she is glad to have another woman on the Council. Councilman Rudi said it was a very hard process; there were a lot of qualified people who applied. Councilman Rudi said narrowing the list of people to five was very hard. All the Councilmembers worked hard at that, but she would like to especially thank Mayor Smith, because he had the hardest part of the process, and that was to tell ten people that they were not the one selected. Councilman Rudi stated Mayor Smith did a very good job, and she is quite proud of him for taking that on, and succeeding with it. Mr. Harper is an example of how well he did, in that he could come here and tell Council that he appreciated the opportunity. Councilman Rudi thanked Mr. Harper. Councilman Rudi offered congratulations to Theatre in the Park on the end of a great season.

**Mayor Pro Tem Mark Revenaugh** welcomed Councilmember Suter to the Council, and said he was glad to see her here. Mayor Pro Tem Revenaugh congratulated the Parks and Recreation Advisory Board on an outstanding production of Beauty and the Beast, and he hopes future productions can continue to rise to that level of quality.

**Councilman Beer** stated that on Thursday of this week, the Gladstone Area Chamber of Commerce will be moving into its new location at the corner of 70<sup>th</sup> Street and North Cherry. Councilman Beer invited everyone to stop by and take a look at the new offices; it is quite a change from what it was when they started. It is an 80-year-old house that looks significantly different than it did when the process began.

**Mayor Les Smith** stated that Councilmember Suter's appointment has left a vacancy on the Planning Commission. The Council has discussed this, and he would like to recommend that the Chairman of the Board of Zoning Adjustment, Mr. Don Horton, be appointed to the Planning Commission, and Council applicant David Cox be appointed to the Board of Zoning Adjustment to fill Mr. Horton's position.

Councilman Carol Rudi moved to appoint Don Horton to the Planning Commission to complete Councilmember Suter's term, and to appoint David Cox to the Board of Zoning Adjustment to complete Don Horton's term. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" - Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

**Item 10. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

**City Manager Kirk Davis** stated, on behalf of the entire City staff, he would like to welcome Councilmember Suter to the Council, and he looks forward to working with her. City Manager Davis said she has already survived a full day of orientation, and said jokingly she has probably already read the box or two of books she was given.

Councilmember Suter said she had to ask her husband to carry everything into the house, as it was too heavy to lift.

Mayor Smith jokingly said she had the Mayor carry everything to her car.

City Manager Davis said Councilmember Suter was a member of the Leadership Academy this last spring. City Manager Davis said this is his segue into the fact that there are only 12 candidates for this upcoming Leadership Academy, and Staff would like to have a few more than that, so it has been delayed until the winter. There is a lot going on right now for folks, and there should be a better response in the winter, and he hopes all of the current 12 applicants will attend this winter, along with more folks. City Manager Davis again welcomed Councilmember Suter to the City Council.

Councilmember Suter stated the Future Leaders Academy was an excellent training ground, and when she came into City Hall for her orientation, she just had to review the materials she received in the Leadership Academy. It was a great help in meeting with City Manager Davis and the City Department Heads.

**Item 11. on the Agenda.** **FIRST READING AMENDED BILL 07-22**, An Ordinance amending Sections 5.110.190 and 5.110.260 of Title V of the City Code, by adding four new categories of licenses for the sale of liquor within the City of Gladstone, Missouri, being Temporary Caterers, Annual Caterers, and Beer only licenses, and establishing fees for such licenses.

Mayor Pro Tem Mark Revenaugh moved to place Bill 07-22 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0). The Clerk read the Bill.

Mayor Pro Tem Mark Revenaugh moved to accept the First Reading of Bill 07-22, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0). The Clerk read the Bill.

Mayor Pro Tem Mark Revenaugh moved to accept the Second and Final Reading of Bill 07-22 and enact the Bill as Ordinance 4.041. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0).

**Item 12. on the Agenda.** **FIRST READING BILL 07-24**, an Ordinance repealing Ordinance No. 4.011 (Section 6.110.100 of the City Code) and enacting in lieu thereof a new section to provide for an increase in the Minimum Service Charge to \$6.63 bi-monthly, as a portion of the Water Service Rates for the City of Gladstone, Missouri.

Councilman Wayne Beer moved to place Bill 07-24 on First Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 07-24, Waive the Rule and place the Bill on Second and Final Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 07-24 and enact the Bill as Ordinance 4.042. Mayor Pro Tem Mark Revenaugh seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0).

**Item 13. on the Agenda.      OTHER BUSINESS.**

There was no other business.

**Item 14. on the Agenda.      QUESTIONS FROM THE NEWS MEDIA.**

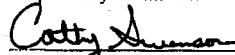
There were no questions from the News Media.


**Item 15. on the Agenda.      ADJOURNMENT.**

There being no further business to come before the August 13, 2007, Gladstone Regular City Council Meeting, Mayor Les Smith adjourned the regular meeting. Councilman Carol Rudi made a motion to adjourn to Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021(1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and 610.021(2) for Real Estate Acquisition Discussion, and 610.21(3) for Personnel Discussion. Mayor Pro Tem Mark Revenaugh seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, 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, AUGUST 27, 2007**

**OPEN STUDY SESSION: 6:30 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will hold a Closed Executive Session immediately following 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 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(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, 2007, City Council Meeting Minutes.
5. **PROCLAMATION:** Designating September 17-23, 2007, as "CONSTITUTION WEEK" in Gladstone, Missouri. Sponsor: William Boydston Chapter of the Daughters of the American Revolution.
6. **CONSENT AGENDA**

**RESOLUTION R-07-64**, authorizing the City Manager to amend the 457 Deferred Compensation Plan and Trust Agreement to permit loans through ICMA Retirement Corporation beginning September 1, 2007 for the benefit of the City's employees.



**RESOLUTION R-07-65**, amending the Gladstone City Employee Handbook to adopt updated policies addressing camera-equipped phones; hiring relatives; sick leave; smoking and tobacco use; substance abuse; employee dress; and the use of copyright materials.

**RESOLUTION R-07-66**, supporting a partnership between the MARCIT-WeTIP Crime and Community Safety Program and the City of Gladstone for the purposes of promoting crime abatement/anonymous crime reporting channel and prevention tools.

**RESOLUTION R07-67**, authorizing acceptance of a proposal from Cargil Deicing for purchase of snow removal salt on an as-needed basis at \$38.63/ton (7 day delivery), \$42.75/ton (24 hour emergency delivery), and/or \$46.92/ton (local pick-up).

**APPROVAL OF A NEW CLASS "C&H" PACKAGE LIQUOR LICENSE** for Euro Market, 6942 North Oak Trafficway. Managing Officer: Judy L. Alijanovic.

## **APPROVAL OF JULY FINANCIAL REPORTS.**

### **REGULAR AGENDA**

7. Communications from the Audience.
8. Communications from the City Council.
9. Communications from the City Manager.
10. **PUBLIC HEARING:** on setting the annual rate of levy for the 2007 Real Estate and Personal Property Taxes within the corporate limits of the City of Gladstone, Missouri.
11. **FIRST READING BILL 07-25**, setting the annual rate of levy for the 2007 Real Estate and Personal Property Taxes within the corporate limits of Gladstone, Missouri at \$.9290/\$100.00 valuation for residential; \$.9290/\$100.00 valuation for agriculture; \$.8550/\$100.00 valuation for commercial; and \$.5391/\$100.00 valuation for personal property.
12. Other Business.
13. Questions from the News Media.
14. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, AUGUST 27, 2007**

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

**PRESENT:** Mayor Les Smith  
Mayor Pro Tem Mark Revenaugh  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilmember Carol Suter  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Les Smith opened the Regular August 27, 2007, City Council Meeting at 7:30 p.m. in the Gladstone City Council Chambers.

**Item 2. on the Agenda. ROLL CALL**

Mayor Smith noted that all Council members were present.

**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 13, 2007, CITY COUNCIL MEETING MINUTES.**

Councilman Carol Rudi moved to approve the Regular August 13, 2007, City Council Meeting Minutes as presented. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

**Item 5. on the Agenda. PROCLAMATION:** Designating September 17-23, 2007, as "CONSTITUTION WEEK" in Gladstone, Missouri. Sponsor: William Boydston Chapter of the Daughters of the American Revolution.

Mayor Smith read and presented the Proclamation to Donna McKann, Constitution Chairman, and Freddie Nichols, Regent, of the William Boydston Chapter of the Daughters of the American Revolution.

Ms. McKann thanked Mayor Smith and City Council members, and said she hoped everyone would remember the dates of September 17-23, and fly their American flag in honor of this wonderful commemoration.

**Item 6. on the Agenda      CONSENT AGENDA**

Councilman Wayne Beer asked that Resolution R-07-67 be removed from the Consent Agenda for consideration as Item 6a. under the Regular Agenda.

Councilman Wayne Beer moved to accept the Consent Agenda as modified. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-64**, authorizing the City Manager to amend the 457 Deferred Compensation Plan and Trust Agreement to permit loans through ICMA Retirement Corporation beginning September 1, 2007 for the benefit of the City's employees. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-65**, amending the Gladstone City Employee Handbook to adopt updated policies addressing camera-equipped phones; hiring relatives; sick leave; smoking and tobacco use; substance abuse; employee dress; and the use of copyright materials. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-66**, supporting a partnership between the MARCIT-WeTIP Crime and Community Safety Program and the City of Gladstone for the purposes of promoting crime abatement/anonymous crime reporting channel and prevention tools. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Wayne Beer moved to approve a **NEW CLASS "C&H" PACKAGE LIQUOR LICENSE** for Euro Market, 6942 North Oak Trafficway. Managing Officer: Judy L. Alijanovic. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Wayne Beer moved to approve the **JULY FINANCIAL REPORTS**. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilmember Carol Suter,

Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

#### REGULAR AGENDA

**Item 6a. on the Agenda.** **RESOLUTION R-07-67**, authorizing acceptance of a proposal from Cargil Deicing for purchase of snow removal salt on an as-needed basis at \$38.63/ton (7 day delivery), \$42.75/ton (24 hour emergency delivery), and/or \$46.92/ton (local pick-up).

Councilman Wayne Beer moved to adopt **RESOLUTION R07-67**, authorizing acceptance of a proposal from Cargil Deicing for purchase of snow removal salt on an as-needed basis at \$38.63/ton (7 day delivery), \$42.75/ton (24 hour emergency delivery), and/or \$46.92/ton (local pick-up). Councilman Carol Rudi seconded.

Councilman Beer apologized for not asking this question from the City Manager earlier, but it is a question he would like to ask. Councilman Beer asked if the cost of \$38.63 per ton is a delivered cost.

City Manager Kirk Davis replied that is the cost with delivery.

Councilman Beer asked why it would cost so much more for us to pick it up locally at a cost of \$46.92 per ton.

Public Works Director Chuck Williams stated this is a method the City has used for several years in cases where the salt is available locally. The company still has to haul it here and stockpile it, and if they have a stockpile, there is a cost for loading the salt from their stockpile into ours. This is not something we have been able to use in the past, because the winters have been such that they have never been able to build up a stockpile.

Councilman Beer asked for clarification if it is a matter of the company having to handle the salt twice.

Director Williams agreed that was correct.

The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

#### **Item 7. on the Agenda.** **COMMUNICATIONS FROM THE AUDIENCE.**

Murtin Talbott, 5 NE 67 Terrace, stated he has lived in Gladstone for 37 years, and has been a member of Englewood Baptist Church, 1900 NE Englewood Road, for longer than that. Mr. Talbott said he was speaking on behalf of the church and on behalf of the Creative Arts Academy, with whom the church shares their property. The church has always been community minded; there is a baseball diamond the community uses, and they did have a basketball court the community used. Three years ago the church sold three buildings on its campus to the Creative Arts Academy. In this agreement, the City required a fence to be put up on the back end of the church's property for about five or six

houses that back up to the church's parking lot. The church did agree to that, so the church, along with the Creative Arts Academy, put up the fence. In the process of putting up the fence, one of the people whose property backs up to the church's parking lot said they could not do that; a gate had to be installed for them, because this is public property. Mr. Talbott said they should have known this, because this is where the neighbor has been throwing her ashes for years. Mr. Talbott said in trying to be a good neighbor, he wrote her a letter asking her to use the church's dumpster free of charge, and to not dump the ashes on the ground as they make a big mess, and dust flies when they go over it with the lawnmower.

Mr. Talbott said they told the neighbor it is not public property, but is private property. Mr. Talbott stated it seems that she is very persistent, and he is certain she has been before the City Council many times in the past three years. A couple of weeks ago, church members saw that part of the fence was down a little bit. Mr. Talbott pointed out that other members of his church were present this evening, and said they do not want a gate of any type in this fence, and the Creative Arts Academy do not want a gate in the fence, but somehow or other it seems it is headed to have a gate in the fence. Mr. Talbott said he believes Pam Raisher may have signed an agreement on this under duress or whatever, but in talking to her, he had the feeling she could not fight City Hall.

Mr. Talbott said he cannot understand that if this is private property, and the church does not want a gate there, and the owner doesn't want a gate there, something has happened somewhere or somehow that the City is involved in getting a gate in the fence. Mr. Talbott said he and the church do not feel it is fair. Pam Raisher told him today she has never wanted a gate there, and she does not want a gate there now or in the future. Mr. Talbott said they cannot see a reason why a gate is going in there. Mr. Talbott shared pictures with City Council members, and said what they are asking City Council members to do is to write a letter on City letterhead to the neighbor saying this is private property, and neither the City of Gladstone or anyone else has the right to be putting a gate in there.

**Jim Wood, 2419 NE 68 Street**, stated he is a recent Gladstone resident, and was a Platte County resident for 50 years, and has been a member of Englewood Baptist Church since 1968. Mr. Wood said he is well aware of some of the problems the church has had with this particular person. Mr. Wood said he has mowed the grass where the fence is now several times, and had to go through the debris and ashes she has thrown over there. As Mr. Talbott said, they have tried to tell her to use the church's dumpster. The other problem is that she wants a place to put her wood back there, so the truck can pull in the back and unload a cord of wood in the wintertime. Mr. Wood said they have offered to let the truck come into the front street like anyone else, and they would carry it back for her so she would not have to pay for it. If she agrees to that, then she has nothing to complain about, but she doesn't want that. Mr. Wood said she walks her dog on their property, and does not clean up behind it, and does not have it on a leash. Church members have asked her about that, so there are a several things that go back a number of years with this particular person, and she just wants a gate. The fence is on the property line, and probably more on Ms. Raisher's property line now, because there is an easement in there. There is room for her to open her gate and walk her dog or carry wood back there, but she would be trespassing on someone else's property.

Mr. Wood said it is an inconvenience and a risk for the church, and a property risk to have a gate in there. Mr. Wood said they are against the gate.

Mr. Talbott stated not only did one of the church members offer to carry the wood from the front to the back, someone else offered to pay to have the wood taken from the front to the back, but she says she wants a gate.

Mr. Wood said if this goes through, what is to keep the other four or five property owners from saying they want a gate, too. What would keep someone behind the Christian Church from saying they want a gate after they hear about this. It sets a bad precedent to do that.

Mr. Talbott said it kind of crams it down their throat that she comes onto their property with her dog and says this church is public property, and I'm going to bring my dog over here to do its thing. Mr. Talbott thanked City Council members for their time.

Mayor Smith asked Assistant City Manager Scott Wingerson to provide some clarification in regard to this matter.

Assistant City Manager Wingerson stated this issue, unfortunately, as with most things, is not as clear as the original discussion of the matter. This is really a classic case of neighborhood conflict that Staff has been trying to mitigate since the original approval nearly three years ago. That is when the Council granted a Special Use Permit, just as the gentleman from the church indicated. With that Special Use Permit coming to the Council as a split vote from the Planning Commission, there were several conditions. One was to build a privacy fence along the north property line; another was that there would be no additional improvements to the site besides those improvements specifically indicated in the Special Use Permit application without a review of the Special Use Permit's terms and conditions. There were signage restrictions as part of that Special Use Permit Ordinance.

Mr. Wingerson said immediately after approval, the north neighbor came to Staff and indicated that she wanted a gate. She currently has a small 3 or 4-foot chain link fence that has a gate through which she has historically delivered firewood through the church property. Since those discussions occurred about a gate, Staff tried to mitigate the neighborhood conflict, and certainly the main focus of discussion is this gate, but you can hear from some of the secondary issues that it is not just about the gate. It is a very complex dynamic between the property owners on the north side and the east side and the church over the history of the properties. Mr. Wingerson said what ended up happening is the negotiation of a three party agreement. That agreement is between Creative Arts Academy and Pam Raisher, the neighbor with the gate to the north; and Gladstone Neighbors Helping Neighbors. The role of Gladstone Neighbors Helping Neighbors is to do nothing more than to contract for and pay for installation of a double wide gate through the privacy fence at the same location as the short chain link gate that provides access to the north property owner. Mr. Wingerson reported that the rule for the neighbor is to only use the gate during very clearly specified times, and the other rule for the neighbor is to waive all liability from Creative Arts Academy in terms of use of the two parking spaces that are affected, damage to Creative Arts Academy vehicles, or personal liability on Creative Arts Academy's property. All of those things are placed on the property owner to

the north. Creative Arts Academy's role in that agreement is to grant the access for the contractor to install the doublewide gate.

Mr. Wingerson said the current update is not very good. Neighbors Helping Neighbors did contract for the installation of the doublewide gate based on the three party agreement. Neighbors Helping Neighbors was told that it would take approximately two weeks to manufacture the two panels that create the actual gate, shore up the existing posts that hold the fence panels, and complete the installation. That has been about six weeks despite probably about 25 or 30 phone calls to the contractor, who is the same contractor who installed the privacy fence, as well as miscellaneous improvements on the church property about three years ago. Mr. Wingerson said in addition to the neighbor to the north, Staff routinely receives inquiries from property owners to the east about debris and activity on that side. Staff routinely receives calls from the community about signage; in fact, the City Council granted a variance to allow a banner sign to be placed on the privacy fence being discussed. Mr. Wingerson said today he believes there is a banner on the backstop at the church, advertising Creative Arts Academy. All of those things are inconsistent with the Special Use Permit.

Mr. Wingerson stated that today Ms. Raisher, the principal of Creative Arts Academy, called and indicated that she did not want the gate, so unless City Council members provides different direction, Staff will take that under advisement and see what appropriate options might be. Mr. Wingerson said to be honest, he does not know where to go from here, but he will say that Staff has offered neighborhood mediation on several occasions over the last three years. All the parties have not agreed to do that for a variety of reasons, so Staff is at an impasse; and unfortunately, this is one of those cases where the solutions are not readily apparent.

Mayor Smith asked if there was something lost in the translation – was the gate ever talked about at the Planning Commission level, or was it talked about in a private meeting on site.

Mr. Wingerson replied if it was talked about in the Planning Commission Public Hearing, it was not reflected in the Minutes, nor in the recommendation of Staff, the recommendation of the Planning Commission, or the final action of the City Council. Some of the Council remembers Staff providing the entire file at some time during the course of this discussion, to clarify that issue. It was a point said out loud in terms of a gate, but it did not rise to the point of a recommendation of the Commission or action of the Council.

Mayor Smith asked if Ms. Raisher stated that she would provide a gate.

Mr. Wingerson replied he did not remember that specifically, and did not know.

Councilman Wayne Beer stated, as he recalled, any mention that she had with regard to the gate was just a "gentleman's agreement" between she and the neighbor to the north, and he believed that was predicated upon solution of some other issues. It is one of those things where one gives and someone else needs to give too, in order to promote harmony. Councilman Beer said he did not recall, other than just the mention of a gate during a

Planning Commission meeting, that there was any other recommendation of the Planning Commission, and he did not recall that it was any part of the Special Use Permit.

Mayor Smith said if there was a "gentleman's agreement", and if Ms. Raisher told the neighbor that she would provide a gate, which may have kept that from coming to a head, then he believes firmly that one's word is their bond. If she gave that word, then she needs to provide a gate, would be his guess.

Councilman Beer said he would agree with that, but he would also say that is between them, and is not a Council issue.

Mayor Pro Tem Mark Revenaugh stated he agreed with Councilman Beer. Mayor Pro Tem Revenaugh said he was on the Planning Commission when this issue came up, so he clearly remembers the discussion and all the issues that went through the recommendation to the City Council. Just recently in a conversation with Mr. Wingerson, it was outlined or suggested that it would be within the realm of possibility that if Ms. Raisher did not go forward and allow the gate for this one particular neighbor, which would give her access to private property, which neither the Council or the Planning Commission agreed to, that the Planning Commission might bring it back up on their radar for suitability discussions for continuing Ms. Raisher's Special Use Permit. Mayor Pro Tem Revenaugh said he knows, because he was in the Planning Commission meeting, that it was after the Special Use Permit was granted that one of the Planning Commission members said that was a mistake, that because of the gate issue, we should be rescinding the Special Use Permit. This was after Ms. Raisher had her Special Use Permit, and had invested thousands of dollars in the business to move it to its present site from Antioch Shopping Center.

Mayor Pro Tem Revenaugh said he was surprised that this issue is once again here before us. Mayor Pro Tem Revenaugh said Ms. Raisher is operating a business now for close to three years, and obviously if there are signage issues that are not within code, that bothers him. In regards to the gate, if someone told him that he might lose his business if he did not allow this person access, or even just the mere suggestion that it would also become a topic of conversation for the Planning Commission, and ergo the Council, he would be inclined to look pretty hard, and he thinks that is where the "you can't fight City Hall" statement came from, and Ms. Raisher may be thinking go ahead and put the gate in.

Mayor Pro Tem Revenaugh said he agreed with the gentleman who spoke before Mr. Wingerson, where if she were to buckle under even suggested pressure that there is a chance she might lose her Special Use Permit to operate in that location, then what is to prevent the other neighbors from wanting a gate so they can also have access to private property, and there is no end to it. Mayor Pro Tem Revenaugh said the irony is that neither the church nor the Creative Arts Academy wanted to put up the fence to begin with. There had never been a privacy fence, and it operated as a parking lot for all these years, and the residents were complaining because they were afraid that the lights from the automobiles picking up the children from the dance academy at night, might interrupt their home life. It was agreed that they would have to put up a privacy fence. Mayor Pro Tem Revenaugh stated the idea of going back and even suggesting that Ms. Raisher might lose her livelihood without acceding to the demands of one particular neighbor to put in a gate so it matches her gate, so she may clearly trespass, to him does not make a lot of sense.



Mayor Smith asked for clarification as to who might have threatened or suggested this to Ms. Raisher.

Mayor Pro Tem Revenaugh replied he was not using the word "threatened", he is just suggesting that it is in the realm of possibility that it might come up on the radar with the Planning Commission.

Mr. Wingerson said he believed that Mayor Pro Tem Revenaugh was largely accurate, except that one has to consider those comments in the form of context. As an applicant for a Special Use Permit early on three or four years ago, there were very clear and serious discussions about the pros and cons of the Special Use Permit as opposed to a zoning change. That's done from a positive aspect and a possible consequence aspect, because the prospective property owners must understand their rights under a Special Use Permit, which is really exactly that - a Special Use Permit. There were conversations about down the road possible consequences. More recently, and ironically prior to the Council's consideration of the Sign Variance, there were additional discussions about possible consequences of not taking action. Not anything more than here are things that could happen positively, it could be no big deal, and these great things could happen; it could be a big deal and these bad things could happen.

Mr. Wingerson said he certainly tells Council as clearly as he can, yes, he talked to Pam Raisher about possible consequences, but also of the possible positive actions of her decision. It was Creative Arts Academy's decision to apply for a Special Use Permit not a zoning change. It was also Creative Arts Academy's decision to apply for a variance, instead of complying with the Sign Code. It was also Creative Arts Academy's decision to sign the three-party agreement. Mr. Wingerson stated what he says, he thinks has limited bearing, because the Planning Commission and ultimately the City Council make that final decision, and he was never going to make that decision, one way or the other. Mr. Wingerson stated Mayor Pro Tem Revenaugh is correct in terms of the discussion happening; that did occur. Are they meaningful to what is going on tonight? He does not think so.

Mayor Smith asked what the three-party agreement states.

Mr. Wingerson replied it provides for a double gate generally located similarly to the existing gate on the chain link fence, and it outlines the liability of the neighbor to the north.

Mayor Smith stated he doesn't know whether Council should be making the decision that a gate is built, but it stands to reason that if the lady had a double wide gate, and fence was mandated behind it, why wouldn't that double wide gate continue. Basically it did close her off. If there are issues with her dog, those can be addressed. Mayor Smith said there is an agreement signed by the parties involved, which Mr. Wingerson discussed with Neighbors Helping Neighbors to help mitigate a neighborhood situation, which we do often and we do well. If the contractor had come back in two weeks as he promised, the gate would be up and this would be a moot point.

Mr. Wingerson stated unless the parties did not like the gate, which it sounds like they would not have liked the gate, but agreed that Mayor Smith is correct. Had the gate been installed, we probably wouldn't be here.

Mr. Wood said he was around in the beginning of this, and he is the buildings and grounds person for the church, and also one of the Trustees. At the time of the fence, he remembers sitting in here, when Ms. Raisher indicated she did not want a fence, and the church members indicated they did not want a fence. At the time there was no fence to be put up. Mr. Wood said they have approximately \$9,000 in the fence, and there are other property owners who have a fence, but they haven't made this kind of complaint. There are several feet between her gate and the fence, so she can use her fence and get out through the back of her property. The property owners do not maintain the area between the black top and the fence of their own property. Mr. Wood said he has mowed that a number of times to keep it attractive. The church hired a man that mows and he mowed it. They did not keep up that fence area. There is room for any of the property owners to get out from their property line and walk behind the fence and their line. They are not cut off.

Mayor Smith inquired into the church's specific objection to the neighbor getting the gate.

Mr. Wood replied, as a member of the church, from his standpoint, it just does not seem right that you can take private property, a business or a church, and say this is what you are going to do, which was not in the original agreement, and then come back and say you have to do this.

Mayor Smith said what bothers him is if Ms. Raisher made a comment to the neighbor to the north, Nancy Norton, even just a good faith comment and said she would provide a gate as part of the fence, just because that didn't make it through the process and the Minutes, that doesn't count to him. If Ms. Raisher told Ms. Norton she was going to get a gate, that's good enough for him.

Mr. Wood said he would have to hear Ms. Raisher say that she said that, because he does not believe that she did, but then he cannot speak for her. From the conversations he had with her during the Planning Commission, and anytime after, she has never wanted a gate there.

Mayor Smith said he was told by Dick Davis, who was a member of the Planning Commission, that she did. Mayor Smith asked if the neighbor has some right to go through a gate onto the church's property.

Mr. Wood replied, does anybody?

Mayor Smith said no, that is his point.

Councilmember Carol Suter said she appreciates that City staff would like to help neighbors negotiate things to keep relationships good, but it is particularly unusual to grant a private land owner access rights to another land owner's property. We are not talking about access to public property, we are talking about another individual's property. Just anticipate ahead that the property is sold, and you don't know who is going to buy it or live

there, or what they will do with the access. Councilmember Suter said that is a big can of worms that has been opened that it seems to her perhaps in a court of law may not hold up in terms of the landowners' rights.

Mayor Smith asked if the church owns that part of the property or does Ms. Raisher own it?

Mr. Wood replied under the Special Use Permit, Ms. Raisher owns that part of the property.

Mayor Smith stated for clarification, that Ms. Raisher can grant access.

Mr. Wood replied she could if she wanted to.

Mayor Smith said as Ms. Raisher signed an agreement granting a gate, it would seem she was granting access.

Mr. Wood stated Ms. Raisher probably has \$800,000 in that piece of property, and probably doesn't want to lose it in two years, so if someone came and said there is a good possibility – not saying that there is....

Mayor Smith inquired into who said that.

Mr. Wood replied Mr. Wingerson has just said that he said there was a possibility.

Mayor Smith asked Mr. Wingerson if we insinuated if the gate wasn't built, that Ms. Raisher could lose her Special Use Permit.

Mr. Wingerson replied no.

Mr. Wood stated what Mr. Wingerson said was that it could come up for a Public Hearing again and go through all this motion again, and the Council could say put a fence in at your own cost.

Mayor Smith said what Mr. Wingerson was doing was rather than insinuating or implying that she could lose her business, he was stating all the facts. A lot of things could come up. Her continued violation of the variance on the Sign Ordinance could come up. Her debris and litter could come up. The play structure she built without a permit could come up. Those are all just factual things that could come up and jeopardize her ability to get her Special Use Permit renewed. Mayor Smith stated he does not disagree with Mr. Wood, and is not trying to be argumentative, but his point is we are almost crossing the line of casting aspersions on City staff, and he is not going there.

Mr. Wood stated he is not either. There is so much history that Council is not aware of on all the property. Mr. Wingerson alluded to the people on the east; the church fought their vehicles being parked on church property for years, because she had a gate that she wanted to get into to get to her swimming pool. There have been several issues.

Mr. Talbott stated he believes the issue boils down to what the Mayor Pro Tem said. Mr. Talbott said he believes a person convinced against their will, is still of the same opinion, and maybe if he were in her shoes he would have signed something, too. It is like the old Mafia thing, "I'm going to make you a deal you can't refuse" - here are some things that could happen. Mr. Talbott said Ms. Raisher definitely said to him that she felt under pressure that she had to do it.

Councilmember Suter stated that it goes without saying that whenever a political subdivision engages with its citizens, it does it knowing the power of its position. When you are dealing with people who are licensees, requesting zoning changes, or whatever, whether they are developers or whoever they are, we have a special obligation to be particularly careful in conversations, because no one has to say anything. I know if I have a Special Use Permit, I am at the mercy of the Planning Commission and the City Council at any time in the future, whether I'm a good player or not a good player in my own use of the property. Councilmember Suter said this is a particularly unusual circumstance that a private landowner would be granted access to some other private landowner's property for use that seems to be in dispute.

Councilmember Suter asked if the agreement among the three parties that was signed is specific to that landowner. Hence, when the property is sold, does that access cease or is that continuous?

Mr. Wingerson replied it is specific to the landowners.

Councilmember Suter asked who would pay for the changing of the gate back to a fence?

Mr. Wingerson replied there was no provision for that.

Mayor Smith stated to Councilmember Suter that he does not disagree; however, he believes Councilmember Suter also knows that if there is a very lengthy Special Use Permit agreement that states very specific parameters for performance, the Council cannot arbitrarily not renew that permit. The position that Council takes is that they are less likely to ever rescind a Special Use Permit if the conditions are followed, and he is certain that Mr. Wingerson also told Ms. Raisher that if she does Conditions 1-20, or however many conditions there are, you will probably get your Special Use Permit renewed, so this cuts both ways. Mayor Smith said the thing that he was not clear with at first was it sounded like by providing access through the gate that Ms. Raisher had agreed to allow them access to the church's property. We know now that is not correct. Ms. Raisher actually owns the property she would be granting access to, so she does have the authority to do that.

Councilman Carol Rudi asked for clarification if the area that is north of the fence that has been installed, that is open where people can walk upon - who does that belong to?

Mr. Wingerson replied he believed that area belongs to Ms. Raisher, and the approximate distance between the privacy fence and the chain link fence is about 24 to 28 inches. The members of the church may be more clear on this.

Councilman Rudi asked if the area all the way along the fence belongs to the property owners on the south side of the fence – the church and Creative Arts Academy.

Mr. Wingerson replied he believed that was correct.

Councilman Wayne Beer stated, without regard to some of the other issues on the Special Use Permit, in regards to the fence only, Ms. Raisher is in compliance with the Special Use Permit, and asked if that was correct.

Mr. Wingerson asked in regard only to the privacy fence?

Councilman Beer replied in regard only to the gate in the privacy fence, since there was no gate specified in the Special Use Permit, she is in compliance.

Mr. Wingerson replied yes.

Councilman Beer stated then the City Council would only have action to take if she were out of compliance. Since she is in compliance, this really is not an issue of which we should take any direct action. Councilman Beer said it seems to him this is nothing more than a private property access and a private property trespass and granted trespass issue. It is not a City Council issue.

Mayor Smith said other than hearsay, he does not believe "we have a dog in this hunt".

Councilman Beer and Councilmember Suter agreed.

Mayor Smith said what we have at this point is a Special Use Permit with conditions, which is all Council cares about. If Ms. Raisher and whoever, through whatever efforts, entered into a private agreement to construct the fence, and thus, grant access, if she chooses not to build that fence, that is her issue.

Councilman Beer agreed.

Mayor Smith stated he does not know that Council can require Ms. Raisher to build it or not build it, but he does not want to forget that Assistant City Manager Wingerson has spent two or two and one half years trying to mitigate a neighborhood issue. Mayor Smith said he does not want the fact lost that Mr. Wingerson tried to do that, and he commends him for it.

Councilman Rudi asked if putting in the gate would change the fence requirement – that is still considered fence?

Mr. Wingerson replied the discussion about the privacy fence was in regard to the differing operation of the dance studio in evening hours during the week as compared to the church that is pretty much a Sunday daytime operation. The neighborhood on the north side expressed their concern about car lights in the parking lot through the chain link fence into their homes. That is where the privacy fence came from. The gate, when it is closed, will do the same thing as the privacy fence.

Councilman Rudi asked for clarification, if putting in the gate would not take Ms. Raisher out of compliance for the fence.

Mr. Wingerson replied no.

Councilman Rudi said she agreed that this is not an issue for the Council.

Councilmember Suter said she believed the parties should check with legal counsel, and she believes this is a private matter at this point, because of the subsequent agreements.

Mayor Smith stated that Council is not one way or another on this issue. This is not to be held against Ms. Raisher in the future, and Council wishes all parties the best of luck in resolving this issue.

Mayor Pro Tem Revenaugh stated he believed that Ms. Raisher should be made aware of the fact that if there are current infractions, like the signage on the backstop and so forth, and that Council takes a dim view of her not complying with all the articles that allowed her to have the Special Use Permit.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilmember Carol Suter** expressed her congratulations and appreciation to all the City staff and elected officials and all the volunteers who participated in Gladstone on the Move, and participated in the concept and implementation of the partnership with North Kansas City Schools on our Natatorium. Both of which are the subject of some impressive awards that the City is going to be receiving. It is amazing to be a part of a small community like ours and to have that kind of recognition for innovation and creativity. A lot of people say the only way to success in the 21<sup>st</sup> Century is creativity; we are not about service industry anymore. We are about ideas and a creative economy, and it is a blessing to know that we are working with people who are that creative and insightful to come up with these great ideas that not only work well for us as a community, but have also now provided the City recognition far beyond our own corners.

**Councilman Wayne Beer** had no comments at this time.

**Councilman Carol Rudi** stated she has been asked if the City would be conducting the neighborhood sweeps in the future, because they really liked it.

Mr. Wingerson replied, yes, they are coming forward. A new Code Enforcement Officer will be starting work on September 12, and a second person will be starting about 30 days later. Neighborhood sweeps will start directly after the training period, and will continue in the Spring of next year.

**Mayor Pro Tem Mark Revenaugh** congratulated Parks and Recreation Director Sheila Lillis on the attainment of her latest professional designation. Mayor Pro Tem Revenaugh said he read about it in the paper, and again congratulated Director Lillis.

Mayor Les Smith had no comments at this time.

**Item 9. on the Agenda.      COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reported that notice was received last week that the Missouri Municipal League (MML) was going to award our City an innovation award for our partnership with North Kansas City Schools in the completion of the Natatorium and Community Center. City Manager Davis said he believes everyone is aware of the value and the opportunities that partnership has provided the City, and it is nice to be recognized by MML as Councilmember Suter mentioned. This is the second of two awards the City has received recently. The other award was from the International City Managers Association for strategic leadership and governance, and we are one of three cities being recognized under that category from around the world. The City will receive that recognition in Pittsburg in October. The MML recognition will be received in September at the MML conference here in Kansas City. City Manager Davis said he is very pleased. A lot of work and time went into all of these activities, and certainly everyone at the dais has spent many hours considering all of the issues that went into those two efforts, and everyone deserves a pat on the shoulder.

City Manager Davis stated he did not realize that Public Safety Director Bill Adamo was not going to be present this evening, but he would like to take the opportunity to say some things anyway. Mr. Davis announced that Director Bill Adamo, after 36 years of service to the City, has signed up to retire, and his last day will be September 3, 2007. He has served this community for 18 years as a Director, and served the community as a Firefighter and Public Safety Officer for 36 years. He has a Bachelor's degree, a Master's degree, and is also a graduate of the FBI National Academy. Director Adamo is a member of the Metro Chiefs Association, National Police Chiefs Association, and the National Fire Chiefs Association.

City Manager Davis said the Public Safety Department has seen a lot of things happen while Bill was Director. He led the accreditation effort through CALEA (Communications Assistance for Law Enforcement Act); he has provided equipment and training to develop a Tactical Team; and he has overseen the installation of a Computer Aided Dispatch System in Public Safety. The remodeling of Fire Station 2, which included a new addition, and training facilities, and the construction of the new Fire Station 1 on North Oak Trafficway was also done under his watch. Director Adamo oversaw the remodeling of the Public Safety Department downstairs in City Hall, creating a state-of-the-art Police headquarters, including a state-of-the-art Dispatch Center.

City Manager Davis stated the City saw significant upgrades while Bill was a Director, in fire equipment, tactical equipment, and certainly in training. The City saw increases in fire and ambulance staffing. The School Resource Officer Program was started. Director Adamo started and enhanced the Detective Unit, and the cyber crimes effort; and in the Support Bureau he implemented the Community Policing Program. Director Adamo started a Traffic Bureau, a Fire Inspection Program, a Hazmat Program, and initiated the use of a second ambulance that came through the Gladstone on the Move effort.

City Manager Davis said these are just a few things that came to mind today when he was jotting down his thoughts. Bill has made a significant contribution to the Public Safety Department, to the metro area, and certainly to the City of Gladstone. He is a leader in our organization. He is respected by his employees. He is respected in this community. He is respected by members of the Leadership Team.

City Manager Davis concluded by saying he is truly honored to serve with Director Adamo. He is a trusted advisor. He is, and always will be, my friend. I congratulate him on his honored years of service, and wish him the best in his retirement.

Mayor Smith said Director Adamo will be missed, and it is amazing to him as our City has gotten more involved in regional issues how not just well known, but how highly respected Bill Adamo is, far beyond the city limits of Gladstone. Leadership is action, not position, and he certainly deserves all the respect he has earned.

**Item 10. on the Agenda.** **PUBLIC HEARING:** on setting the annual rate of levy for the 2007 Real Estate and Personal Property Taxes within the corporate limits of the City of Gladstone, Missouri.

Mayor Les Smith opened the Public Hearing and stated a report will be heard first from City Manager Davis, and then anyone from the audience who would like to speak in favor or in opposition.

**City Manager Kirk Davis**

City Manager Davis stated Bill 07-25 will set the Property Tax Levy for 2007. The City's 2007 valuation for total assessed property is \$379,754,911, which includes \$2,395,450 in new residential construction, and \$751,650 in new commercial construction, and a decrease of \$4,605,157 in personal property. Collectively, the 2007 assessed valuation represents a 3.98 percent increase over the previous year primarily due to the fact it is a reassessment year. The attached Bill would set the property tax levy at \$0.9290 for residential and agricultural real property, \$0.8550 for commercial real estate and \$0.5391 for personal property per \$100 assessed valuation. City Manager stated these levies are recommended for Council's approval. This is a little bit different than from the past as there was just one levy set in the past; however, there is now legislative authority to break out the two levies, the result of that is in the table that Finance Director Debra Daily has provided in the first page of her memorandum. This table sets out the four categories that we have to calculate the property tax assessment on now.

City Manager Davis stated even with the different calculations, Director Daily is to be congratulated, because she still came within \$9,000 of her budgeted amount, and he is pleased with that.

**Comments from the audience in favor or in opposition**

There were no comments from the audience.

Mayor Smith closed the Public Hearing.



**Item 11. on the Agenda.**      **FIRST READING AMENDED BILL 07-25**, setting the annual rate of levy for the 2007 Real Estate and Personal Property Taxes within the corporate limits of Gladstone, Missouri at \$.9290/\$100.00 valuation for residential; \$.9290/\$100.00 valuation for agriculture; \$.8550/\$100.00 valuation for commercial; and \$.5391/\$100.00 valuation for personal property.

Mayor Pro Tem Mark Revenaugh moved to place Bill 07-25 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0). The Clerk read the Bill.

Mayor Pro Tem Mark Revenaugh moved to accept the First Reading of Bill 07-25, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0). The Clerk read the Bill.

Mayor Pro Tem Mark Revenaugh moved to accept the Second and Final Reading of Bill 07-25 and enact the Bill as Ordinance 4.043. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (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.

**Item 14. on the Agenda.**      **ADJOURNMENT.**

There being no further business to come before the August 27, 2007, Gladstone Regular City Council Meeting, Mayor Les Smith adjourned the regular meeting. Councilman Wayne Beer made a motion to adjourn to Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021(1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and 610.021(2) for Real Estate Acquisition Discussion, and 610.21(3) for Personnel Discussion. Councilmember Carol Suter seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, Mayor Les Smith. (5-0).

Respectfully submitted:

Cathy Swenson  
Cathy Swenson, City Clerk

Approved as submitted: ✓

Approved as corrected/amended:           

Lee Smith  
Mayor Lee Smith

Sept.



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, SEPTEMBER 10, 2007**

The City Council will meet in Closed Executive Session on Monday, September 10, 2007, starting at 6:15 PM in the City Manager's office, Gladstone City Hall, 7010 North Holmes.

The Executive Session is closed 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, and 610.21(3) for Personnel Discussion.

City Council may reconvene the Closed Executive Session immediately following the Regular meeting.

**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 27, 2007, City Council Meeting Minutes.**

## 5. CONSENT AGENDA

**RESOLUTION R-07-68**, authorizing execution of a contract with Ortho Tech in the not to exceed total amount of \$205,558.00 for the Fitness Equipment for the Gladstone Community Center. Project CB0662.

**RESOLUTION R-07-69**, authorizing execution of a contract with PCI Dahmer in the not to exceed total amount of \$110,078.00 for the Acoustical Treatment of the Natatorium in the Gladstone Community Center. Project CB0662.

**RESOLUTION R-07-70**, authorizing acceptance of work under contract with Superior Bowen Asphalt Company, LLC. For the North Oak Mill and Overlay, and authorizing final payment in the amount of \$499.99 for Project TP0811.

**RESOLUTION R-07-71**, authorizing acceptance of a proposal from Thoroughbred Ford for the purchase of two 4X4 Trucks in the net purchase amount of \$66,820.

## REGULAR AGENDA

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **FIRST READING BILL 07-26**, amending Schedule V of the Model Traffic Code (Gladstone Municipal Code Section 4.100.020), to establish a "No Parking" Zone for southbound traffic on North Main Street from the intersection of NE 64<sup>th</sup> Street south ninety (90) feet.
10. Other Business.
11. Questions from the News Media.
12. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, SEPTEMBER 10, 2007**

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION  
6:15 PM**

Mayor Les Smith opened the City Council Meeting to adjourn to a Closed Executive Session on September 10, 2007, at 6:15 PM. Councilman Wayne Beer made a motion to adjourn to Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(3) for Personnel Discussion. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, Mayor Les Smith. (4-0).

**Note:** Councilmember Carol Suter was not present for the vote to go into Closed Executive Session, but was present for the meeting.

Mayor Les Smith recessed the Closed Executive Session to go into an Open Study Session at 6:45 PM.

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

**PRESENT:** Mayor Les Smith  
Mayor Pro Tem Mark Revenaugh  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilmember Carol Suter

Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** City Manager Kirk Davis

Mayor Les Smith opened the Regular September 10, 2007, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.**

**ROLL CALL**

Mayor Smith noted that all Council members were present this evening.

**Item 3. on the Agenda.**

**PLEDGE OF ALLEGIANCE.**

Mayor Les Smith noted that Boy Scout Parker Christian was in the audience, and invited Mr. Christian to lead the Pledge of Allegiance, and asked him to please step forward and introduce himself.

Mr. Christian stated he is a member of Scout Troop 354, sponsored by Meadowbrook United Methodist Church. Mr. Christian said he is a Senior at Oak Park High School. Mr. Christian said he will be 18 years old on September 22, and has to have his Eagle Scout award before that date, and attending a City Council meeting is one of the requirements.

Mayor Smith asked if Mr. Christian's mother is employed by the City.

Mr. Christian replied that his mother, Gay Christian, is a Dispatcher in the Public Safety Department.

Mr. Christian led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda.**

**APPROVAL OF THE REGULAR AUGUST 27, 2007, CITY COUNCIL MEETING MINUTES.**

Councilman Wayne Beer moved to approve the August 27, 2007, City Council Meeting Minutes as presented. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

**Item 5. on the Agenda**

**CONSENT AGENDA**

Councilman Carol Rudi moved to accept the Consent Agenda as presented. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-07-68**, authorizing execution of a contract with Ortho Tech in the not to exceed total amount of \$205,558.00 for the Fitness Equipment for the Gladstone Community Center. Project CB0662. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-07-69**, authorizing execution of a contract with PCI Dahmer in the not to exceed total amount of \$110,078.00 for the Acoustical Treatment of the Natatorium in the Gladstone

Community Center. Project CB0662. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-07-70**, authorizing acceptance of work under contract with Superior Bowen Asphalt Company, I.L.C. For the North Oak Mill and Overlay, and authorizing final payment in the amount of \$499.99 for Project TP0811. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-07-71**, authorizing acceptance of a proposal from Thoroughbred Ford for the purchase of two 4X4 Trucks in the net purchase amount of \$66,820. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

### **COMMUNICATIONS FROM THE AUDIENCE.**

There were no comments from the audience.

### **Item 7. on the Agenda.**

### **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilmember Carol Suter** said she is intrigued by the municipal wi-fi movement to make an entire city wi-fi and asked Assistant City Manager Scott Wingerson if City staff has thought about this.

Assistant City Manager Scott Wingerson replied that this issue has been discussed, and Staff would be happy to provide that research to the City Council.

Councilmember Suter stated it is an interesting concept and would make the City a more desirable place to live.

**Councilman Wayne Beer** congratulated Captain Mike Couch on his appointment as interim Public Safety Director, and offered him good luck.

**Councilman Carol Rudi** reported that volunteers are being sought for the information booth for Gladfest for the dates of October 6-7. Councilman Rudi asked anyone who was interested to please contact Freddie Nichols. Councilman Rudi wished Mayor Pro Tem Mark Revenaugh a happy birthday this weekend. Councilman Rudi stated there would be community discussion on public transit at Northland Neighborhoods this Wednesday, September 12, at 6:30 PM. Northland Neighborhoods is at 5312 Chouteau. Councilman Rudi invited anyone interested in this discussion to feel free to attend.



Councilman Rudi reported there was a meeting of the First Tier Suburbs Coalition this past week, and she reminded everyone that there are loans available for homeowners for improvements to their homes. If anyone has any questions about the loans, they may contact Assistant City Manager Scott Wingerson at City Hall.

**Mayor Pro Tem Mark Revenaugh** had no comments at this time.

**Mayor Les Smith** stated he was looking for consensus from the Council members on an item to bring before the City Council. In conjunction with the Mayors' Climate Protection Conference being held in Seattle in early November, he has been asked to facilitate the Kansas City portion. The hope is to get a record number of Mayors to sign the Climate Protection agreement in unison via video hook-up between Seattle and Kansas City. Mayor Smith said he would like to provide information to the Council and have authorization to sign this agreement, and bring it forward to the next meeting. Mayor Smith stated the Missouri Department of Transportation (MoDOT) re-stripped M-1 Highway and created a turn lane, but in doing so they also double striped, and the City has heard from some residents. Mayor Smith asked Assistant City Manager Wingerson for an update on this issue.

Assistant City Manager Scott Wingerson replied that MoDOT did in fact do that work, and the City is in the process of coordinating some minor changes to access the first street to the north of Prospect Plaza, 65<sup>th</sup> Street. Mr. Wingerson said the striping is technically correct; however, it appears that MoDOT may be willing to make some minor changes to communicate better with the residents and the driving patterns. Mr. Wingerson said we are glad they did it, and it will be a long-term good thing.

Councilman Beer suggested it might be a good thing to check some of the left turn arrows to see if they don't turn a vehicle where there are not any corners.

Mayor Smith said he hopes City Council members will all sign up for a shift at Gladfest. It does amazing things for the morale of the Gladfest volunteers and City staff volunteers, when they see Council members working side by side with them.

Councilman Rudi asked Mayor Smith if he needed a recommendation from Council to bring the Climate Protection item forward.

Mayor Smith replied a nod of heads would be fine.

All Council members agreed to bring this issue forward.

Mayor Smith reported the newest edition of the Gladstone magazine is out, and Mayor Smith offered "good job" to all involved.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY**

**Assistant City Manager Scott Wingerson** stated City Manager Kirk Davis is "under the weather", so is not present for this meeting. Mr. Wingerson welcomed Captain

Mike Couch to the Leadership team, and said the City has a lot of faith in Captain Couch to run things in Public Safety on an interim basis. Mr. Wingerson reported that flags would be at half-mast at public buildings tomorrow in recognition of September 11<sup>th</sup>. Mr. Wingerson stated Gladstone is receiving a Statewide award tomorrow, and he hopes the public recognizes that, and some of the Council is able to attend. Gladfest is coming up, and City Hall will close early on October 5<sup>th</sup>; however, Staff will be working.

Mayor Smith said he is very excited about the Missouri Municipal League presenting an award to our City for our partnership with the North Kansas City School District, and also the award that will be received in Pittsburg from ICMA.

**Item 9. on the Agenda.**      **FIRST READING BILL 07-26**, amending Schedule V of the Model Traffic Code (Gladstone Municipal Code Section 4.100.020), to establish a "No Parking" Zone for southbound traffic on North Main Street from the intersection of NE 64<sup>th</sup> Street south ninety (90) feet.

Mayor Pro Tem Mark Revenaugh moved to place Bill 07-26 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0). The Clerk read the Bill.

Mayor Pro Tem Mark Revenaugh moved to accept the First Reading of Bill 07-26, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0). The Clerk read the Bill.

Mayor Pro Tem Mark Revenaugh moved to accept the Second and Final Reading of Bill 07-26 and enact the Bill as Ordinance 4.044. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0).

**Item 10. on the Agenda.**      **OTHER BUSINESS.**

Mayor Smith reported that he and City Counselor David Ramsay attended the Clay County Commission public hearing today. The public hearing was on the Property Tax Levy relative to the Special Road District, and from our standpoint a Special Road District lawsuit against the City. There was quite a crowd there of anti-tax folks. Commissioner Porter proposed a sales tax ballot initiative. Western Commissioner Larson wanted to study the issue a bit further, and Presiding Commissioner Quick was ready to set a property tax levy to cover the lawsuit. It was interesting that no one who spoke, including some Gladstone residents opposed to the property tax levy, had an answer for how do we pay the \$6 or \$8 million dollars that the court demands to be paid to the cities and the Road Districts. Mayor Smith said it is his understanding that the Commission will take it under advisement and will make a decision at the meeting next

week. As Mr. Salem, who was there can attest, it was very interesting testimony, including from Mr. Bateman, who from a point of reference, is the property owner at 68<sup>th</sup> and Broadway who has all the signs about Kansas City government. Mr. Bateman was there, and had some very interesting comments. There was a lot of conversation about Tax Increment Financing (TIF) and irresponsible use and authorization of TIFs in the County. That tax levy issue is not completely resolved yet, but hopefully, pending the appeal of the courts, will be at the next County Commission meeting.


**Item 11. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

**Item 12. on the Agenda.**      **ADJOURNMENT.**

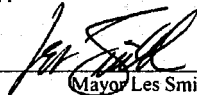
There being no further business to come before the September 10, 2007, Gladstone Regular City Council Meeting, Mayor Les Smith adjourned the regular meeting.

Respectfully submitted:

  
\_\_\_\_\_  
Cathy Swenson, City Clerk

Approved as submitted: ☒

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

  
\_\_\_\_\_  
Mayor Les Smith



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, SEPTEMBER 24, 2007**

**OPEN STUDY SESSION: 7:00 PM**

**REGULAR MEETING: 7:30 PM**

**AMENDED A G E N D A**

**[The Agenda is being amended to delete Resolution 07-72,  
*execution of a contract for the Atkins Johnson Historical Site  
Roof Restoration/Renovation Project*]**

- 1. Meeting Called to Order.**
- 2. Roll Call.**
- 3. Pledge of Allegiance.**
- 4. Approval of Regular September 10, 2007, City Council Meeting Minutes.**

**REGULAR AGENDA**

- 5. Communications from the Audience.**
- 6. Communications from the City Council.**
- 7. Communications from the City Manager.**

**8. APPROVAL OF THE AUGUST FINANCIAL REPORTS.**

- 9. FIRST READING BILL 07-27**, establishing certain fees and charges for the Community Center/Natatorium provided by the City of Gladstone, Missouri, and amending all prior Ordinances inconsistent therewith particularly Ordinance Nos. 2.082, 2.615, 2.858, 3.082, 3.555, 3.755, 3.948 and 4.029.
- 10. FIRST READING BILL 07-28**, an Ordinance amending those sections of the Code of City Ordinances concerning the appointment of members to the City's various Boards and Commissions, and the election of Chairmen and other officers by those Boards and Commissions.
- 11. FIRST READING BILL 07-29**, amending Schedule V of the Model Traffic Code (Gladstone Municipal Code Section 4.100.020), to establish a "No Parking" zone for westbound traffic on Northeast 70<sup>th</sup> Street from the intersection of North Oak Trafficway west to the dead end.
- 12. FIRST READING BILL 07-30**, amending Schedule VIII of the Model Traffic Code (Gladstone Municipal Code Section 4.100.020), to establish a "Stop" sign location at Northeast 67<sup>th</sup> Street at North Walnut Street.
- 13. Other Business.**
- 14. Questions from the News Media.**
- 15. Adjournment.**



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, SEPTEMBER 24, 2007**

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

**PRESENT:** Mayor Les Smith  
Mayor Pro Tem Mark Revenaugh  
Councilman Wayne Beer  
Councilmember Carol Suter

City Manager Kirk Davis  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Councilman Carol Rudi  
Assistant City Manager Scott Wingerson

Mayor Les Smith opened the Regular September 24, 2007, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda. ROLL CALL**

Mayor Smith noted that all Council members were present, with the exception of Councilman Rudi, who was in St. Louis on City business.

**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 10, 2007, CITY COUNCIL MEETING MINUTES.**

Councilman Wayne Beer moved to approve the Regular September 10, 2007, City Council Meeting Minutes as presented. Councilmember Carol Suter seconded. The vote: All "aye" - Councilmember Carol Suter, Councilman Wayne Beer, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

**Item 5. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE.**

John Garner, 111 Heatherton Court, stated as President of Stormy Acres Neighborhood Association, he would like to introduce the Neighborhood Association's Board and

officers, and asked them to stand as he introduced their names as follows: Lee Laramore; Sherry Long, Treasurer; Jean Rube, Secretary; Lila Smith, Director; Linda Garner, Director; and Kimberly Haskins, who is in charge of the newsletter. Mr. Garner stated if City Councilmembers or City Department Directors wished to run something in their newsletter, they are welcome to anytime, as long as it is submitted by the first of the month to Ms. Haskins. The newsletter is distributed the second to third week of the month. Mr. Garner said they have been selling neighborhood block watch signs to go up in their neighborhood, and tomorrow he is supposed to pick up 17 signs, and hopefully, by the end of the week they will order 6 or 8 more signs. Mr. Garner thanked the Council for Carolyn Vellar's (Neighborhood Consultant) work in their neighborhood. Mr. Garner also thanked Building Official Alan Napoli and Public Information Officer Richard King.

Mayor Les Smith said it has been a high priority of this Council to reinvest in our neighborhoods. That doesn't work without the volunteer efforts of those gathered here tonight and others as well. Mayor Smith said our hats are off to all the volunteers and extended his and all Council's thanks to them.

Councilman Wayne Beer stated all the volunteers are to be congratulated on taking the initiative to organize their neighborhood and do what is necessary to strengthen their neighborhood. Neighborhoods have their points of pride, and most neighbors are proud of their neighborhood. Councilman Beer said for a group to get together to enhance and strengthen their neighborhood is commendable, and these folks should be congratulated.

Mayor Smith said, jokingly, that he was impressed that Lee Laramore is involved with the group, as Lee was here before the first load of dirt was brought into the neighborhood!

Mr. Garner stated Mr. Laramore is working on a big report to present to the neighborhood association and hopefully, the report will appear in the City's magazine.

Councilmember Suter said she is a strong supporter of healthy neighborhoods, because we cannot have a healthy city unless all of our neighborhoods are healthy. Councilmember Suter said it was exciting to see the neighborhood members enthused and in attendance at the Council meeting, and she is delighted that the City's effort in providing assistance to the neighborhood seems to be paying off so well.

#### **Item 6. on the Agenda.**

#### **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilmember Carol Suter** stated she wished to express her thanks and appreciation to Councilmembers and Staff for their concern during her family's emergency. Her son-in-law is making a miraculous recovery, so she and her family are feeling really good about that. Councilmember Suter said she is glad to be back home and back to a normal life again this week.

**Councilman Wayne Beer** stated Gladfest will be held the first weekend in October. It is always a delightful time. Councilman Beer said he knows most people present have attended Gladfest in years past, and he encouraged them to continue.

**Mayor Pro Tem Mark Revenaugh** thanked the City for the opportunity to attend a Northland Regional Chamber of Commerce sponsored trip to Washington, D.C., along with the Clay and Platte County Economic Development Councils to visit our federal legislators. Mayor Pro Tem Revenaugh said it was a short period of time, from Wednesday to Friday, but they packed a lot in, and saw all our local Senators and Congressmen to let them know of our issues in the Northland. It was a great opportunity to communicate with them, and he thanks the City for its sponsorship.

**Mayor Les Smith** stated the Maple Woods Soccer Field dedication was held this past week, which is a partnership between the City of Gladstone and the Metropolitan Community Colleges, especially Maple Woods Community College. The City has partnered with them to provide them a tournament ready college level soccer field, and in return they are providing some services to the City that we will be able to utilize. Mayor Smith said a lot of credit goes to our folks, starting with City Manager Kirk Davis. Mayor Smith said City Manager Davis has been a promoter of regional cooperation and partnerships for many years, and is one of the strongest promoters in the metropolitan area. Credit also goes to Parks and Recreation Director Sheila Lillis and members of her staff, Tina Spallo, Matt Hoops, and Darren Rodman, who is the Parks crew supervisor who probably doesn't get a lot of credit at that level, but is very instrumental in building the field and did an outstanding job in putting together an awesome facility.

Mayor Smith said this could not have been done without the partnership with the Board of Trustees of the Metropolitan Community Colleges, especially Bob Ashcroft, a former Councilman and Mayor, who was very instrumental. Vice Chancellor Al Tunis; Chancellor Jackie Snyder; President Merna Saliman; and their Athletic Director Brian Bechtel were instrumental in this partnership. It was a very nice event that went very well, and then they played a college soccer game after the event. It is a partnership that we should be proud of, along with the partnership we have with the North Kansas City School District. Hopefully we are leading the way a bit, and we should challenge and encourage other jurisdictions and entities to enter into partnerships, because a lot of times we provide the same service with duplicate tax dollars. We have proven we don't have to do that, and it is very beneficial to all Northland residents.

Mayor Smith said some may have read in the newspapers that we have had an ongoing lawsuit against the County on behalf of our Special Road District for some funds we believe we are owed. We have felt for the last four or five years that the County has been shorting Gladstone residents about \$350,000 a year in Road District monies. We filed a friendly lawsuit on behalf of the Gladstone Special Road District and in cooperation with other Road Districts and cities, and we won that lawsuit against the County. They have now appealed it, but in a very bold move, Presiding Commissioner Ed Quick "carried the water" to reinstitute a \$.24 cent property tax levy to help fund their deficit, which totals between \$6 million and \$8 million dollars at this point, to continue to help fund the Road District and make us whole. Mayor Smith said that was a very bold move, politically, and he wants to give Presiding Commissioner Quick and Western District Commissioner Larry Larson a lot of credit for moving forward with that. Mayor Smith said it will probably prove to be a very unpopular move politically, but they felt that it was more important to do the right thing, and he wished to commend them for that and put that in the record.



**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis encouraged anyone who did not have an opportunity to attend the Gladstone Area Chamber of Commerce open house today to drop by to see the new offices. Mayor Smith mentioned the partnerships with the North Kansas City School District and the Metropolitan Community Colleges - there is also the City's partnership with the Chamber and the preservation of the Williams House. The new Chamber offices are a very nice facility, and hopefully it will be in the center of a lot of activity in the next few years.

City Manager Davis reported there will be no City Council meeting on October 8<sup>th</sup> for a number of reasons, including that there will not be a plethora of agenda items, as well as the fact that the Mayor, he, and Assistant City Manager Wingerson will be in Pittsburgh to receive the ICMA's Innovation Award.

City Manager Davis invited City Counselor David Ramsay to introduce a new City employee. The Council funded this position in this year's budget.

City Counselor Ramsay invited Christi Gately to stand as he introduced her, saying she has been on the job about three weeks as Mr. Ramsay's legal clerk and assistant. Ms. Gately has a unique way of helping him organize; they go through files, document by document, and if he hesitates when she asks him if he wants to keep it, she throws it away.

Councilman Wayne Beer asked if she carries a big stick.

Counselor Ramsay said she is as much of an anti "pack rat" as he is a "pack rat", so he believes it will balance out!

Ms. Gately said it has been interesting the last few weeks, and she believes she and Mr. Ramsay will work well together, and will help each other balance things.

Mayor Smith welcomed Ms. Gately and said, jokingly, if she would like to work on the side, he also subscribes to the system of "file by pile".

Ms. Gately replied in a joking manner that she probably has enough for now!

City Manager Davis said that Ms. Gately has fit in very well, especially with the General Administration staff. She has jumped right in and helps with phones and any needs in other areas. She has been a real pleasure to work with so far.

Mayor Smith said City Manager Davis mentioned the Chamber ribbon cutting, and he would like to mention that Councilman Beer actually gave a lot of effort to that cause, and they were very grateful for his participation today. Mayor Smith thanked Councilman Beer on behalf of all Council members.

Councilman Beer thanked Mayor Smith.

**Item 8. on the Agenda.**

**APPROVAL OF THE AUGUST FINANCIAL REPORTS.**

Councilman Wayne Beer moved to approve the **AUGUST FINANCIAL REPORTS** as presented. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

**Item 9. on the Agenda.**

**FIRST READING BILL 07-27**, establishing certain fees and charges for the Community Center/Natatorium provided by the City of Gladstone, Missouri, and amending all prior Ordinances inconsistent therewith particularly Ordinance Nos. 2.082, 2.615, 2.858, 3.082, 3.555, 3.755, 3.948 and 4.029.

Councilman Wayne Beer moved to place Bill 07-27 on First Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 07-27, Waive the Rule and place the Bill on Second and Final Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 07-27 and enact the Bill as Ordinance 4.045. Councilmember Carol Suter seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0).

**Item 10. on the Agenda.**

**FIRST READING BILL 07-28**, an Ordinance amending those sections of the Code of City Ordinances concerning the appointment of members to the City's various Boards and Commissions, and the election of Chairmen and other officers by those Boards and Commissions.

Councilman Wayne Beer moved to place Bill 07-28 on First Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 07-28, Waive the Rule and place the Bill on Second and Final Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 07-28 and enact the Bill as Ordinance 4.046. Councilmember Carol Suter seconded.

Mayor Smith said, for the edification of the audience, that the main thing that this Bill does is that when Board and Commission members are appointed, it is a full Council appointment. In some instances it is stated differently, that members may be appointed by the Mayor with the consent of Council, some by the Council, this Bill just makes it all uniform and is not changing the process for appointing Boards and Commission members.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0).

**Item 11. on the Agenda.** **FIRST READING BILL 07-29**, amending Schedule V of the Model Traffic Code (Gladstone Municipal Code Section 4.100.020), to establish a "No Parking" zone for westbound traffic on Northeast 70<sup>th</sup> Street from the intersection of North Oak Trafficway west to the dead end.

Councilman Wayne Beer moved to place Bill 07-29 on First Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 07-29, Waive the Rule and place the Bill on Second and Final Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 07-29 and enact the Bill as Ordinance 4.047. Councilmember Carol Suter seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0).

**Item 12. on the Agenda.** **FIRST READING BILL 07-30**, amending Schedule VIII of the Model Traffic Code (Gladstone Municipal Code Section 4.100.020), to establish a "Stop" sign location at Northeast 67<sup>th</sup> Street at North Walnut Street.

Councilman Wayne Beer moved to place Bill 07-30 on First Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 07-30, Waive the Rule and place the Bill on Second and Final Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 07-30 and enact the Bill as Ordinance 4.048. Councilmember Carol Suter seconded.

Roll Call Vote: All "aye" — Councilmember Carol Suter, Councilman Wayne Beer, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0).

**Item 13. on the Agenda.**      **OTHER BUSINESS.**

Mayor Smith said a few weeks ago there was a petition from a neighborhood, which was a cul-de-sac at about 61<sup>st</sup> and North Bales, where all the residents on the street petitioned City Council to put up "No Parking" signs. That works well except for the one neighbor who parks under one of the signs every day. Mayor Smith said he would suggest that if we are going to honor the request for no parking, that perhaps they ought to honor their request for no parking and perhaps we can enforce that.


**Item 14. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**


There were no questions from the News Media.

**Item 15. on the Agenda.**      **ADJOURNMENT.**

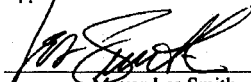
There being no further business to come before the September 24, 2007, Gladstone Regular City Council Meeting, Mayor Les Smith adjourned the regular meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Les Smith

Oct.



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, OCTOBER 22, 2007**

**OPEN STUDY SESSION: 6:15 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will hold a Closed Executive Session immediately following 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 610.021 (2) for Real Estate Acquisition Discussion, and 610.21 (3) for Personnel Discussion.

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular September 24, 2007, City Council Meeting Minutes.
5. **PROCLAMATION** designating October 2007 as **Northland AARP Chapter #2970 Month** in Gladstone, Missouri.
6. **CONSENT AGENDA**

**RESOLUTION R-07-72**, authorizing Change Order No. 1 in the amount of \$226,554.00 to the contract with Smi-Co Construction, Incorporated for the 2006-2007 Water Main Replacements Project WP0692.

**RESOLUTION R-07-73**, authorizing execution of a contract with Transystems Corporation, in the total amount not to exceed \$250,900 for the Parkway Alignment and Village Center Drainage Study; Project TP0818.

**RESOLUTION R-07-74**, accepting Temporary Construction Easements and Permanent Easements from certain property owners in conjunction with the 2200 Block of NE 67<sup>th</sup> Street Storm Sewer Improvement Project 035012.

**RESOLUTION R-07-75**, authorizing execution of a contract with Siemens Water Technologies Corporation, in the total amount not to exceed \$33,481.00 for the Bearings Replacement on the Secondary Basins at the Water Treatment Plant, Project WP0792.

**RESOLUTION R-07-76**, authorizing acceptance of work under contract with Musselman & Hall Contractors, LLC, for the 2007 Intermediate Maintenance Program; and authorizing final payment in the amount of \$9,583.91 for Project TP0703.

**RESOLUTION R-07-77**, disclosing and ratifying the City Council's prior action in purchasing four acres of land adjacent to Happy Rock West Park.

**RESOLUTION R-07-78**, authorizing execution of a contract with various vendors, in the not to exceed totals listed respectively for each firm, in the total amount not to exceed \$86,206.95, for the Furniture for the Gladstone Community Center-Natatorium, Project CB0663.

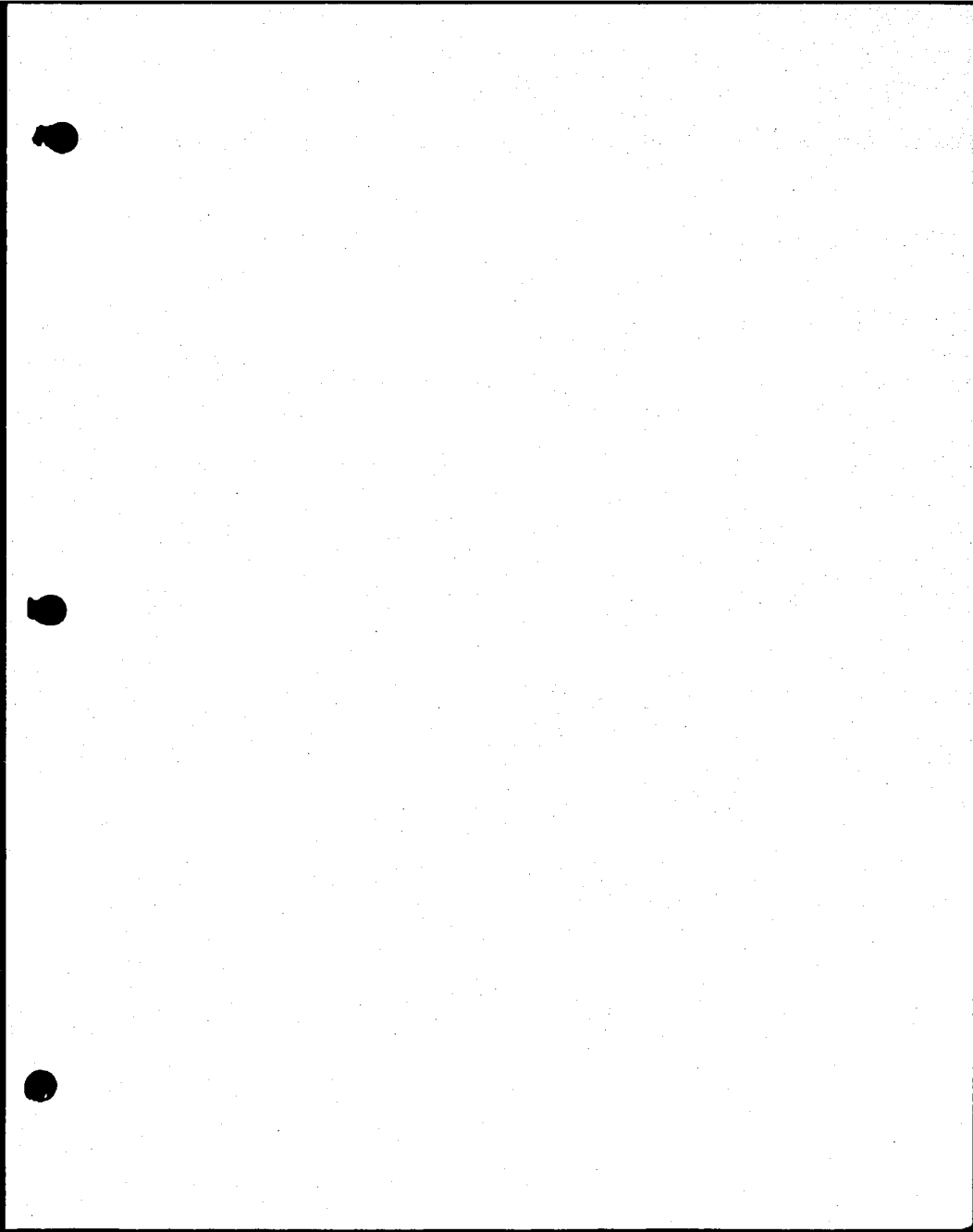
**APPROVAL OF A SEVEN DAY PACKAGE LIQUOR LICENSE**, Wal-Mart #1120, 7207 North M-1 Highway. Managing Officer: Lorene Samson.

## **REGULAR AGENDA**

7. Communications from the Audience.

8. Communications from the City Council.
9. Communications from the City Manager.
10. **RESOLUTION R-07-79**, in support of the Mayors Climate Protection Agreement and the Cities for Climate Protection Campaign.
11. **FIRST READING BILL 07-31**, amending Ordinance Number 1.804 relating to the failure to appear in Gladstone Municipal Court, and penalties for such violations.
12. **FIRST READING BILL 07-32**, repealing Ordinance Number 1.114 governing the distribution of Campaign Literature.
13. **FIRST READING BILL 07-33**, amending Schedule V of the Model Traffic Code (Gladstone Municipal Code Section 4.100.020), to establish a "No Parking" zone for eastbound traffic on Northeast 62<sup>nd</sup> Street from the intersection of North Virginia west 210 feet and east 55 feet.
14. Other Business.
15. Questions from the News Media.
16. Adjournment.







**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, OCTOBER 22, 2007**

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

**PRESENT:** Mayor Les Smith  
Mayor Pro Tem Mark Revenaugh  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilmember Carol Suter

City Manager Kirk Davis  
Assistant City Manager Scott Wingersen  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Les Smith opened the Regular October 22, 2007, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.      ROLL CALL**

Mayor Smith noted that all Council members were present.

**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 24, 2007, CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Mark Revenaugh moved to approve the Regular September 24, 2007, City Council Meeting Minutes as presented. Councilmember Carol Suter seconded. The vote: "Aye" – Councilmember Carol Suter, Councilman Wayne Beer, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. "Abstain" – Councilman Carol Rudi. (4-0-1).

Mayor Smith invited two Boy Scouts who were present in the audience to step forward and introduce themselves as follows: Mackenzie Melhauff, from Troop 354 and a student at Antioch Middle School; and Maitland Melhauff, from Troop 354 and a student at Antioch Middle School.

Mayor Smith asked the Scouts what their favorite activity is in Scouting. Mackenzie Melhauff replied he enjoyed working on merit badges and Maitland Melhauff replied he enjoyed all the activities.

Mayor Smith thanked the Scouts for attending the City Council meeting and invited them back any time.

**Item 5. on the Agenda.**      **PROCLAMATION** designating October 2007 as Northland AARP Chapter #2970 Month in Gladstone, Missouri.

Mayor Smith invited members of the Northland AARP Chapter #2970 to step forward as follows: Winnie Estep, President; Lillian Haverland, Vice President; and Violet Elder, Secretary. Mayor Smith then read and presented the Proclamation to the three members of Chapter #2970. Ms. Estep thanked Mayor Smith on behalf of the members present and their entire Chapter.

Mayor Smith said he had the honor of attending the AARP luncheon the other day, and as a bachelor, he can say it was the best meal he has had in years. Mayor Smith said he can only hope to run a meeting as well as the AARP meeting was run. It was very professional and Ms. Estep did a very nice job.

Ms. Estep thanked Mayor Smith.

Mayor Smith said he has known Ms. Haverland since he was a little boy.

Ms. Haverland said Gladstone Bowl still has the best tacos!

**Item 6. on the Agenda**      **CONSENT AGENDA**

Following the Clerk's reading, Councilman Wayne Beer moved to accept the Consent Agenda as presented. Councilman Carol Rudi seconded. The vote: All "aye" - Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-72**, authorizing Change Order No. 1 in the amount of \$226,554.00 to the contract with Smi-Co Construction, Incorporated for the 2006-2007 Water Main Replacements Project WP0692. Councilman Carol Rudi seconded. The vote: All "aye" - Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-73**, authorizing execution of a contract with Transystems Corporation, in the total amount not to exceed \$250,900 for the Parkway Alignment and Village Center Drainage Study; Project TP0818. Councilman Carol Rudi seconded. The vote: All "aye" - Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-74**, accepting Temporary Construction Easements and Permanent Easements from certain property owners in conjunction with the 2200 Block of NE 67th Street Storm Sewer Improvement Project 035012. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-75**, authorizing execution of a contract with Siemens Water Technologies Corporation, in the total amount not to exceed \$33,481.00 for the Bearings Replacement on the Secondary Basins at the Water Treatment Plant, Project WP0792. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-76**, authorizing acceptance of work under contract with Musselman & Hall Contractors, LLC, for the 2007 Intermediate Maintenance Program; and authorizing final payment in the amount of \$9,583.91 for Project TP0703. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-77**, disclosing and ratifying the City Council's prior action in purchasing four acres of land adjacent to Happy Rock West Park. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-78**, authorizing execution of a contract with various vendors, in the not to exceed totals listed respectively for each firm, in the total amount not to exceed \$86,206.95, for the Furniture for the Gladstone Community Center–Natorium, Project CB0663. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Wayne Beer moved to approve a **SEVEN DAY PACKAGE LIQUOR LICENSE** for **Wal-Mart #1120** at 7207 North M-1 Highway. Managing Officer: Lorene Samson. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE AUDIENCE.**

Anita Newsom, 7401 North Wabash, began by saying she was present as Vice President of Special Events for the Gladstone Area Chamber of Commerce, and would like to thank each Councilmember for their participation in Gladfest this year. Several Councilmembers

took on leadership roles, as did some members of the Leadership Team, which is truly appreciated. Ms. Newsom said she knew this year presented some interesting challenges. Mr. Williams's department was out at the last minute seeing that sod was down and staked, and that streets were paved, and the lights were wired. Contract Manager Lou Oesterle had a large portion to do with that work. The support from the Public Safety Department was amazing. They helped in getting vendors checked in and with whatever needed to be done, including on parade day. If anyone should see what's going on behind the church on parade day during staging, it can be pretty chaotic. Public Safety was a huge help. Ms. Newsom extended a special thanks to Sergeant Richard King, the City liaison with the Chamber for Gladfest. His help in getting things organized was, like Ms. Mcchaffy last year, outstanding. Sergeant King helped smooth a lot of bumps and he was phenomenal.

Ms. Newsom said she did some preliminary calculations on what it takes to put on the Gladfest. For just the parade volunteers, the information booth volunteers, and the beer and drink stations, there were 394 hours of volunteer labor. This does not include the 30+ co-chairs of different events and the planning and so forth that took place there, which takes a tremendous amount of work to put on the festival. It was a great community event. Ms. Newsom jokingly said that great care will be taken in choosing a theme next year, so folks will not again be "making a splash" on Sunday afternoon at 3:00 PM. The Gladfest Committee met and did a recap, and the theme decided upon for next year is "Gladfest 29 - a Step Back in Time". Ms. Newsom concluded by thanking the City Council, the Leadership Team, and all the departments in the City for their support, and everything they did to ensure another successful Gladfest this year.

Mayor Smith stated he wished to express appreciation on behalf of the City to Ms. Newsom and Larry Janacaro the Gladfest Co-Chairs, and asked that the wishes for a successful festival next year and congratulations for this year be taken back to the entire Chamber.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilmember Carol Suter** stated on two separate occasions in the last week she had conversations with leaders in the community of Kansas City and the metro area. On both occasions when it came up in conversations that she was a Gladstone Councilmember, the comments were that Gladstone is such a creative community. Councilmember Suter said she was really impressed that two different groups of people used the word "creative", and that they particularly thought that City government in Gladstone is creative.

**Councilman Wayne Beer** had no comments at this time.

**Councilman Carol Rudi** stated for the audience that the reason she abstained from voting on acceptance of the September 24, 2007, Regular City Council Minutes, is because she was not at that meeting, as she was in St. Louis, along with Assistant City Manager Scott Wingerson, where they were serving on a panel for First Suburbs Coalition. There is a group in St. Louis who would like to know how it was that this came about in Kansas City, and what they need to do to get started. Councilman Rudi said serving on the panel was very interesting, and since she was not at the Council meeting, she abstained from the vote.

Councilman Rudi stated there is an Award for Valor luncheon in November. Sergeant Robert Baer and Officer Ken Buck have been selected to receive an award at that luncheon for commendable actions. Also nominated were Jeffrey Bolin and Rich Lockhart. Councilman Rudi congratulated all the officers nominated.

Councilman Rudi said she had available a magazine article and reported that Mayor Smith, Councilman Beer, City Manager Kirk Davis and Assistant City Manager Scott Wingerson attended the ICMA award ceremony to receive the Program Excellence Award for Strategic Leadership and Governance. Councilman Rudi said this is a great international award and we are all very proud and she thanked everyone who went to receive the award.

Councilman Rudi asked if Staff would step up the notification to the Council as to when different committees meet. Although each City Council member is not a liaison to every Board and Commission, it would help Council members to know that a meeting is coming up, so if the liaison cannot attend, they can call another Council member to fill in for them. Councilman Rudi said she would appreciate that notification. Councilman Rudi asked if any meeting dates have been set for the Neighborhood Commission.

Assistant City Manager Scott Wingerson replied that it is hopeful that at the next City Council meeting a slate of members will be presented to the Council by the Mayor to establish the individuals to serve on the Neighborhood Commission. The idea is to have a meeting in late November, but it may be the first Monday in December.

Councilman Rudi congratulated the Chamber on a great Gladfest, and said she had a great time in spite of the rain. Councilman Rudi thanked the Chamber for their good work.

**Mayor Pro Tem Mark Revenaugh** stated he would like to pass on some remarks from friends who had never visited Gladstone before and who live deep in Johnson County - Leawood, and Overland Park. They were really pleasantly surprised in our mature trees, the well-paved roadways that they traveled upon, and a couple of them that went to Gladfest thought it was a really neat community event. Mayor Pro Tem Revenaugh said they thought that Gladstone would be a really good place to live, and they had no idea a community of our quality existed north of the river - once they got used to the fact that we also wear shoes! Mayor Pro Tem Revenaugh said these remarks in conjunction with what Councilmember Suter said, gives one the overall impression that something good is going on in Gladstone, and he believes the rest of the metropolitan area is taking notice.

**Mayor Les Smith** said he believes a lot of the positive reaction to our City stems from our involvement in regional issues. There is a real awareness of Gladstone. There was one of the First Suburbs meetings up here and there were a lot of folks from around the metro area here, and more folks are coming to town now.

Mayor Smith said jokingly to Mayor Pro Tem Revenaugh that Friday could be the day that he has been waiting for. Friday Fright Night is an event the City puts on at the Gladstone Amphitheatre every year, and the local magician performing has asked Mayor Smith to be a part of his performance, and will attempt to make him disappear. Mayor Smith invited Mayor Pro Tem Revenaugh to stop by and see this in person at 6:30 PM on Friday.

Mayor Pro Tem Revenaugh jokingly asked if the magician will make Mayor Smith reappear?

**Item 9. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reported that tomorrow night in the Council Chambers there will be a public meeting to discuss trails, which was reported in the newspaper today. The meeting is being held to primarily discuss the trails around Happy Rock Park and along M-1 Highway, for which we received a substantial grant, well over one half million dollars, to construct. The meeting will be held from 5:00 PM to 7:00 PM, tomorrow night at City Hall.

City Manager Davis reported that the brush drop-off event will be November 2-4 at the Public Works site, at 76<sup>th</sup> and Antioch Road. City Manager Davis said to City Council members that he truly enjoyed the trip to Pittsburgh, Pennsylvania, where the City did receive the ICMA award. City Manager Davis said Mayor Smith, Councilman Beer, Assistant City Manager Wingerson, and he were asked to go up on the stage on Sunday. The place was packed with approximately 4,000 people in attendance. To be one of the few cities to be recognized with the award was very nice, and several people from across the country during the course of the conference came up and said congratulations and remarked on what good things are going on in our City. City Manager Davis said there is a nice publication in PM Magazine this month, and thanked Sergeant Richard King for the application, and thanked the City Council and everyone on Gladstone on the Move, who was involved in the project for which the award was given.

Mayor Smith offered kudos to City Manager Davis and Assistant City Manager Wingerson.

**Item 10. on the Agenda.**

**RESOLUTION R-07-79**, in support of the Mayors Climate Protection Agreement and the Cities for Climate Protection Campaign.

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-79**, in support of the Mayors Climate Protection Agreement and the Cities for Climate Protection Campaign. Councilman Carol Rudi seconded.

Councilman Beer said his comments to follow may be a bit of surprise to a lot of folks, and he would like to preface his remarks by saying he is a person who is very much a proponent of the Green Initiative, and is very much a proponent of conservation initiatives. There cannot be a negative to sustainability, to conservation and to being "green". Councilman Beer said to use himself as an example, when he built his home, he built it with additional insulation in the walls and attic; he purchased 95 percent efficient heating and cooling systems; he used a significant amount of CFLs (Compact Fluorescent Lights) and other fluorescent lights. Councilman Beer said he does use a set-back thermostat, and his home's daytime temperature in the winter is kept at 70 degrees, although it is recommended 68 degrees, with a set-back of 64 degrees. Cooling in the summer is 78 degrees as is recommended, 80 degrees at night. Councilman Beer said he uses low water needs landscaping and additionally, he tried to get the City to use geothermal heating and cooling in the Community Center, but that did not work out after all. Councilman Beer

said he mentions these things because what he is about to say is going to sound a little bit in contravention to what he has just said. Councilman Beer read his prepared remarks as follows:

*I am generally very much a proponent of conservation and prudent use of the earth's finite energy sources and other resources. I think it is clear that the earth is not infinite and does not contain an infinite supply of most of its physical resources that we use for our human activities. I believe it is clear that we should also be seeking alternative resources to sustain human activity as current resources are reduced in supply.*

*I am also generally in agreement with the conclusion that the earth appears to be undergoing a general warming trend. However, I digress from the premise that this warming phenomena is primarily caused by the actions of humans. While there is a large body of science that believes in the human impact on climate, there likewise is a large scientific body that believes that human activities are not nearly as significant and that the current warming trend is only part of a naturally occurring cooling and warming cycle.*

*Because it seems to me that the science is not conclusive and because this Resolution before us is based upon the premise that human activity is the predominant cause of the apparent current earth's warming trend, I find that I cannot be supportive of this Resolution.*

Councilman Beer stated this concludes his remarks.

Councilman Rudi stated she is supportive of this action, and furthermore, there is a conference that goes along with this signing, and she would appreciate it if at least the members of the Environmental Management Advisory Committee and Parks and Recreation Advisory Board would receive information about this conference so if they are interested, they could attend.

The vote: All "aye" – Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. "Nay" – Councilman Wayne Beer. (4-1).

Mayor Smith stated the Resolution passes on a 4-1 vote, authorizing the Mayor to sign the Climate Protection Agreement, which will be done on November 2, at a conference to be held at Rockhurst University, and hopefully it will be the largest single day signing of this agreement in North America.

**Item 11. on the Agenda.** **FIRST READING BILL 07-31**, amending Ordinance Number 1.804 relating to the failure to appear in Gladstone Municipal Court, and penalties for such violations.

Councilman Wayne Beer moved to place Bill 07-31 on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0). The Clerk read the Bill.



Councilman Wayne Beer moved to accept the First Reading of Bill 07-31, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 07-31 and enact the Bill as Ordinance 4.049. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0).

**Item 12. on the Agenda.**      **FIRST READING BILL 07-32**, repealing Ordinance Number 1.114 governing the distribution of Campaign Literature.

Councilman Carol Rudi moved to place Bill 07-32 on First Reading. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 07-32, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Mark Revenaugh seconded.

Mayor Smith asked City Counselor David Ramsay to explain this Bill for the benefit of the audience.

Counselor Ramsay said the Ordinance 1.114 dates to 1962, which predates much of the state and federal activity and attention to the content and primarily the source of campaign literature. The Bill originally required any campaign literature copies to be filed with the City Clerk's office. Counselor Ramsay said he was not around in 1962, but he would imagine that was for purposes of determining who was publishing the information and to also possibly determine whether it was libelous or untrue. The First Amendment to the United States Constitution does not allow us to pre-censure materials like that. In the 1970's, both the state and federal governments enacted campaign reforms that required not pre-filing or preview of literature, but identification on campaign or political literature of the source organization and who paid for it. This is a way of identifying to the voters what the source is and possibly, what the motivation or political position might be as a background for the literature. Those state and federal enactments preempt local regulation in this area. This is an Ordinance that really resurfaced as the City Clerk was putting together some of the election literature this year. In order to clean up our Municipal Code and be in compliance with state and federal enactments, and in compliance with the United States Constitution, we are recommending that this be enacted.

The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of Bill 07-32 and enact the Bill as Ordinance 4.050. Mayor Pro Tem Mark Revenaugh seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0).

**Item 13. on the Agenda.**      **FIRST READING BILL 07-33**, amending Schedule V of the Model Traffic Code (Gladstone Municipal Code Section 4.100.020), to establish a "No Parking" zone for eastbound traffic on Northeast 62nd Street from the intersection of North Virginia west 210 feet and east 55 feet.

Mayor Pro Tem Mark Revenaugh moved to place Bill 07-33 on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0). The Clerk read the Bill.

Mayor Pro Tem Mark Revenaugh moved to accept the First Reading of Bill 07-33, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0). The Clerk read the Bill.

Mayor Pro Tem Mark Revenaugh moved to accept the Second and Final Reading of Bill 07-33 and enact the Bill as Ordinance 4.051. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and 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 NEWS MEDIA.**

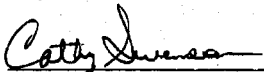
There were no questions from the News Media.

**Item 16. on the Agenda.**      **ADJOURNMENT.**

There being no further business to come before the October 22, 2007, Gladstone Regular City Council Meeting, Mayor Les Smith adjourned the regular meeting. Councilman Wayne Beer made a motion to adjourn to Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021(1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and 610.021(2) for Real Estate Acquisition Discussion, and 610.21(3) for Personnel Discussion. Councilman Carol Rudi seconded.

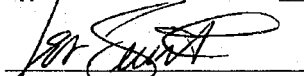
Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, Mayor Les Smith. (5-0).

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Les Smith

Nov.



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, NOVEMBER 12, 2007**

**OPEN STUDY SESSION: 6:45 PM**

**REGULAR MEETING: 7:30 PM**

- 1. Meeting Called to Order.**
- 2. Roll Call.**
- 3. Pledge of Allegiance.**
- 4. Approval of Regular October 22, 2007, City Council Meeting Minutes.**
- 5. CONSENT AGENDA**

**RESOLUTION R-07-80**, adopting the 2008 State Legislative Program for the City of Gladstone, Missouri.

**RESOLUTION R-07-81**, authorizing the Mayor, City Council members, City Manager, Director of Parks and Recreation, and 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 Land & Water Conservation Fund for City of Gladstone Park Improvements.

**RESOLUTION R-07-82** - authorizing acceptance of a proposal from American Equipment Company for the purchase of a Snowplow and Salt Spreader in the net purchase amount of \$18,456.

**RESOLUTION R-07-83**, authorizing execution of a contract with Daktronics Engineering in the total amount not to exceed \$83,163.00 for the Electric Components for the Video Display Board in the Natatorium in the Gladstone Community Center.

**RESOLUTION R-07-84**, authorizing acceptance of work under contract with Ideker, Incorporated, for the 2007 Mill and Overlay Program; and authorizing final payment in the amount of \$50,753.07.

**RESOLUTION R-07-85**, authorizing acceptance of work under contract with American Marking and Paving, Incorporated, for the 2007 Curb and Sidewalk Program; and authorizing final payment in the amount of \$34,782.00.

**RESOLUTION R-07-86**, authorizing execution of a contract with the Wilson Group, Incorporated, in the total amount not to exceed \$78,970.00 for the Atkins Johnson Farm Roof/Front Porch Renovation Project.

**RESOLUTION R-07-87**, authorizing acceptance of a proposal from Hersey Meter Company for the purchase of 750 standard 3/4" x 5/8" Water Meters for the net purchase amount of \$24,225.

**APPROVAL OF A CLASS A&B LIQUOR BY THE DRINK LICENSE** for Applebee's Restaurants, Inc. dba Applebee's Neighborhood Grill & Bar, 6069 North Antioch Road. Managing Officer: Rex Wright. (Please note this is a change in ownership from Gourmet Systems, Inc. dba Applebee's Neighborhood Grill & Bar).

**APPROVAL OF SEPTEMBER FINANCIAL REPORT.**

**REGULAR AGENDA**

6. Communications from the Audience.
7. Communications from the City Council.
- 7a. Gladstone Neighborhood Commission Appointments.
8. Communications from the City Manager.
9. **PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to T-Mobile Central LLC to operate a Communications Tower Facility on property located at 2711 Northeast Brooktree Lane. Applicant: T-Mobile Central, LLC. Owner: Curry Investment Company. File No. 1304
- 9a. **FIRST READING BILL 07-34**, granting a Special Use Permit to T-Mobile to operate a Communications Tower Facility at 2711 NE Brooktree Lane. Applicant: T-Mobile Central, LLC. Owner: Curry Investment Company. File No. 1304
10. **PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to Robert Bledsoe and Dennis Foutch for operation of Cripple Creek Rock Company, Incorporated, on property located at 5618 North Antioch Road. Applicant: Cripple Creek Rock Company, Incorporated. Owner: Byers Enterprises. File No. 1301
- 10a. **FIRST READING BILL 07-35**, granting a Special Use Permit subject to certain conditions to Robert Bledsoe and Dennis Foutch for operation of Cripple Creek Rock Company, Incorporated on property at 5618 North Antioch Road. Applicant: Cripple Creek Rock Company, Incorporated. Owner: Byers Enterprises. File No. 1301
11. **FIRST READING BILL 07-36**, approving the Litigation Settlement Agreement with Verizon Wireless for payment of Business License Taxes.

12. Other Business.
13. Questions from the News Media.
14. Adjournment.





**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, NOVEMBER 12, 2007**

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

**PRESENT:** Mayor Les Smith  
Mayor Pro Tem Mark Revenaugh  
Councilman Carol Rudi  
Councilman Wayne Beer  
Councilmember Carol Suter  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Les Smith opened the Regular November 12, 2007, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.      ROLL CALL**

Mayor Smith noted that all Council members were present.

**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 22, 2007, CITY COUNCIL MEETING MINUTES.**

Councilman Carol Rudi moved to approve the Regular October 22, 2007, City Council Meeting Minutes as presented. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0)

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

Following the Clerk's reading, Councilman Wayne Beer moved to accept the Consent Agenda as presented. Councilmember Carol Suter seconded. The vote: All "aye" –

Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0).

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-80**, adopting the 2008 State Legislative Program for the City of Gladstone, Missouri. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-81**, authorizing the Mayor, City Council members, City Manager, Director of Parks and Recreation, and 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 Land & Water Conservation Fund for City of Gladstone Park Improvements. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-82**, authorizing acceptance of a proposal from American Equipment Company for the purchase of a Snowplow and Salt Spreader in the net purchase amount of \$18,456. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-83**, authorizing execution of a contract with Daktronics Engineering in the total amount not to exceed \$83,163.00 for the Electric Components for the Video Display Board in the Natatorium in the Gladstone Community Center. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-84**, authorizing acceptance of work under contract with Ideker, Incorporated, for the 2007 Mill and Overlay Program; and authorizing final payment in the amount of \$50,753.07. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-85**, authorizing acceptance of work under contract with American Marking and Paving, Incorporated, for the 2007 Curb and Sidewalk Program; and authorizing final payment in the amount of \$34,782.00. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-86**, authorizing execution of a contract with the Wilson Group, Incorporated, in the total amount not to exceed \$78,970.00 for the Atkins Johnson Farm Roof/Front Porch Renovation Project. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-87**, authorizing acceptance of a proposal from Hersey Meter Company for the purchase of 750 standard 3/4" x 5/8" Water Meters for the net purchase amount of \$24,225. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0)

Councilman Wayne Beer moved to approve a **CLASS A&B LIQUOR BY THE DRINK LICENSE** for **Applebee's Restaurants, Inc. dba Applebee's Neighborhood Grill & Bar**, 6069 North Antioch Road. Managing Officer: Rex Wright. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0)

Councilman Wayne Beer moved to approve the **SEPTEMBER FINANCIAL REPORT**. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and 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.**

**Councilmember Carol Suter** had no comments at this time.

**Councilman Wayne Beer** had no comments at this time.

**Councilman Carol Rudi** expressed thanks and congratulations to the Parks and Recreation Department. Councilman Rudi said she heard indirectly that there was a request from a parent of a visually impaired child for assistance at one of the City's playgrounds. The child could not see the steps well enough to climb up onto a play feature. The Parks and Recreation Department painted the steps in such a way that the child can now use the playground. Councilman Rudi said the mother is ecstatic and she thinks the Parks and Recreation Department should be recognized for their fast response to a need. Councilman Rudi wished Councilman Beer a happy birthday this week, which was followed by applause.

**Mayor Pro Tem Mark Revenaugh** had no comments at this time.

**Mayor Les Smith** commended the Parks and Recreation Department on the Friday Fright Night event at Oak Grove Park. It was another resounding success. Mayor Smith reported that he and Councilman Beer attended the Northland Health Center ribbon cutting. The Health Center is very proud of that facility, as well they should be.

Mayor Smith said an item that came from the Council Goal Setting Session was the establishment of a North Oak Business Council. Mayor Smith said he would like City Council and Staff to consider some recommendations for this Council - perhaps five to seven members from the North Oak corridor, who you might think would be good additions to the North Oak Business Council, which will be established.

Mayor Smith asked City Manager Kirk Davis when the information on the Transient Guest Tax on hotels and motels ballot initiative would be coming forward to Council.

City Manager Davis said he did not recall the date discussed, but if agreeable with Council, he would suggest bringing information to the City Council at the first Council meeting in December.

Mayor Smith replied he caught City Manager Davis off guard, and that date would be great.

Mayor Smith reported that Blue Springs has target traffic enforcement zones. Their Ordinance allows for them in traffic areas with high incidence of accidents, or a lot of violations, to post signs and for fines to be doubled for any citations issued in those targeted traffic enforcement zones. Mayor Smith said he would like this looked into as we have problem areas in our City.

Mayor Smith said there was a decline of over 60 percent in trips made in the Fall Brush Disposal Event. In combining the weekly drop offs since July, we realized a 42 percent drop off in usage. Mayor Smith apologized for catching City Manager Davis off guard and asked what his thoughts were on this.

City Manager Davis said it will be a very uneducated opinion, but he believes it stems from the fact that the center was open for about four or five months between the two drop offs, whereas before we just had the spring and fall drop offs, so there was a convenience factor there. The other part of that is perhaps we could have advertised the event a little better and promoted it more. There is probably a factor, not an overriding factor, but there are fees, and in this case it was half of what the cost would have been had brush been dropped off through the summer. There are probably three factors that come into play.

Mayor Smith said he was opposed to charging a fee, but we did agree as a group to charge a fee and he supports that, but he would like some analysis on this. Mayor Smith said he believes there is a lot of conversation around the fee structure and of it being revenue neutral. If one takes the July, August, and September fees that were generated against the number of loads, and adds in the fall brush disposal weekend, we far exceed that revenue neutral projection. Mayor Smith said he would like for Public Works to look at that and see where we ended up. Mayor Smith said both he and City Hall heard from some residents, and some residents called the Sun Tribune reporter, after he wrote an article.

One of the comments was that we sneaked these fees in on them, and the reporter did a good job of assuring them that we most certainly did not. It was done up front and above board. Mayor Smith said he would like to look at this so we can analyze whether or not we are revenue neutral or we went way over projections. Mayor Smith said he is concerned with a 67 percent decrease in drop offs. Three people apparently left that day and he suspects we may be cleaning their brush out of a ditch or a storm drain at some point.

**Item 7a. on the Agenda.**  
**APPOINTMENTS.**

**GLADSTONE NEIGHBORHOOD COMMISSION**

Mayor Smith pointed out a document provided to City Council members this evening, which is something that Assistant City Manager Scott Wingerson and he came up with as a possible direction to take on the Neighborhood Commission. Council approved a nine member Commission, which includes the Mayor or the Mayor's designee, the GEBC Chair (Gladstone Economic Betterment Council), and the Neighbors Helping Neighbors Executive Director. Mayor Smith said in trying to go across the City and have all of the neighborhoods represented by both a geographical standpoint and a socio-economic standpoint, what they determined is the six listed neighborhoods accomplished that. Assistant City Manager Wingerson had the idea that they should look at where there were established homeowners associations and consider appointing the current Vice Presidents of those associations. That would, in theory, give us the Vice President, the next year's President, and, in theory again, in the following year, the past President of that organization, which would provide the continuity.

Mayor Smith said there are some neighborhoods that do not have organized homeowners associations; one for sure is Meadowbrook, and his recommendation for that area is David Piconet, who has expressed a strong interest in neighborhood issues, and another one is William Reed from the Rosewood area, who was recommended by folks in that area as someone who is involved. Two or three years ago they had a Special Use Permit issue that came up in that neighborhood and Mr. Reed was one of the folks that got involved at that time. Mayor Smith said this would be a recommendation for the initial terms of the Neighborhood Commission, and if Council agrees, a motion is needed to make these appointments.

Councilman Carol Rudi moved to approve the following appointments to the Neighborhood Commission:

Mayor Les Smith or designee  
GEBC Chair - Mark Tankesley  
Gladstone Neighbors Helping Neighbors Executive Director - Art Hammen

The initial terms for neighborhood representatives are staggered as follows:

12/31/2009 expiration - Winnie Estep - Bolling Heights  
12/31/2009 expiration - Linda Blocker - Hickory Hills  
12/31/2010 expiration - David Piconet - Meadowbrook

12/31/2010 expiration - Cynthia Hoeffecker - Carriage Hills

12/31/2011 expiration - William Reed - Rosewood

12/31/2011 expiration - Chris Spurgeon - Evanston Place

Councilmember Carol Suter seconded.

Mayor Smith said there is a place on this Commission for three advisory members. The thought is to let the Commission get together, and allow them to determine what resources they may need; for example, Carolyn Vellar might be someone they might be interested in or someone from within our organization, and let them suggest some resource positions as advisors. Mayor Smith said if it is determined that the City needs wider representation, we could also bring back some more neighborhood representatives. Mayor Smith stated if that becomes the case, he will again present that to Council for their recommendations from specific neighborhoods.

The vote: All "aye" -- Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0)

**Item 8. on the Agenda.**      **COMMUNICATIONS FROM THE CITY MANAGER.**

**City Manager Kirk Davis** wished everyone a happy Thanksgiving. This group will not be getting together again until after that holiday. City Manager Davis stated the Mayor has an event next week that he may want to announce.

Mayor Smith reported the Mayor's Christmas Tree Lighting Ceremony will be held Tuesday, November 20, at First Bank of Missouri, located at 59<sup>th</sup> and Antioch Road, at 6:00 PM. Contributions to the Mayor's Christmas Tree Fund will be split between the Northland Christmas Store, Gladstone Neighbors Helping Neighbors, and the Gladstone Parks and Recreation Youth Scholarship Fund. Mayor Smith invited all to attend, and said many in the room would be receiving a letter from him asking for a donation.

Mayor Smith stated he appreciated the support of some members of the community, City Manager Davis, Assistant City Manager Wingerson, and City Planner Chris Helmer with the Climate Protection Workshop that was held at Rockhurst University last week. We are the 724<sup>th</sup> city to sign the Mayors' Climate Protection Agreement, and we were duly recognized at the Mayors main conference in Seattle that day as having more than 20 mayors simultaneously execute the agreement. Mayor Smith extended thanks to the folks mentioned, and thanked them for their support, and thanked Executive Assistant Diane Whitaker and City Clerk Cathy Swenson for their work in helping to pull our end together.

**Item 9. on the Agenda.**      **PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to T-Mobile Central LLC to operate a Communications Tower Facility on property located at 2711 Northeast Brooktree Lane. Applicant: T-Mobile Central, LLC. Owner: Curry Investment Company. File No. 1304

Mayor Smith stated the Public Hearing will be conducted with Assistant City Manager Wingerson first giving his presentation, and then we will gladly hear from the applicant, and then ask for public input. Mayor Smith opened the Public Hearing.

**Note: This portion of the City Council meeting was transcribed by Cross Reporting Services. Please see the attached transcript.**

**Item 9a. on the Agenda. FIRST READING BILL 07-34**, granting a Special Use Permit to T-Mobile to operate a Communications Tower Facility at 2711 NE Brooktree Lane. Applicant: T-Mobile Central, LLC. Owner: Curry Investment Company. File No. 1304

Councilman Wayne Beer moved to place Bill 07-34 on First Reading with the addition of Item 21, which is restoration of the site, subject to the lease conditions.

Mayor Pro Tem Mark Revenaugh asked if we don't need to see the lease, but will assume this is tied up?

Councilmember Carol Suter stated only on the assumption that the lease contains a provision that when abandoned, the property will be restored. Her concern is if technology changes and these towers are abandoned long before 20 years.

Mayor Smith said Council is "putting that ball" in Mr. Wingerson's court to determine that the lease states what the Council wishes for it to state.

Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 07-34, Waive the Rule and place the Bill on Second and Final Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 07-34 and enact the Bill as Ordinance 4.052. Councilmember Carol Suter seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0).

**Item 10. on the Agenda. PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to Robert Bledsoe and Dennis Foutch for operation of Cripple Creek Rock Company, Incorporated, on property located at 5618 North Antioch Road. Applicant: Cripple Creek Rock Company, Incorporated. Owner: Byers Enterprises. File No. 1301

Mayor Smith stated this Public Hearing will be held much like the last, except that City Planner Chris Helmer will be making the presentation for the City.

Mayor Smith opened the Public Hearing.

**Staff Presentation.**

Mr. Helmer began by saying on April 22, 2002, the applicant was granted a Special Use Permit for the operation of a landscape and materials business. At the beginning stages of this Special Use Permit request, it was originally under the condition of a one-year trial Special Use Permit application. With no foreseen problems from that Special Use Permit request, the applicant has currently been operating under a five-year Special Use Permit application. Mr. Helmer said at this time, Staff is recommending that the applicant continue operating under that 5-year renewal. A couple of things to keep in mind as to why this application is operating under a Special Use Permit request really centers on the zoning of the area. Currently the fronting properties on Antioch Road are commercially zoned, and the back portion of this business is zoned residential. The main reason behind operating under this Special Use Permit, is to secure that zoning.

Mr. Helmer said during the Planning Commission meeting, there didn't seem to be any significant opposition to the five-year renewal of the Special Use Permit. There was one question from Commissioner West that specifically addressed one of the conditions that is in the Staff Report on the hours of operation. At that time, Mr. Wingerson mentioned that historically there haven't been any issues of operation of 7:00 AM to sunset. Mr. Helmer said obviously at different times of the year that will fluctuate a little bit, but he would like for Council to keep in mind that some of that operation is office, and there is some business held that would not be outside on the typical landscaping side of the operation of that business. Mr. Helmer reported that Staff is recommending that the Special Use Permit be issued for the five-year duration, with the applicant continuing to meet the conditions set forth in the Ordinance and the Staff Report.

**Applicant Presentation.**

**Jeff Arrington, 5618 NE Antioch Road**, stated he is one of the owners of Cripple Creek Rock Company and does not have anything to add to Mr. Helmer's remarks.

Councilman Rudi said she knows the business is expanding to Platte County, and asked if that will be a second location or will we be losing this company in our city.

Mr. Arrington replied that will be a second location, and the Gladstone location is "home base". Mr. Arrington said eventually they also would like to be located on the I-35 corridor, around Liberty or Kearney. The Platte County location will not open until spring, probably February or March.

Mayor Smith asked if the "no operations after sunset" condition bothers Mr. Arrington. For example, this time of year, that is pretty early.



Mr. Arrington said they have tried to stay open later, but they do not stay open after dark. In the summer, they could stay open until after 9:00 PM, but they don't, because there is a certain time, they have found, that customers just stop coming. This is not a problem at all.

Mayor Smith said the office is probably used later than that, and he is trying to help Mr. Arrington, as this seems very "black and white". Mayor Smith said he would not like to see the business technically in violation, although not in violation of the spirit, which is not outdoor operations. Mayor Smith asked Council if they believe "outdoor" should be included so the condition would read "the hours of **outdoor** operations shall be 7:00 AM until sunset". Mayor Smith said a lot of business people work a lot of office hours late at night or early in the morning.

Mr. Arrington asked, for clarification, if Mayor Smith is talking about just the office.

Mayor Smith said the condition currently reads "the hours of operation shall be 7:00 AM to sunset".

Mr. Arrington stated if that meant the rock yard and the office, then he would agree the addition of the word "outdoor" would be beneficial to the business.

Councilman Beer said the addition of "outdoor" to operations would be an appropriate addition, and he knows that office hours go beyond sunset, and the City needs to assure that the office is permitted to do that.

Mayor Smith said when Mr. Bledsoe first came to this Council, he had some rather grandiose plans, and Council was rather skeptical; hence, the one year trial. Mayor Smith stated that Mr. Bledsoe has exceeded the expectations and said to Mr. Arrington that he is personally glad to have this business in the City, and he loves seeing Gladstone, Missouri advertised all over the metropolitan area.

Mr. Arrington thanked Mayor Smith.

**There was no one to speak in Favor or Opposition to the application.**

Mayor Smith closed the Public Hearing.

**Item 10a. on the Agenda.** **FIRST READING BILL 07-35**, granting a Special Use Permit subject to certain conditions to Robert Bledsoe and Dennis Foutch for operation of Cripple Creek Rock Company, Incorporated on property at 5618 North Antioch Road. Applicant: Cripple Creek Rock Company, Incorporated. Owner: Byers Enterprises. File No. 1301

Councilman Carol Rudi moved to place Bill 07-35 on First Reading with the addition in Condition Number six so that it now reads: "The hours of **outdoor** operations shall be 7:00 AM until sunset". Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" - Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the First Reading of Bill 07-35, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Mark Revenaugh seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0). The Clerk read the Bill.

Councilman Carol Rudi moved to accept the Second and Final Reading of Bill 07-35 and enact the Bill as Ordinance 4.053. Mayor Pro Tem Mark Revenaugh seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0).

**Item 11. on the Agenda.**      **FIRST READING BILL 07-36**, approving the Litigation Settlement Agreement with Verizon Wireless for payment of Business License Taxes.

Mayor Pro Tem Mark Revenaugh moved to place Bill 07-36 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0). The Clerk read the Bill.

Mayor Pro Tem Mark Revenaugh moved to accept the First Reading of Bill 07-36, Waive the Rule and place the Bill on Second and Final Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0). The Clerk read the Bill.

Mayor Pro Tem Mark Revenaugh moved to accept the Second and Final Reading of Bill 07-36 and enact the Bill as Ordinance 4.054. Councilman Wayne Beer seconded.

Councilman Rudi said she only had one comment to make, "one down and how many to go?"

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0).

**Item 12. on the Agenda.**      **OTHER BUSINESS.**

There was no other business.

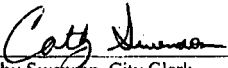
**Item 13. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**


There were no questions from the News Media.

**Item 14. on the Agenda.**      **ADJOURNMENT.**

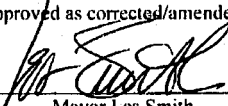
There being no further business to come before the November 12, 2007, Gladstone Regular City Council Meeting, Mayor Les Smith adjourned the regular meeting.

Respectfully submitted:

  
\_\_\_\_\_  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
\_\_\_\_\_  
Mayor Les Smith

CITY OF GLADSTONE, MISSOURI  
CITY COUNCIL MEETING

NOVEMBER 12, 2007

7:30 P.M.

TRANSCRIPT OF PROCEEDINGS

In Re: Public Hearing - Number 1304  
Request for a Special Use Permit.  
T-Mobile Central, LLC.

Held at the City Hall, 7010 North Holmes,  
in Gladstone, Missouri.

A P P E A R A N C E S:

Mr. Les Smith, Mayor  
Mr. Mark Revenaugh, Mayor Pro Tem  
Mr. Wayne Beer, Council Member  
Ms. Carol Rudi, Council Member  
Ms. Carol Suter, Council Member  
  
Mr. Kirk Davis, City Manager  
Mr. Scott Wingerson, Assistant City Manager  
Mr. David Ramsay, City Counselor  
Ms. Cathy Swenson, City Clerk  
Mr. James Leacock, Public Stenographer

1 MAYOR SMITH: Item 9 is a Public Hearing  
2 for consideration of a Special Use Permit, subject  
3 to certain conditions of T-Mobile Central, LLC, to  
4 operate a communications tower facility on  
5 property located at 2711 N.E. Brooktree Lane.  
6 Applicant: T-Mobile Central, LLC. Owner: Curry  
7 Investment Company. File Number 1304. The public  
8 hearing will be conducted as Mr. Wingerson will  
9 give a presentation. We will then hear from the  
10 applicant and then ask for public input.

11 MR. WINGERSON: Mayor Smith and members  
12 of the Council, thank you very much. I will try  
13 my best to go slow and step by step through this  
14 process in the hopes for an efficient public  
15 hearing. Unfortunately, with that efficiency  
16 comes a little bit more time on my part. Thank  
17 you for your consideration.

18 I first want to summarize the request  
19 very, very briefly. Step through the materials  
20 that are contained in your packet, and then we  
21 will get into just a little bit of the detail of  
22 the staff's recommendation.

23 Basically the applicant is requesting  
24 consideration of a special use permit to allow the  
25 construction, operation and maintenance of a

1 wireless telecommunication facility, in other  
2 words a cell tower, consisting of a 150 foot tall  
3 three-carrier monopole, single pole, with  
4 flush-mounted antennas. We will talk more about  
5 the antenna array in just a second. The tower  
6 would be contained within a 45 feet by 45 feet  
7 tenant ground-based equipment compound, surrounded  
8 by a six-foot wood privacy fence and a five-foot  
9 wide landscaping buffer. That's the summary of  
10 the request.

11 Just to step through your packet  
12 materials. The first item in your packet is the  
13 draft ordinance for your consideration at the  
14 conclusion of the public hearing. That draft  
15 ordinance does include all of the recommendations  
16 of staff and the Planning Commission.

17 The second document is a staff agenda  
18 review summary. It just serves to highlight some  
19 of the key issues for your consideration and  
20 discussion of the public hearing. The third is  
21 the staff report. The fourth is the original  
22 report that was presented to the Planning  
23 Commission for their discussion. That particular  
24 exhibit does not contain the additions that the  
25 Planning Commission recommended. Deed to the

1 property, legal description.

2 And what I want to draw your attention  
3 to are the photos near the back of your packet.  
4 The first one looks like an aerial photograph.  
5 For the audience's convenience, these exhibits are  
6 shown on the screens above. Thank you Mr. Helmer  
7 for preparing that.

8 The first aerial photo shows a couple of  
9 things. Number one, it shows the existing  
10 conditions photographically. North is to the top  
11 of the page. Antioch Road to the left side of the  
12 page. North Chestnut on the right side of the  
13 page. And you will see a couple of things. The  
14 most notable thing would be the CVS Pharmacy  
15 building at the corner of Brooktree Lane and  
16 Antioch Road. Directly to the east of that store  
17 is a dance studio. The subject parcel is directly  
18 to the south or towards the bottom of the page  
19 with a red arrow.

20 What that parcel is, is actually a part  
21 of the shops at Kendallwood. It is an extra piece  
22 that goes with the strip center that contains  
23 Applebee's and a dry cleaner and the tech shop and  
24 the tanning salon. This parcel is left out kind  
25 of by the nature of topography. The shops at

1 Kendallwood sit perhaps at this elevation, while  
2 the Dance Studio and the subject parcel sit at  
3 about this elevation, separated by a pretty steep  
4 grade and a short retaining wall in the entire  
5 shops at Kendallwood building.

6 Directly to the east of the subject site  
7 is the Midcontinent Library. Okay. Access to the  
8 site is from Brooktree Lane through the Dance  
9 Studio parking lot, in which all the necessary  
10 construction and long-term ingress/egress  
11 easements have been negotiated to the back parcel  
12 where the tower is proposed to be constructed.

13 The second exhibit is a photograph  
14 simulation. It looks a little bit like this.  
15 This is looking southeasterly. You can see the  
16 proposed monopole and the flush mounted array in  
17 the distance kind of from this perspective behind  
18 the CVS Pharmacy building.

19 The next exhibit is taken from 2700  
20 Brooktree Lane, a professional office building  
21 south of the site, so this is looking -- or north  
22 of the site. This is looking south and westerly.  
23 You can see the Midcontinent Library kind of in  
24 the foreground.

25 As in all of the public hearings



1 concerning cell towers, there is a burden on the  
2 applicant to show the need for a facility of this  
3 type. The first is a propagation study exhibit.  
4 It shows the existing T-Mobile coverage as of July  
5 27th, 2007. You can see at the intersection of  
6 Antioch Road and Brooktree Lane, there is  
7 significant areas of white. To the west green,  
8 which is service in traveling vehicles generally  
9 in that vicinity, both the east and west and  
10 south.

11 The second propagation study is with the  
12 Curry site 150 foot tower, T-Mobile being the  
13 carrier at the top of that tower. You can see  
14 that same intersection changes to red and yellow,  
15 which is in-building coverage, either commercial  
16 or residential.

17 The final one. We always need to have a  
18 comparison of what the options are. It is  
19 proposed coverage with a Tommy site at 130 feet.  
20 This tower originally began as a discussion for  
21 130 foot monopole in the Tommy's Restaurant  
22 parking lot. The site is a few hundred feet to  
23 the south, at 130 feet. So we have a comparison  
24 of the service levels, and they are comparable  
25 between the two options.

1           We also wanted to provide the Council  
2           with two additional exhibits, one is -- you may  
3           hear this term, a stealth tower design, where the  
4           antenna array is actually contained within the  
5           pole. Is that the way to say that? The second  
6           one is a platform style antenna array, which is a  
7           triangular shaped thing that spreads those  
8           antennas out further and provides better coverage  
9           for the applicant.

10           That steps through your packet and you  
11           have a brief summary. Just to go through the  
12           staff report and then go to the Planning  
13           Commission recommendation. In any discussion of  
14           these matters, we have to reference the 1996  
15           Telecommunication Act. There is a lot of  
16           information in the staff report about that. I  
17           just want to highlight two provisions.

18           Section 704 of that Act specifically  
19           preserves the Council's authority to regulate the  
20           siting, modification and removal of such towers  
21           within your jurisdiction. So you do have the  
22           jurisdiction to make these decisions, whether you  
23           support this particular application or not, I  
24           think it is important that you know that the  
25           Federal Government gives you the ability to do

1           that.

2                       However, that same section limits your  
3 authority a little bit, and preempts local zoning  
4 of personal wireless facilities based on the  
5 environmental effects of radio frequency  
6 emissions. Any kind of health concerns or  
7 interference concerns are the jurisdiction of the  
8 Federal Government, not the local city council.

9                       The current location is predominantly  
10 surrounded by commercial property. It is in fact  
11 zoned CP-3, which is the highest commercial zoning  
12 classification. The site itself is very flat,  
13 surrounded by moderate hilly terrain.

14                      Based on T-Mobile testimony in their  
15 application packet, as well as at the Planning  
16 Commission, the site meets the standard  
17 engineering requirements and expectations of the  
18 applicant. The site also poses little problem for  
19 ingress and egress and contains a substantial  
20 amount of room for tower construction.

21                      Although the proposed site for this  
22 tower can be seen from Brooktree Lane and Antioch  
23 Road, the tower is less obtrusive compared to a  
24 location abutting area residential homes near this  
25 site, as well as the Tommy's site.

1                   Staff recommended to the Planning  
2 Commission that the request be approved with a  
3 series of conditions. One is that the term of the  
4 special use is proposed for 20 years. That is a  
5 very long time for a Special Use Permit, however  
6 for your consideration it may be appropriate due  
7 to capital cost of constructing these monopoles  
8 and the ability to return their investment.

9                   The Planning Commission asks that we  
10 edit two conditions and add a series of additional  
11 conditions. The first edited condition is Number  
12 6 in your draft ordinance, which is a proposed six  
13 foot tall wooden privacy fence. Wooden is the  
14 word inserted by the Planning Commission to  
15 clarify the type of materials to be used there.

16                  The second condition for editing is  
17 Condition Number 7, in which the Planning  
18 Commission was slightly concerned about the size  
19 of the ground compound and the ability to  
20 landscape around the outside of the wood privacy  
21 fence. The applicant has agreed to reduce the  
22 size of the compound from 50-by-50 to 45-by-45,  
23 which provides a five foot vegetative buffer  
24 between the privacy fence and the remainder of the  
25 parking lot for the Dance Studio and Curry

1 property.

2 The Planning Commission added four  
3 additional conditions, starting with Condition  
4 Number 17, requiring that the applicant submit a  
5 detailed lighting plan for consideration prior to  
6 permit approval. This is different than you might  
7 think. Originally the applicant suggested a very  
8 low level of lighting, basically just security  
9 lighting for their equipment. The adjoining  
10 property owner, who I believe is a dentist, has  
11 had some graffiti or minor vandalism types of  
12 issues and has requested much more lighting, to  
13 provide security not only to the T-Mobile  
14 facility, but to the backside of his facility  
15 also.

16 Condition Number 18. "The applicant  
17 shall not add to the tower any microwave dishes or  
18 similar type structures." A request from the  
19 Planning Commission.

20 Condition Number 19. There are  
21 professional office buildings in this area,  
22 several of which contain very specialized, and I  
23 am guessing very expensive electronic medical  
24 equipment. The dentist is one example. There is  
25 an eye doctor in the area, and a couple other

1 medical uses, Woodbine being a predominant one  
2 there. We want to make sure that there is no  
3 interference between this proposed tower and the  
4 operation of any of that equipment. It would be  
5 very difficult, if not impossible for that  
6 physically to occur, but if it does occur, we want  
7 to make sure that T-Mobile is responsible for  
8 correcting that concern. That's what Condition  
9 Number 19 deals with.

10 And finally, Condition Number 20. The  
11 applicant has requested the ability to install a  
12 diesel generator. And that provision deals with  
13 the hours of operation during the day, Monday  
14 through Friday, for normal testing and maintenance  
15 of that. That's pretty much it, except to tell  
16 you that the Planning Commission voted 8 to 0 in  
17 favor of this request. That's their  
18 recommendation to the City Council.

19 MAYOR SMITH: Any questions of Mr.  
20 Wingerson? Councilman Rudi.

21 COUNCILMAN RUDI: Two questions. I want  
22 to be sure I heard this right. You said this pole  
23 would be able to carry three carriers in addition  
24 to T-Mobile or including T-Mobile?

25 MR. WINGERSON: Three total. One being

1 T-Mobile. Two additional.

2 COUNCILMAN RUDI: My second question is  
3 whether or not you think we should add an  
4 additional condition that states that should  
5 something happen and this company no longer be in  
6 business, that they return the site to previous  
7 and existing -- previously existing condition.

8 MR. WINGERSON: Yes, ma'am. We can  
9 certainly add that. I may ask the property owner  
10 and the T-Mobile rep to explain if their lease  
11 covers that issue. I don't know the answer.  
12 Certainly I can --

13 COUNCILMAN RUDI: I know it was  
14 mentioned in the minutes that they said that they  
15 would be responsible for that, but I want to be  
16 sure that as a City that we require that, should  
17 something happen. Then my final question is, the  
18 20 years. Is that what we have used on other  
19 towers? Do you know that?

20 MR. WINGERSON: Yes. We have used it  
21 several other places. One, the Power & Light  
22 substation near 72nd and Euclid was 20 years. And  
23 our city leases are a period of time, and then  
24 successive options that generally end up equalling  
25 about 10 years.

1 COUNCILMAN RUDI: Thank you.

2 MAYOR SMITH: Any other questions? Mr.

3 Wingerson, I just want to clarify Councilman  
4 Rudi's clarification. Condition Number 8 says,  
5 "It will be suitable for a maximum of four antenna  
6 arrays." I don't care, but which one might it be?

7 MR. WINGERSON: We will ask -- if it is  
8 okay with you, we will ask the T-Mobile people to  
9 confirm that. I think the intent was to say no  
10 more than four, although it is capable for three.  
11 We will also confirm that.

12 MAYOR SMITH: This might be a silly  
13 question, but in that area we also have an  
14 emergency siren. Are those operated on radio  
15 frequencies or are they hard wired?

16 MR. WINGERSON: I think they are hard  
17 wired.

18 MAYOR SMITH: Okay. Very good. Thank  
19 you. Is there a representative from the applicant  
20 who would like to make a presentation to the  
21 Council, please. Step forward and give us your  
22 name and address for our record.

23 MR. LOUK: Good evening. My name is  
24 Jess Louk. I am with Selective Site Consultants.  
25 Our address is 8500 West 110th Street, Suite 300,



1           66210. Joining me tonight -- I am here on behalf  
2           of the applicant, T-Mobile. Joining me tonight  
3           from T-Mobile are Garth Adcock, the gentleman now  
4           standing. Garth is the real estate and zoning  
5           manager for T-Mobile in the Little Rock/Kansas  
6           City markets.

7                     Seated to his right is Vincent  
8           Christofano, a Northland native, and he is the  
9           radio frequency engineer in charge of this site.  
10          And seated to Garth's left is Ed Mickells. He is  
11          with Selective Site Consultants. Right here, the  
12          man in the black jacket. He is with Selective  
13          Site Consultants. He actually performed the site  
14          acquisition work in this area once the search area  
15          was released to our engineering firm.

16                    Let's start at the top with the  
17          questions of Council. I have a very brief  
18          presentation. Staff did an excellent job  
19          summarizing the latest components of this, and  
20          some of the historical items in this application.  
21          So my presentation will be very brief.

22                    Very quickly, Councilman Rudi. The  
23          monopole is designed to hold four stops. So you  
24          will have four sections on the monopole where you  
25          can locate four antenna sets. It is T-Mobile's

1 intent to take the top two and lease the next two  
2 down to two wireless carriers. It says on the  
3 application that it is a four carrier monopole,  
4 but in fact it will house three carriers at the  
5 end of the day.

6 The ball started rolling on this  
7 application back on January 19th, 2006 for  
8 T-Mobile and Selective Site Consultants. On that  
9 date Vincent Christofano's group, the radio  
10 frequency engineering team, issued a search ring  
11 to us, which basically is just a circle on a map.  
12 It identifies a need for T-Mobile from the radio  
13 frequency department. Basically they don't have  
14 adequate coverage or they have no coverage.

15 When they issue us a search ring, the  
16 first thing that we do, we move into the search  
17 ring and we seek any and all existing vertical  
18 real estate. When I say existing vertical real  
19 estate, I mean things like existing towers,  
20 existing buildings, existing grain elevators. Any  
21 structure that is tall enough and meets the radio  
22 frequency design height. We are mandated by  
23 Garth, the real estate group inside T-Mobile, to  
24 bring those vertical structures back to the radio  
25 frequency group to consider. Because what we

1 don't want to do is come before councils like  
2 yourself without having investigated all the  
3 co-location opportunities that are out there.

4 As many of you know, in this area there  
5 are no co-locatable structures available to us.  
6 So that's where we are at. We then move forward  
7 with any and all raw land candidates that we  
8 thought would suit the needs of the radio  
9 frequency team.

10 I have been in business about eight  
11 years in wireless development, and in that time  
12 period I have seen a lot of things change. One  
13 thing that hasn't, is you need four things to do a  
14 cell site. You have to have leaseable ground,  
15 constructible ground, zonable ground, and a site  
16 that meets the radio frequency team's needs.

17 We approached 10 candidates over a  
18 period of about 15, 14 months, and of those 10  
19 properties we looked at, we have one that meets  
20 all four of those requirements. That is the one  
21 before you this evening. The overall point  
22 emphasis here to this body tonight, is that we  
23 have gone out, we have done our due diligence, we  
24 have tried to find the best candidate to bring  
25 before you. This is a CP-3 property. We have

1 Planning Commission approval. We think this is a  
2 good example of an applicant reaching out, working  
3 with the City, working with staff, and finding the  
4 property with the highest and best use.

5 With that, I will close this very brief  
6 presentation, open up our team to any questions  
7 that you might have. We have several subject  
8 matter experts in the building from the wireless  
9 community. So if you have any questions, please  
10 fire away.

11 MAYOR SMITH: First of all, I would like  
12 to say that you did reach out and work with the  
13 community. I think you had an alternative site  
14 that wasn't looking so good.

15 MR. LOUK: We did.

16 MAYOR SMITH: And you were able to work  
17 something out. I commend you for that. I also  
18 commend you for the style of pole that you are  
19 looking to construct. Any questions of Mr. Louk  
20 or any of the others? Councilman Rudi?

21 COUNCILMAN RUDI: The condition that I  
22 mentioned is to restoring the property to its  
23 existing condition. Is that something that is  
24 part of your lease, or do we --

25 MR. LOUK: It is. There is a leasing

1 provision in the document that says when the lease  
2 expires, T-Mobile is obligated to restore the  
3 property to its former condition, normal wear and  
4 tear excepted. If we want to make that a  
5 provision of the special use permit, T-Mobile  
6 would be open to it, as long as we keep that legal  
7 caveat at the end, it is going to be 20, 25 years  
8 that pass. We will do our best to restore it to  
9 its previous condition, normal wear and tear  
10 excepted. Everything above three feet of grade.  
11 So that is an important caveat, that anything  
12 three feet below grade they will not be removing  
13 the foundation.

14 COUNCILMAN RUDI: Mr. Wingerson, do you  
15 think that that is adequate for what we need?

16 MR. WINGERSON: We're working on it. I  
17 will try to present some language to you.

18 COUNCILMAN RUDI: Thank you.

19 MR. LOUK: The bottom line is,  
20 Councilman Rudi, we are open to that concept.

21 COUNCILMAN BEER: I guess the only part  
22 of that that I still had a little bit of question  
23 I guess, is that if there should be any reason  
24 that the lease is terminated, for whatever reason,  
25 prior to 20 years, are we still restorable? Is

1 the property restorable by your lease?

2 MR. LOUK: Yes. We are obligated from a  
3 leasehold perspective to keep it a commercially  
4 reasonable upkeep. Commercially reasonable  
5 manner. Excuse me, the cat has my tongue. And  
6 through the S.U.P. So we will be a good neighbor,  
7 we will keep it lit, we will keep everything  
8 around it grown and healthy.

9 COUNCILMAN BEER: Regarding the  
10 lighting. The only residential that is anywhere  
11 near the effect of the lighting is pretty much  
12 protected, as I recall, by commercial barriers.  
13 Commercial structure barriers. Has there been any  
14 other -- has there been any contact to staff with  
15 regards to lighting issues from the community?

16 MR. LOUK: No, sir.

17 MAYOR SMITH: The fact of the matter is,  
18 it is just pretty dark back there on a regular  
19 basis. This is probably a good thing. I think  
20 there are. I know that the folks over there are  
21 probably eager to see it there rather than the  
22 Tommy's location.

23 COUNCILMAN BEER: I think there is no  
24 question of that.

25 MAYOR SMITH: Any other questions? Very

1 good. Thank you.

2 MR. LOUK: Thank you for your time. One  
3 final note, I would respectfully request that you  
4 move to approve this application. Thank you.

5 MAYOR SMITH: Thank you. Is there  
6 anyone in the audience who would like to speak in  
7 favor of this application? Please come forward  
8 and give us your name and address for the record,  
9 sir.

10 MR. HALL: Thank you. My name is Pete  
11 Hall. 5621 North Clinton Place. Mayor and City  
12 Council. Happy Veterans Day, by the way, or day  
13 thereafter it is celebrated. Never mind.

14 COUNCILMAN BEER: Same for you, Pete.

15 MR. HALL: I will wear several hats here  
16 before you. One being a representative for Curry,  
17 the land owner. I will be able to answer any  
18 questions you may have about the property.

19 Number two, being very active in the  
20 economic development community, I can tell you  
21 that the wireless industry is going great guns,  
22 and more and more things are driven by wireless  
23 communication. It is extremely important to keep  
24 up with that, and this helps that.

25 I live in the area, and I am also a

1 T-Mobile customer, and I cannot make phone calls  
2 from my house. This will alleviate that problem.  
3 So I am very, very grateful for that opportunity.

4 We have -- I have talked with all the  
5 property owners in the area to make certain that  
6 no one had too much heartburn or any heartburn  
7 about this. With the exception of the dentist,  
8 who is concerned about his equipment. He found  
9 that everybody was okay with it, because it was  
10 very unobtrusive where it was located. It is  
11 shaded or blocked with trees and buildings from  
12 about every direction.

13 To mention about the lighting. Every  
14 single property owner, including us, the library,  
15 the Dance Studio, the dentist, all are  
16 enthusiastic about having extra lighting. It is a  
17 dark area. Unfortunately with some of the young  
18 people the tagging is becoming an issue. That has  
19 happened a couple of times. This, we believe,  
20 will help a lot. So again, I would encourage you  
21 to allow the special use permit. Are there any  
22 questions for me pertaining to the property owner?

23 MAYOR SMITH: I don't hear any.

24 MR. HALL: Thank you.

25 MAYOR SMITH: Anyone else like to speak



1 in favor of this application? Is there anyone in  
2 the audience that would like to speak in  
3 opposition to this application? Hearing none. Do  
4 you wish to close, Mr. Wingerson?

5 MR. WINGERSON: Mayor Smith. Thank you.  
6 Just following up on Councilman Rudi's question.  
7 Potential Condition Number 21. A new condition to  
8 the ordinance in your packet could read, "Should  
9 the tower be abandoned and not operational for the  
10 intended use for a period of six months, then the  
11 facility shall be removed to ground level and  
12 restored to its former condition, normal wear and  
13 tear excepted." I didn't read that very well, but  
14 I could read that more clearly now.

15 MAYOR SMITH: We got it. Just for the  
16 record, I got a thumbs up from Mr. Louk in the  
17 back of the room. Very good. Anyone else -- yes,  
18 sir, Mr. Hall.

19 MR. HALL: I would ask that anything  
20 that affected the lease directly, that the Council  
21 might do, that they would allow us to review that  
22 first. There are provisions in the lease to  
23 restore that property, and that is covered. Any  
24 time that you do anything that will change that, I  
25 would like to at least have the opportunity, not

1 to overrule anything you have, but to look at the  
2 lease to see if it needs to be changed as well.

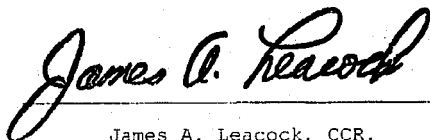
3 MAYOR SMITH: Anyone else? Hearing  
4 none, we will close the public hearing.

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## C E R T I F I C A T E

I, JAMES A. LEACOCK, Certified Court Reporter,  
do hereby certify that I appeared at the time and place  
hereinbefore set forth; I took down in shorthand the  
entire proceedings had at said time and place, and the  
foregoing 23 pages constitute a true, correct and  
complete transcript of my said shorthand notes.

Certified to this 13th day of November, 2007.



James A. Leacock, CCR.

Certified Court Reporter No. 662 (G)

Notary Public, State of Missouri





**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, NOVEMBER 26, 2007**

The City Council will meet in Closed Executive Session on Monday, November 26, 2007, starting at 6:30 PM in the City Manager's office, Gladstone City Hall, 7010 North Holmes.

The Executive Session is closed 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, and 610.21(3) for Personnel Discussion.

City Council may reconvene the Closed Executive Session immediately following the Regular meeting.

**OPEN STUDY SESSION: 7:00 PM**

**REGULAR MEETING: 7:30 PM**

- 1. Meeting Called to Order.**
- 2. Roll Call.**
- 3. Pledge of Allegiance.**
- 4. Approval of Regular November 12, 2007, City Council Meeting Minutes.**

**5. CONSENT AGENDA**

**RESOLUTION R-07-88**, authorizing acceptance of a proposal from Cues, Incorporated for the purchase of a Pipeline Television Inspection System in the net purchase amount of \$61,534.

**RESOLUTION R-07-39**, adopting a Naming Rights and Dedication Policy for the City of Gladstone, Missouri.

**RESOLUTION R-07-90**, adopting a Mission Statement and Goals for the City of Gladstone, Missouri for 2007-2008.

**RESOLUTION R-07-91**, amending the 2008 Annual General Fund and Combined Waterworks Sewerage System (CWSS) Fund Budgets for the City of Gladstone, Missouri and authorizing expenditures of funds.

**BUILDING PERMIT:** for the remodeling of the exterior of Sonic Drive-In located at 7112 North Oak Trafficway. Applicant: National Restaurant Designs. Owner: Gary Simons.

**APPROVAL OF A SEVEN DAY LIQUOR BY THE DRINK LICENSE** for RNB, LLC, dba RED. Managing Officer: Roy A. Newman.

**APPROVAL OF THE OCTOBER FINANCIAL REPORT.**

**REGULAR AGENDA**

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

9. **FIRST READING BILL 07-37**, providing that a Primary Election shall not be held, and calling a General Election for the election of three positions to the Gladstone City Council on Tuesday, April 8, 2008; 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. Other Business.
11. Questions from the News Media.
12. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, NOVEMBER 26, 2007**

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION  
6:30 PM**

Mayor Les Smith opened the City Council Meeting to adjourn to a Closed Executive Session on November 26, 2007, at 6:30 PM. Councilman Carol Rudi made a motion to adjourn to Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(3) for Personnel Discussion. Mayor Pro Tem Mark Revenaugh seconded.

Roll Call Vote: All "aye" – Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, Mayor Les Smith. (3-0).

Councilmember Carol Suter was also in attendance at the Closed Executive Session.

Mayor Les Smith recessed the Closed Executive Session to go into an Open Study Session at 7:00 PM.

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

**PRESENT:** Mayor Les Smith  
Mayor Pro Tem Mark Revenaugh  
Councilman Carol Rudi  
Councilmember Carol Suter

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Councilman Wayne Beer

Mayor Les Smith opened the Regular November 26, 2007, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.**

**ROLL CALL**

Mayor Les Smith noted that all Council members were present, except for Councilman Beer, who is ill this evening.

Mayor Smith noted that there were Boy Scouts from Troop 354, sponsored by Meadowbrook United Methodist Church, in the audience and invited them to lead the Pledge of Allegiance, after first stepping forward to introduce themselves as follows:

Kyle Macken, 6<sup>th</sup> grader at Antioch Middle School; Caleb Giotfety, 6<sup>th</sup> grader at Antioch Middle School; and Scout Leader Mark Macken.

Mayor Smith invited Mr. Macken to tell a little bit about his involvement with Scouting.

Mr. Macken said he was "railroaded" into Scouting. He quit Scouting as a youth when he was in WEBELOS, and attended Scout camp for the first time last summer at the age of 50 years old, when they had 11 inches of rain the first four days of Scout camp. He was initiated the rough way! Mr. Macken said the last young man with him is his youngest son, James Macken, who is in WEBELOS. Mr. Macken said he has been nominated to be the WEBELOS leader for two years.

**Item 3. on the Agenda.**

**PLEDGE OF ALLEGIANCE.**

Scout Kyle Macken led the Pledge of Allegiance, in which all joined.

Mayor Smith stated he has known Mr. Macken a long time, and he is a quality guy, and the young people are lucky to have him as a leader, and he wished them the best of luck.

**Item 4. on the Agenda.**

**APPROVAL OF THE REGULAR NOVEMBER 12, 2007, CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Mark Revenaugh moved to approve the Regular November 12, 2007, City Council Meeting Minutes as presented. Councilmember Carol Suter seconded. The vote: All "aye" - Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0)

**Item 5. on the Agenda**

**CONSENT AGENDA**

Following the Clerk's reading, Councilman Carol Rudi requested that the Building Permit for the remodeling of the Sonic Drive-In be removed from the Consent Agenda for consideration as Item 5a, under the Regular Agenda. Councilman Carol Rudi moved to accept the Consent Agenda as amended. Councilmember Carol Suter seconded. The vote: All "aye" - Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-07-88**, authorizing acceptance of a proposal from Cues, Incorporated for the purchase of a Pipeline Television Inspection System in the net purchase amount of \$61,534. Councilmember Carol Suter seconded.



The vote: All "aye" – Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-07-89**, adopting a Naming Rights and Dedication Policy for the City of Gladstone, Missouri. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-07-90**, adopting a Mission Statement and Goals for the City of Gladstone, Missouri for 2007-2008. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Carol Rudi moved to adopt **RESOLUTION R-07-91**, amending the 2008 Annual General Fund and Combined Waterworks Sewerage System (CWSS) Fund Budgets for the City of Gladstone, Missouri and authorizing expenditures of funds. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Carol Rudi moved to approve a **SEVEN DAY LIQUOR BY THE DRINK LICENSE** for RNB, LLC, dba RED. Managing Officer: Roy A. Newman. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

Councilman Carol Rudi moved to approve the **OCTOBER FINANCIAL REPORT**. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

**Item 5a. on the Agenda.** **BUILDING PERMIT:** for the remodeling of the exterior of Sonic Drive-In located at 7112 North Oak Trafficway. Applicant: National Restaurant Designs. Owner: Gary Simons.

Councilman Carol Rudi moved to approve a **BUILDING PERMIT** for the remodeling of the exterior of Sonic Drive-In located at 7112 North Oak Trafficway. Applicant: National Restaurant Designs. Owner: Gary Simons. Mayor Pro Tem Mark Revenaugh seconded.

Councilman Rudi apologized to Staff that she did not ask her question before the meeting. Councilman Rudi said she noticed in the Building Permit that there will be some landscaping removed, and asked if the landscaping will be replaced.

Assistant City Manager Scott Wingerson replied that the landscaping will be replaced and enhanced throughout the site.

Councilman Rudi thanked Mr. Wingerson, and said that was her only question.

The vote: All "aye" – Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (4-0).

**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.**

**Councilmember Carol Suter** expressed her congratulations to the Mayor and City staff for a wonderful Mayor's Christmas Tree event. It was wonderful to see former City leaders present and the crowd was large and enthusiastic, and there was good media coverage.

**Councilman Carol Rudi** had no comments at this time.

**Mayor Pro Tem Mark Revenaugh** had no comments at this time.

**Mayor Les Smith** stated he would like to add to Councilmember Suter's comments and said due to the generosity of the community, we have already exceeded last year's total in donations, which is the largest amount ever raised by nearly \$2,500.00 to this point. This is due in large part to First Bank of Missouri increasing their annual contribution; to the folks involved in the Gladfest 5K Walk/Run; and to Antioch Bible Baptist Church, who continue to be wonderful partners in this community; and to everyone else who contributed as well. Mayor Smith said he is very grateful, and the money will be put to good causes, and he hopes to continue to raise funds until the end of the year.

**Item 8. on the Agenda.**      **COMMUNICATIONS FROM THE CITY MANAGER.**

**City Manager Kirk Davis** reported that tomorrow, if the weather holds true, we will attempt the burn at the 68<sup>th</sup> Street Basin/Rockcreek Meadow at about 10:00 AM. City Manager Davis reported that the next Comprehensive Plan public meeting is scheduled for December 4<sup>th</sup> at Antioch Bible Baptist Church.

Mayor Smith said, as seen in the reappropriations presented this evening, the City does a great job in controlling costs. It is also exciting to see sales tax revenue up one percent. What is encouraging is that we have been down about one percent, so in essence, it is about a two percent gain.

**Item 9. on the Agenda.**      **FIRST READING BILL 07-37**, providing that a Primary Election shall not be held, and calling a General Election for the election of three positions to the Gladstone City Council on Tuesday, April 8, 2008; 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.

Mayor Pro Tem Mark Revenaugh moved to place Bill 07-37 on First Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol

Suter, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Mayor Pro Tem Mark Revenaugh moved to accept the First Reading of Bill 07-37, Waive the Rule and place the Bill on Second and Final Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0). The Clerk read the Bill.

Mayor Pro Tem Mark Revenaugh moved to accept the Second and Final Reading of Bill 07-37 and enact the Bill as Ordinance 4.055. Councilmember Carol Suter seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (4-0).

**Item 10. on the Agenda.      OTHER BUSINESS.**

There was no other business.

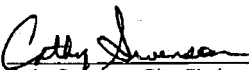
**Item 11. on the Agenda.      QUESTIONS FROM THE NEWS MEDIA.**


There were no questions from the News Media.

**Item 12. on the Agenda.      ADJOURNMENT.**

There being no further business to come before the November 26, 2007, Gladstone Regular 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

Dec.



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, DECEMBER 10, 2007**

The City Council will meet in Closed Executive Session on Monday, December 10, 2007, starting at 5:30 PM in the City Manager's office, Gladstone City Hall, 7010 North Holmes.

The Executive Session is closed 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, and 610.21(3) for Personnel Discussion.

City Council may reconvene the Closed Executive Session immediately following the Regular meeting.

**OPEN STUDY SESSION: 6:45 PM**

**REGULAR MEETING: 7:30 PM**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular November 26, 2007, City Council Meeting Minutes.
5. CONSENT AGENDA

**RESOLUTION R-07-92**, authorizing execution of a contract with Dennis Johnson Construction, Incorporated, in the total amount not to exceed \$102,296.00 for the 2200 Block of Northeast 67<sup>th</sup> Street Drainage Extension.

**RESOLUTION R-07-93**, authorizing the City Manager of the City of Gladstone to enter into an agreement with the Mid-America Regional Council Solid Waste Management District for 2008 Grant for the Regional Brush/Yard Waste Facility.

**RESOLUTION R-07-94**, authorizing the City Manager to execute an agreement with Innoprise Software, Inc., for Financial Management Software.

**RESOLUTION R-07-95**, authorizing acceptance of a proposal from Thoroughbred Ford for the purchase of Two 4 x 2 Trucks with Utility Bed and Hydraulic Systems for the net purchase amount of \$72,626.

#### REGULAR AGENDA

6. Communications from the Audience.
7. Communications from the City Council.
8. Communications from the City Manager.
9. **RESOLUTION R-07-96**, authorizing the City Manager to execute an agreement with the Missouri Department of Transportation (MoDOT) for Red Light Camera installations on Missouri Highway One.
10. **PUBLIC HEARING:** for consideration of Rezoning & Site Plan Revision at 1900 NE 72<sup>nd</sup> Street (Family Video Movie Club) Applicant/Owner: JA Peterson Enterprises, Inc. File #1306.
11. **FIRST READING BILL 07-38**, approving the Final Plat of a portion of Tract "CD", Block 21 Stratford 4<sup>th</sup> Replat and a portion

of Tract "A" and a portion of vacated Euclid Street, Stratford 4<sup>th</sup> Plat, a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said Plat for recording. Applicant/Owner: JA Peterson Enterprises, Inc. File #1308

12. **FIRST READING BILL 07-39**, amending Ordinance No. 3.973 and being an Ordinance relating to Zoning Ordinance Regulations and the establishments of Use Districts within the City of Gladstone, Missouri. Applicant/Owner: JA Peterson Enterprises, Inc. File #1306
13. **FIRST READING BILL 07-40**, approving a Site Plan revision for property legally described as Family Video Addition Lot 1. Applicant/Owner: JA Peterson Enterprises, Inc. File #1307
14. **PUBLIC HEARING:** for consideration of the amendment of Section 7.135.010, and 7.140.010 of the Gladstone City Code relating to C-1 and C-2 Zoning Districts within the City of Gladstone. File #1309.
15. **FIRST READING BILL 07-41**, amending Section 7.135.010, and 7.140.010 of the Gladstone City Code relating to C-1 and C-2 Zoning Districts within the City of Gladstone.
16. Other Business.
17. Questions from the News Media.
18. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, DECEMBER 10, 2007**

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION  
5:30 PM**

Mayor Les Smith opened the City Council Meeting to adjourn to a Closed Executive Session on December 10, 2007, at 5:30 PM. Councilman Wayne Beer made a motion to adjourn to Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(3) for Personnel Discussion. Mayor Pro Tem Mark Revenaugh seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh, Mayor Les Smith. (4-0).

Councilmember Carol Suter was also in attendance at the Closed Executive Session.

Mayor Les Smith recessed the Closed Executive Session to go into an Open Study Session at 6:45 PM.

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

**PRESENT:** Mayor Les Smith  
Councilman Wayne Beer  
Councilman Carol Rudi  
Councilmember Carol Suter

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Mayor Pro Tem Mark Revenaugh



Mayor Les Smith opened the Regular December 10, 2007, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.**      **ROLL CALL**

Mayor Les Smith noted that all Council members were present, except for Mayor Pro Tem Mark Revenaugh.

**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 26, 2007, CITY COUNCIL MEETING MINUTES.**

Councilman Carol Rudi moved to approve the Regular November 26, 2007, City Council Meeting Minutes as presented. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Les Smith. (4-0)

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

Following the Clerk's reading, Councilman Wayne Beer moved to accept the Consent Agenda as presented. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Les Smith. (4-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-92**, authorizing execution of a contract with Dennis Johnson Construction, Incorporated, in the total amount not to exceed \$102,296.00 for the 2200 Block of Northeast 67<sup>th</sup> Street Drainage Extension. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Les Smith. (4-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-93**, authorizing the City Manager of the City of Gladstone to enter into an agreement with the Mid-America Regional Council Solid Waste Management District for a 2008 Grant for the Regional Brush/Yard Waste Facility. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Les Smith. (4-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-94**, authorizing the City Manager to execute an agreement with Innoprise Software, Inc., for Financial

Management Software. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Les Smith.  
(4-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-07-95**, authorizing acceptance of a proposal from Thoroughbred Ford for the purchase of two 4 x 2 Trucks with Utility Bed and Hydraulic Systems for the net purchase amount of \$72,626. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Les Smith.  
(4-0)

**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.**

**Councilmember Carol Suter** expressed her appreciation and congratulations to the Parks and Recreation staff who conducted the Hard Hat Tours at the Community Center. Saturday's tour was very successful, even given the bad weather. It was a fun event and people were "wowed" by the facility, which is exciting.

**Councilman Wayne Beer** had no comments at this time.

**Councilman Carol Rudi** congratulated Councilman Beer on the honor he received at the Gladstone Area Chamber of Commerce banquet for all of the work that he has done to put the Williams House together and serving as their building contractor.

**Mayor Les Smith** concurred with Councilman Rudi.

**Item 8. on the Agenda.**                      **COMMUNICATIONS FROM THE CITY MANAGER.**

**City Manager Kirk Davis** reported both Saturday and Sunday's Hard Hat Tours of the Community Center were successful, and offered congratulations to the Parks and Recreation staff. The tours were a great idea. There were close to 700+ people who went through the Community Center in the two days, and there was a lot of "wows" from folks. City Manager Davis said there would also be tours this coming Saturday from 10:00 AM to 4:00 PM, and invited all to attend.

City Manager Davis invited City Council members to a retirement luncheon this Friday for Captain Mike Couch, and also to another retirement luncheon next Tuesday

for Human Resources Coordinator Pat Crooks. Both of these people are long time employees of the City.

City Manager Davis announced that City Hall would be open Christmas Eve and New Year's Eve. City Manager Davis wished everyone safe and happy holidays.

**Item 9. on the Agenda.** **RESOLUTION R-07-96**, authorizing the City Manager to execute an agreement with the Missouri Department of Transportation (MoDOT) for Red Light Camera installations on Missouri Highway One.

Councilman Carol Rudi moved to adopt **RESOLUTION R-07-96**, authorizing the City Manager to execute an agreement with the Missouri Department of Transportation (MoDOT) for Red Light Camera installations on Missouri Highway One. Councilmember Carol Suter seconded. The vote: All "aye" - Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Les Smith. (4-0)

**Item 10. on the Agenda.** **PUBLIC HEARING:** for consideration of a Rezoning and Site Plan Revision at 1900 NE 72<sup>nd</sup> Street (Family Video Movie Club). Applicant/Owner: JA Peterson Enterprises, Inc. File #1306.

Mayor Smith opened the Public Hearing and said Council would first hear from Assistant City Manager Scott Wingerson, then from representatives of the applicant, and finally anyone from the audience who would like to address the Council.

#### **STAFF PRESENTATION**

**Assistant City Manager Scott Wingerson** began saying there is one Public Hearing on this issue, with three separate actions ordered in a very specific way. The first action is to create the Final Plat; the second action to consider authorizing a zoning change classification; and finally the Site Plan. Mr. Wingerson introduced Planning Specialist Chris Helmer, saying Mr. Helmer would give a brief summary of the request, and the applicant would give a detailed presentation to City Council.

Planning Specialist Chris Helmer stated he would begin by discussing the Site Plan for the Family Video, which is a 5,000 square foot building with three separate lease spots at 1,200 square feet each. Currently the proposed applicant is requesting a drive through on the eastern portion of that site, which would be abutting one of the 1,200 square foot lease spots. Mr. Helmer said, as Mr. Wingerson mentioned, the actions this evening are consistent with what we did with the Planning Commission. Mr. Helmer said he would quickly go through the packet material to bring everyone up to speed as far as the revisions that have been done with the applicant.

Mr. Helmer said Staff has met with the applicant on some preliminary stages at the very beginning of discussions on this application. The packet that Council members

have received has two portions. One attachment is the most recent material and the second packet of material is the traditional summary review that one would see at the Planning Commission and City Council levels. It includes the Staff Report, aerial photos of the original rezone map, which is also the same rezoning map that is seen in the current material. There are also some very specific information and letters addressed to Staff regarding addressing some issues in more detail. Mr. Helmer said the applicant was present this evening with people from Kaw Valley Engineering as well as Lutgen Engineering firms to address the very specific questions that not only Staff had, but the Planning Commission had as well. There have been some significant revisions to this plan, and the applicant is prepared to address those to the City Council this evening. Mr. Helmer said although it is not being seen this evening, there was quite a bit of public input at the first Planning Commission Public Hearing, and he has spoken with some area residents here at City Hall.

Mr. Helmer said information included in the packet materials includes the proposed alignments, one fronting 72<sup>nd</sup> Street and the entrance off North Euclid Street. From the beginning stages of this application, Staff had some concerns regarding parking as well as landscaping. The revisions seen on the current Site Plan shows the progression from the first Site Plan. The current application of the Staff Report states that the minimum requirement from our City Code is 35 parking spaces. The applicant had originally submitted 77 parking spaces, and that has been narrowed down to 57 spaces, which addresses some issues. One being the overabundance of parking, and it allowed us to have some more green space fronting 72<sup>nd</sup> Street, as well as to pull the green space a little bit to the east off Euclid and enhance that area as well as at the corner of 72<sup>nd</sup> Street and Euclid.

Mr. Helmer said the storm water management and traffic were also very big issues with this plan. The traffic study recommended that those alignments that he just mentioned be a shared drive to the north with the KinderCare Learning Center, as well as with the development to the east, which is Mr. Strange's Insurance Agency. Area residents, Staff, and the Planning Commission had concerns with the storm water management. City Council members received a couple of proposals as to how that can be maintained. Staff started from the beginning stages with just the existing storm inlets, then Staff moved to a tiered system that went to the Planning Commission. Staff had some concerns about the aesthetics of that particular storm water detention. Staff had always pushed for the underground lateral pipes that are shown underneath the parking, in the latest Site Plan. Mr. Helmer invited any questions from City Council members, and reminded them that the applicant was also present to answer any questions.

#### **APPLICANT PRESENTATION**

Levi Dinkla, 3029 SW Arbonia Place, Topeka, Kansas, began by saying he represents Family Video, and is the Regional Manager for Kansas, western Missouri and Nebraska. Mr. Dinkla said he had a couple of points he wished to make this

evening. Mr. Dinkla said to begin, he wished to let City Council members know a little about his company that would like to be a part of this community. There are over 500 stores in the company, and they are the third largest rental chain in America, and it is the only major video rental chain that owns all its property. The company's primary focus is on real estate, and video is their means for paying for the real estate. Mr. Dinkla stated the company is privately held, and is held by a family by the name of the Hooglands. The question came up as to why this town, and why this site. Mr. Dinkla said they try to be a neighborhood store; they have prices that are very attractive to families, so they try to build in locations where families would be able to walk up together to their site.

Mr. Dinkla stated he would like to address the issues that came up both in the preliminary meetings and with the Planning Commission. Mr. Dinkla said that basically what came out after meeting with the neighbors and City staff were three main issues that needed to be dealt with. The first of those issues was traffic and safety concerns; the second issue was landscaping; and the third and most important issue was water. Mr. Dinkla said he would be speaking this evening on the first two issues, and will have his engineer, Mr. Dana Bowles with Kaw Valley Engineering speak about the water. Mr. Dinkla said the issues that came up with traffic safety from both the neighborhood and City staff were that they felt his company should be sharing access points with the neighbor to the north, which is KinderCare, and the neighbor to the east, which is Mr. Strange.

Mr. Dinkla said the initial Site Plan had both access points going right onto their property. Through the process of meeting with the neighborhood and City staff and going through the Planning Commission, they have worked out 100 percent to getting the driveways to be shared between both of the adjacent property owners. As of this afternoon, a tentative agreement was made with Mr. Strange's attorney to share the access point. Another traffic issue that came up was the future ability of the City to put in a left hand turn lane. Mr. Dinkla said he was able to show in his drawings that was possible, but just to make sure that it was possible in the future if needed, he has agreed to give away an additional five foot of right-of-way to the City.

Mr. Dinkla said the next issue is the landscaping. Mr. Dinkla reported that he did start out with 77 parking stalls, and he did feel very strongly that he needed all 77 of those stalls. His business model is one where they are basically from 6:00 until 8:00 or 9:00 PM on Friday and Saturday evening. Mr. Dinkla said if he had 150 parking stalls, he could fill them; that is where they make 75 percent of their revenue - during those time periods during the week, so the more parking, the more he is able to support that property. Mr. Dinkla continued by saying he understood the City was not as pleased with that amount of parking, and so they came up with an agreement of 57 parking stalls. They also came to an agreement regarding landscaping and moving the garbage enclosure that was originally on the east side of the property to next to Mr. Strange's building along the west side of the property. Mr. Dinkla said that Mr. Strange felt very strongly that where the dumpster has now been relocated would have an adverse

impact on the value of his property, because it would be right next to his building and would be unseemly for him and his customers. Mr. Dinkla said he agreed, and in trying to appease everyone, he would like to suggest and request from Council to move that enclosure so that it is actually attached to his building. By doing that, it would still be screened from 72<sup>nd</sup> Street, and it would be matching the building material of the building, and would not pose such a visual impairment to Mr. Strange's property.

Mr. Dinkla said the second thing he would like to note is that in reducing the size of the parking lot, going from 77 to 57 stalls, did a couple of things that helped out with the water. It definitely increased the green area, especially along 72<sup>nd</sup> Street; however, one of the other things negotiated was getting the underground detention, which ended up being a lot more expensive than he could ever have imagined. Mr. Dinkla asked Council if they would be agreeable to giving back a couple of those spaces without impairing the green zone that has been created along 72<sup>nd</sup> Street. Mr. Dinkla said they would like the capability to not reconstruct the site plan, but they may need a couple more spaces to pay for the building. They have to be sure that financially this is doable. The main concern with the community and Staff was the water detention, so his priority was to be sure they got the best water detention possible. In doing that they are asking for some give and take, and are asking for a couple of those parking stalls back from 57 to as many as 64, which is nowhere near the 77, which they feel is a good in between number.

Mr. Dinkla asked Council members to look at the middle exhibit on a rendering and pointed out a sand colored portion of the above ground detention, which will now be a landscaped area. Mr. Dinkla stated this plan will allow for a great visual impact at that corner. The monument sign has also been moved from the corner, because there were some concerns from the community about people not being able to see when they are taking a left or right turn.

Mayor Smith asked Mr. Dinkla where he would like to build back in the seven parking spaces.

Mr. Dinkla replied if the dumpster is attached to the northwest corner of his building, he will lose a couple of spaces along the northwest corner; however, he would also gain a couple of spaces where the garbage enclosure is, so there would be a net of one stall in that act, and he would like to take one or two back from the Euclid side. Mr. Dinkla said they have been very comfortable working with City staff, and so they would trust that City staff would guide them in the right direction to get them closer to a number that they can make work for the property.

Mayor Smith requested clarification as to the northwest corner location for the dumpster.

Mr. Dinkla pointed out on a rendering where the dumpster would be located, attached to the building, and stated it would be made of the same block as the building. From 72<sup>nd</sup> Street, this location will not be such a break in the visual appearance. The way it is now, it is a separate entity from the building and doesn't flow well with the property, and it disturbs Mr. Strange. Mr. Dinkla said by having it attached to his building, it would appear to be just another part of the building.

Mayor Smith asked how it would be accessed.

Mr. Dinkla said he feels there would be adequate room for a garbage truck to get in there. Typically they do not have very large garbage enclosure bins. The dumpster would open to the west.

Mayor Smith asked if the dumpster could be oriented so it could be accessed from the north. There may need to be something done with the drive a bit. Mayor Smith said his point is, yes, the majority of the traffic is on 72<sup>nd</sup> Street, but the majority of the residents are along Euclid. Rather than have the open side facing west, it could be open to the north, and as that is an access drive, it might also create a bit easier configuration for the drivers of the garbage trucks, and maybe block the drive a little less.

Mr. Dinkla said he sees no significant issue with that and would have no problem facing the dumpster to the north. He could just put a pole there to make sure people didn't turn into it, which isn't an issue.

Councilmember Carol Suter said she would like to go back to the comment of Mr. Dinkla's that if he had 150 parking spots, he could fill them on a Friday evening. If there are only 64 or 57 parking spots, what happens to the other 40 or 50 parking spots that he could fill - where are those people?

Mr. Dinkla said those people are either driving to his competition or they are waiting to get a stall, which is why he is always trying to get as much parking as possible.

Councilman Wayne Beer asked Mr. Dinkla if he is no longer giving consideration to the underground collection?

Mr. Dinkla said the underground collection is what they have decided upon; the above ground detention is what they were originally going to do. Staff made comments that they were not comfortable with that, and there were comments from the community that they were visually concerned about it, so they agreed to go underground, which is where the extra cost is.

Councilman Beer said he thought Mr. Dinkla said the cost was prohibitive.

Mr. Dinkla replied the cost is high but not prohibitive, which is why he is asking for more parking spots.

Councilman Carol Rudi stated at the Planning Commission there was a question about the width of the drive-thru all around the building, and inquired into the width.

Mr. Dinkla replied the driveway width is 12 feet; there was some concern as to whether it narrowed, and it does not narrow in the northwest corner, and is consistent all the way around the building.

Councilman Rudi inquired into the hours of operation.

Mr. Dinkla replied that 10:00 AM to Midnight are his company's standard operating hours. That is adjusted community by community. If people in this community are done renting at 10:00 PM, then the business will be closed at 10:00 PM.

Councilman Rudi asked if that would apply to the other businesses.

Mr. Dinkla replied, no, that would not apply to the other businesses, because he would not operate those businesses.

Councilman Rudi said Mr. Dinkla said at the Planning Commission meeting that the signage would all be uniform; however, if he had a particular tenant with a particular logo, that would be on their sign, if that is what they wanted. Councilman Rudi said she does not have a problem with that, but asked if there will be any digital reader boards.

Mr. Dinkla replied no, and it is his understanding from Staff that by the time he came before Council, they would be outlawed, so they received a forewarning from City staff. Digital signs are not something they typically do, but he can't speak for a tenant like Edward Jones who might have a ticker symbol running in their window, but as far as he is concerned, his company does not use digital signs that change a message.

Councilmember Suter said the plat shows three additional spaces, and asked if Mr. Dinkla is building them out to order or is the space also available as one?

Mr. Dinkla replied right now the plan is to build those out to vanilla box (incomplete construction). Mr. Dinkla said his company is also in the commercial leasing business, so they have national tenants, and they have found that this size of space is pretty easy to fill. If someone came along and wanted it all, they would gladly do that, but they would have to let them know before they started building.

Councilman Beer stated in regard to shared drives, and especially to the drive shared with Mr. Strange, there was an issue in the Planning Commission in regards to



alignment of that shared drive with North Euclid Court across the street from 72<sup>nd</sup> Street. Councilman Beer asked Mr. Dinkla to address that issue.

Mr. Dinkla replied that the tentative agreement his business has reached with Mr. Strange and his attorney would place this access point across from that corner, which he believes meets with what City staff had recommended.

Councilman Beer asked if that will mean some significant changing of the existing drive?

Mr. Dinkla replied, yes, he believes what would happen is they would be closing the existing drive and opening a new one across the street. Mr. Dinkla said he could not completely speak for Mr. Strange, but that is how their conversation went, and that has always been an understanding that his would be closed and they would have one shared access point.

Mayor Smith said, from his standpoint, that drive needs to align with Euclid Court. It doesn't seem practical to do it any other way.

Councilman Rudi stated regarding the driveway entrance, the Planning Commission asked that the curbs in and out be softened a little bit, and asked if Mr. Dinkla had worked with Staff to address that.

Mr. Dinkla said he did not have time in the last week to get it all revised on the drawings, but not only are they open to that, he agrees that it will fit better with the flow of the traffic, so Council will see that softened.

Councilman Rudi asked if there would be in and out arrows on the drive.

Mr. Dinkla replied he believes they will need one or two more feet of driveway width in order to accommodate those arrows, but if Council is agreeable to that, he is agreeable, and Mr. Strange would also have to be agreeable.

Councilman Beer said the Council can see a benefit with that. Councilman Beer said he believes that we should provide all the ingress/egress safety and signaling and signage that can reasonably be put in there. Turning onto 72<sup>nd</sup> Street, eastbound, can be a real challenge. He would not want to force the issue of putting everyone on Euclid to go eastbound onto 72<sup>nd</sup> Street, because he does not believe that is an appropriate traffic movement. Anything we can do to provide a safer access onto 72<sup>nd</sup> Street, we need to do.

Mr. Dinkla said if he can get the one or two feet to have the appropriate width of the turn lanes, then he definitely will do that. Mr. Strange would have to agree as well, but one of the concerns is that there is a telephone pole by his current entrance and that makes turning out of his business very hard. One of the benefits of having this

drive where it is proposed to be located is that it will reduce the problem of the telephone pole impeding drivers' vision line, so doing the turning lanes would not be a problem.

Councilman Rudi asked if there would be a dimmer switch on the tower with the light.

Mr. Dinkla replied it turns off, and does not really project. The light meets all the photometric codes of any city they have been in. It doesn't project a whole lot of light. It illuminates it from within, so it's turned off when the business is closed at Midnight, but it is not something that would emit a whole lot, because of the density of the block. It doesn't let off that much light.

Councilman Rudi stated she knows if she were in one of the two houses right across the street or one of the townhomes on Euclid, and the light is on at Midnight, and she was trying to go to sleep on the weekend, she would not be happy to look at that all the time. This is why she is thinking at 10:00 PM, it could be turned down and at Midnight, it would be turned off, which might be beneficial. Councilman Rudi said she does not know if this is possible.

Mr. Dinkla said in the 21 stores he has in this area, he had not heard a single complaint from neighbors, and they are frequently across from houses. Mr. Dinkla said he does not know if he has that capacity, but he knows he does not have it currently in any of his other stores, so he would not want to say he would do something that he cannot do.

Councilman Rudi said she would like for Staff to discuss this with Mr. Dinkla.

**Dana Bowles, Kaw Valley Engineering**, began by saying he was prepared to discuss storm drainage issues on this site. Mr. Bowles said when they looked at this site, they were evaluating the storm drainage from two perspectives. One was a one inch rain which would fall over the entire site, with the idea to maintain that on site and let it discharge either through percolations or in an under drain system or something, but for a one inch rain, that would be retained. The other method they used was to evaluate it based on a two, a ten, and a hundred year storm, and then size the detention for a hundred year storm. The volume that was calculated that was required to hold a hundred year storm was about 9,000 cubic feet.

Mr. Bowles stated he provided a packet to Council, which is a product called StormTech. For an underground detention system there are generally two methods. You can use a circular pipe to get the volume or you can use the StormTech, which is basically a half of a pipe, which is HDPE (High-Density Polyethylene), constructed in conjunction with a gravel bed, which can be buried from six to eighteen inches. The thicker you go with that gravel bed, the more volume that can be achieved through it. The advantage of going with the StormTech system that they are proposing is that it not only serves to hold the additional water in storage in the gravel bed, but also

allows that water to perk into the ground and take water out of the storm drainage that would normally come off of the site, and also serves as a way of water treatment.

Mr. Bowles said a normal storm sewer system that is just an enclosed pipe system is going to take all the water and everything else coming into that system and wash it down the stream. This does allow some VMPS (Soil Vapor Monitoring Points) to be incorporated right into the design, so you do get better water quality, and a reduction in your storm water release from the site. There is the ability to size this system to whatever we need to, which in this case is about 9,000 cubic feet. Mr. Bowles said he believes this addresses the concerns with the above ground system, which may have more maintenance issues. This can go underground, under the parking lot. Mr. Bowles pointed out on a drawing the rectangular area where the underground system is proposed. There will be about two feet of cover over it, so it's now a green space that can be landscaped.

Mayor Smith asked for confirmation of the drive width of the drive thru.

Mr. Bowles replied he believed the width is 12 feet, but he does not recall specifically.

Assistant City Manager Wingerson stated it is intended to be 12 feet, and that can be confirmed. There are painting and striping and scale issues, but the drive needs to be 12 feet, and if Council approves the permit, it will be 12 feet.

Councilman Beer said that is how he reads it on the plans. Councilman Beer pointed out an illustration and said it indicates two areas for the underground collection system. It appears it is possible to park vehicles over that system.

Mr. Bowles stated that was correct.

Councilman Beer asked, in regard to the 9,000 cubic feet volume, if that is 9,000 cubic feet of actual volume that is there, or is that 9,000 cubic feet over a time period?

Mr. Bowles replied that would be 9,000 cubic feet over a time period. Generally there would be water coming in and going out at the same time, and so the 9,000 would be at a minimum what it would be designed for, which would be the required volume for a one hundred year storm, with a release rate that doesn't exceed what is currently coming off that site.

Councilman Beer said in some of Gladstone's earlier history there was probably not as much attention given to storm water management as we find it to be necessary now; both from just a general knowledge standpoint to the increase in sophistication of engineering that we know today. Gladstone has suffered quite a bit from some of those early engineering deficiencies. Councilman Beer said he calls that deficiencies based on what we know today. It might not have been deficient engineering at that time. Gladstone has had to spend millions of dollars to try to remedy some of those

situations. Councilman Beer said from a Planning and Council standpoint, we have become a bit sensitive to storm water management, so the storm water management is going to be of utmost concern, at least to this one Councilman. Councilman Beer said he would like for Mr. Bowles to take a hard look at looking further down the line and take into consideration some of this engineering which still may be evolving.

Councilman Beer said his point is that if we know that our detention capacity is 9,000 cubic feet, and given the storm water issues that particularly occur downstream from this site, he would like to see us take some special measures to reduce as much as possible the rate of discharge even more greater than engineering suggests to us now. Councilman Beer said he believes we need to increase the volume of detention for this underground system so that when we get to the heavy run-off situations, we don't sheet water into that creek as quickly as this system would let us now.

Mr. Bowles replied he believes the system does address Councilman Beer's concerns, and he will certainly look into that as he gets into professional plans about what that volume is going to be. Previously the water would sheet flow straight to either Euclid or 72<sup>nd</sup> Street, and there would be waves of water going onto those sites. What a detention basin will do is offset peak run-offs. If the water coming off that site was coincidental with water coming down Euclid or down 72<sup>nd</sup> Street, and that runoff combines, that tends to inundate a system.

Mr. Bowles stated what the modeling programs available allow us to do is to look at volumes, look at pipe diameters on the discharge, length of the traveled path or even routing the water slightly differently through the system to avoid the coincidental run-off peaks from 72<sup>nd</sup> Street or Euclid, and reduce it that way as well. Mr. Bowles said as this site is 1.35 acres, the run-off is generally pretty quick. With the detention basin, that same amount of water will be released over generally a 24-hour period. This will help downstream. This system will always maintain that one-inch runoff in the lower portion of the system.

Councilman Beer said he believes that capturing the first inch of rain is pretty innovative and commendable, and he does not recall any systems that have come before Council that dealt with that first inch of rain. Councilman Beer said he does still feel we need a greater detention capacity to prevent the sheeting that may occur on the heavy rainfalls.

Mr. Bowles said he would certainly look into that. Mr. Bowles stated that a one-inch rain that comes quickly can easily cause problems downstream, and that can be totally alleviated with this design.

Councilman Beer said he does feel we need to go a little bit further and look at a greater detention capacity so that if we do have a big rain, that we are not sheeting a bunch of water. There will be sheeting of water coming off, because it is not a completely pervious surface, but there will be a whole lot more sheeting off of the

parking lot without these detention capacities that are being discussed. It will sheet off a lot faster than is currently coming off of there. Councilman Beer said he likes the idea of catching the first inch of rain, so that rain from this area does not affect the folks downstream, but he does feel we need to take a little bit of extra care and catch a little bit more of greater rainfalls and release it at a reasonable discharge rate.

Mr. Bowles said he would look into that.

Mayor Smith asked Councilman Beer how he would like to incorporate that into any actions being considered this evening.

Councilman Beer suggested a way might be just a larger area of excavation. Since it is possible to park over this system, perhaps a larger field or fields, or perhaps a greater depth of excavation, where there is a greater capacity of holding the water.

Councilman Rudi said she had the same concern that the amount of water that is held and released becomes less than the current situation – not just equal, but less. Councilman Rudi said she knows it was said the 9,000 cubic feet of water would be released over a period of time, but Mr. Bowles also said the 9,000 cubic feet would be the minimum amount we need to release for the area to have the same rate coming off.

Mr. Bowles said for a one hundred year storm event we are going from 2.61 cubic feet predevelopment to 2.51 cubic feet per second for post development. The actual volume of storage that is required is 8,718 cubic feet. With 9,000 cubic feet, we are over what the analysis says we need to be.

Councilman Rudi asked which size of stone basin will be used as shown in the brochure provided by Mr. Bowles.

Mr. Bowles replied it would be the 18-inch size, which is the one that provides the largest volume of storage.

Councilman Rudi said she is looking for a larger amount of retention and a figure to give Staff to work with, but is uncertain how to best verbalize that.

Assistant City Manager Wingerson suggested a possible way to address this is with percentages, and enlarging the detention capacity by a percent, which may help arrive at a number. Seven to ten percent is a range that would make a significant improvement to the system.

Councilman Rudi said she would like to see the capacity enlarged by the higher amount of ten percent.

Councilman Beer agreed with Councilman Rudi and said his concern is when you have gone beyond the capacity of the system because of the sheer volume of rain

coming down from the skies so that water is sheeting into the creek, that is unabated. Councilman Beer said he wants to capture more of that water before it sheets off, and he knows the water is going to go downstream, and he wants it to take longer to get there, so there is less effect on folks downstream.

Mr. Bowles said this can be addressed in the final design. If Council members would like for him to look at ten percent more volume, he would be happy to see what that will drop the release rate to.

Councilmember Suter asked how many more parking spaces does Mr. Dinkla need in order to bear the additional expense for this?

Mayor Smith stated there is a limit to what this property owner is responsible. If Mr. Dinkla is willing to work with the City and try to increase the capacity to some degree, then Mr. Wingerson and he can visit and do the best they can within the limits of what the developer is supposed to do.

Mr. Dinkla stated he is not excited about doing more, because this is already an awfully lot more than what they had originally planned. Having said that, going into this project three weeks in, he knew water was going to be the biggest issue. Mr. Dinkla said if the City could work with him on the parking, then he could work more on the detention, and find a balance there, because every time we make this bigger, it substantially increases his costs. Mr. Dinkla said he was confident he could work this out with City staff.

Councilmember Suter asked City staff if there was discussion of the capacity of the detention system at the Planning Commission meetings.

Mr. Wingerson replied there was general discussion that bigger was better, but nothing specific.

#### **COMMENTS FROM THOSE IN FAVOR OF THE APPLICATION**

Mike Keleher, of Keleher and Eastman, 403 NW Englewood Road, stated he represents Larry and Lenora Strange. Larry conducts his State Farm insurance company directly east of the applicant's site. Mr. and Mrs. Strange strongly support the relocation of the existing driveway to a location directly aligned with Euclid Court. Mr. Keleher said they had some significant concerns about the details and costs of that relocation, but based on discussions he had with Mr. Dinkla this afternoon, he believes an accommodation can be reached in that regard, and they, therefore, support the application. They also strongly urge the Council and Staff to grant the applicant's request to relocate the dumpster. The potential odors and other activities surrounding that location of the dumpster directly adjacent to his client's building would have an adverse effect on the use of the property.

**COMMENTS FROM THOSE IN OPPOSITION TO THE APPLICATION**

**John Woody, 7201 North Woodland**, said he is not speaking in opposition to the application, but more speaking as a friend of the Council. The City of Gladstone and its Council has been very protective of the residential nature of 72<sup>nd</sup> Street. They have denied applications for that particular intersection for a filling station, a car wash, and a number of garden apartments. Mr. Woody said he would even cite the name of former Councilman Lee Bussinger as being very supportive of the 72<sup>nd</sup> Street neighborhood. Mr. Woody said this reminds him of Alice in Wonderland and the Mad Hatter Tea Party. Alice came upon the Mad Hatter sitting at a tea party, where there is a table set out with 20 settings of cups and saucers. The Mad Hatter and Alice have their tea at the first place setting, and the Mad Hatter says "time to move". They get up and move down. Mr. Woody said this is reminiscent of what we do in today's society in that we dirty one area, abandon buildings, and move on and find some other green space to tear up the grass and build.

Mr. Woody said he visited the Family Video store in Lee's Summit, and found it to be well run, well-organized, neat, and good prices for a family. The only objection he had was that they had a Coke machine outside, which he did not think was conducive for a neighborhood, and Mr. Dinkla said that would not be included at this site. Mr. Woody said it is rumored that there is going to be 100 units of housing placed around the Family Video store, and his observation of the store in Lee's Summit was that it had a similar 100 units of duplexes and fourplexes around that store.

Mr. Woody said those units are an eyesore. The paint has faded on them; the sides are wavy, and they are not maintained. There is always the usual gas grill sitting in the front yards. Mr. Woody said the applicant has been very vigorous in cooperating with the City of Gladstone, and have been responsive to the requests from the City. Mr. Woody said he is impressed with their solutions for the water retention, because they went the more expensive way. The only thing he would point out is that the water that comes off of that site either goes into the street, if it overflows, or it goes into a pipe. Where does that pipe go? The pipe goes down 72<sup>nd</sup>, parallel, right next to 72<sup>nd</sup> Street. Mr. Woody said it empties into the ravine just beyond North Woodland, and goes right beside his property, and it also meets a ditch that is coming from this direction that is carrying the water off from everything else in that neighborhood. If it overflows, then you are compounding the problem. Mr. Woody said when it overflows, it will overflow into my property and the properties next to it, because we are downstream.

Mr. Woody said his concern is a row of yews in the back of his property. Mr. Woody provided a picture to City Council members showing the back of his property, and said it has taken 20 years to get the yews to grow. At some point the City will be addressing the ditch behind those yews, and it is his concern that these yews be maintained. It would take a bulldozer five minutes to take the trees down. It may take a little extra engineering and effort to preserve those yews, but they are on his property and he asks that the City be sensitive to this and work to preserve the trees.

Mayor Smith said Mr. Woody has been a fine protector of the neighborhood for a very long time, and the neighbors have a lot of respect for him.

Mayor Smith asked, to clarify what Mr. Woody was saying, where does this eventually daylight or dump into?

Mr. Bowles replied the enclosed system goes down the north side of 72<sup>nd</sup> Street and daylight into an open ditch.

Mayor Smith said what Mr. Woody is suggesting is that when it does daylight and dumps into the ditch, it does so perpendicular to the ditch, and asked how we mitigate the erosion concern.

Mr. Bowles replied grouted riprap can be installed opposite the flared-in section where it is discharging, or a structure can be installed so the discharge is parallel to the stream.

Mr. Wingerson stated there are erosion concerns in the channel behind Mr. Woody's house from storm water from the north traveling to the south towards 72<sup>nd</sup> Street. This issue is Priority Number 35 in the Storm Water Master Plan.

Mayor Smith said there is a lot of work to do downstream before we do this project, which is an extremely expensive project. Mayor Smith asked if we have an issue with storm water eroding the western side of the bank, and if we do, how do we mitigate that?

Mr. Wingerson replied there is an erosion concern there, and this particular project attempts to reduce the rate of flow, which should reduce the velocity and make the problem less severe than it is today.

Mr. Bowles stated that Mr. Woody brought up a good point that the flows come in from two directions and combine at his property. Mr. Bowles said his intent is to reduce the run-off from the site. The run-off will be reduced from what is currently coming off of the site, and it will also be reduced downstream. This design will address all the issues very well.

Mr. Wingerson reported that Staff has drafted additional conditions for the Bill for Council's consideration.

Regarding hours of operation, Mayor Smith suggested midnight seems to be late for that neighborhood and asked if the hours of operation would apply to all businesses in the project.



Mr. Wingerson replied the hours of operation would apply to all businesses in the project.

Mayor Smith asked City Council members for their input, but his suggestion would be to limit the hours of operation to 11:00 PM.

Councilman Beer asked the applicant how much business occurs between 11:00 PM and Midnight.

Mr. Dinkla replied he could not guarantee it, but would say that he feels the owner would not do the project with that time frame. Mr. Dinkla said they find out after six months how important the ending time is. In the stores where there is industry or second shifts, they get very busy between 11:00 PM and Midnight.

Mayor Smith said he believed that Mr. Dinkla said earlier that different communities have different standards and they have been able to adapt to those.

Mr. Dinkla said standards as far as customer demand, not as far as communities telling them when to be open. Mr. Dinkla said he looks at the businesses every four to six months and looks at how much money is spent in the store every hour of the day. Once it is no longer profitable to be open from 11:00 PM to Midnight, they go to 11:00 PM or 10:00 PM. Very few stores do not do well between 11:00 PM and Midnight.

Councilman Beer said he felt the trash pick-up service hours at this site should be the same as residential hours, which is 7:00 AM to 7:00 PM. Council members agreed.

Council members confirmed they agreed on the same times, 7:00 AM to 7:00 PM, for deliveries in this area.

Mayor Smith asked if Council members agreed to the condition that the dumpster would be moved to the northwest corner of the Family Video building, orienting the open side to the north, and any manner that they need to reconfigure that corner in the drive.

Councilman Beer said from a Site Planning issue, it seems to be a do-able thing, and from an aesthetics standpoint, it is very practical.

Councilmember Suter said she agrees the relocation is good, but which side it opens on may still need an engineering look, in case orienting the opening to the north interferes with the drive shared with KinderCare.

Councilman Beer stated the property owners can restrict their trash pick-up even further than the City, and most of their business will take place in the hours after 5:00

PM, so sometime in the hours before that, it shouldn't be a big issue in cutting off the driveway in the two minutes it takes to pick-up the trash.

Mayor Smith invited Mr. Wingerson to weigh in on the parking spaces issue.

Mr. Wingerson stated Council may want to balance storm water management and parking. Mr. Wingerson said he believes 20 more parking spaces is a healthy number.

Councilmember Suter said she would much rather see the parking spaces than people driving through a parking lot looking for spaces on Friday and Saturday nights.

Councilman Rudi said she would rather see people waiting for the spaces than extra spaces that sit for most of the day and evening. We are only talking about three hours, two nights per week, where it becomes so critical to have those extra spaces.

Councilman Beer said he believes by giving them the extra spaces and requiring additional storm water management mitigates the problem of run-off with extra spaces, and he has no problem in giving them the extra spaces that they need.

Councilmember Suter agreed and said if it is part of the formula for success, she wants to see a successful business go in here, not something that is handicapped.

Mayor Smith said we also have the opportunity to pick up some spaces in the relocation of the dumpster. Mayor Smith said the City has made, and will continue to make, a very concerted effort with the adoption of some of our sustainability design standards to require a lot of green, and very aesthetically pleasing designs, and very aesthetically pleasing colors and a lot of green space and landscaping. Mayor Smith said he would not want to give up any green space. This is an area where there is development going on this vacant ground, and we need to set the design standard for what is going to happen in the remaining acreage. Mayor Smith encouraged Staff to look at this and try to work with the applicant, but not give away any of the green space and landscaping.

Councilman Beer said his comments about giving them the spaces they need was predicated upon the proposal that they brought before us, and he did not see a lot of green space disappear with it, but rather just a changing of the configuration.

Mayor Smith said he believes that Council is recommending that the applicant work with Staff and this will be part of the final building permit approval. Council is not closed minded to this but is not willing to give a blank check.

Councilman Rudi said the question about permeable surfaces was brought up at the Planning Commission. Councilman Rudi stated the Planning Commission was told that this is a new kind of surface that people are waiting to see if it really works. Councilman Rudi said she wanted to ask the question because it goes to the

sustainability issue that Council is trying to move forward with in Gladstone. Councilman Rudi said this is an option that is out there, and she is looking for all options.

Mr. Dinkla said his company did look at this, but the cost is quite a bit higher than traditional methods. His company is an owner/operator business and not a giant developer, and if they make a bad financial decision, they have to live with it. Mr. Dinkla said they want to see this proven before they invest that much money into something, which is their major concern with this. They would rather put their money into something that is proven, which is why they are proposing a top line detention system.

Councilman Beer said he believes there is one permeable asphalt surface project in Kansas City. Councilman Beer stated this is such a new technology that if he were in the business of trying to make this thing go, it would have to be a much more proven process than seems to be there yet. While the process shows promise, it is an awfully expensive process that lasts perhaps only five years instead of 15 or 30 years.

Mayor Smith closed the Public Hearing.

**Item 11. on the Agenda.** **FIRST READING BILL 07-38**, approving the Final Plat of a portion of Tract "CD", Block 21 Stratford 4<sup>th</sup> Replat and a portion of Tract "A" and a portion of vacated Euclid Street, Stratford 4<sup>th</sup> Plat, a subdivision in the County of Clay, City of Gladstone, Missouri, and directing the appropriate officials to affix their signatures to said Plat for recording. Applicant/Owner: JA Peterson Enterprises, Inc. File #1308

Councilman Wayne Beer moved to place Bill 07-38 on First Reading. Councilmember Carol Suter seconded. The vote: All "aye" - Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 07-38, Waive the Rule and place the Bill on Second and Final Reading. Councilmember Carol Suter seconded. The vote: All "aye" - Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 07-38 and enact the Bill as Ordinance 4.056. Councilmember Carol Suter seconded.

Roll Call Vote: All "aye" - Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Les Smith. (4-0).

**Item 12. on the Agenda.** **FIRST READING BILL 07-39**, amending Ordinance No. 3.973 and being an Ordinance relating to Zoning Ordinance Regulations and the

establishments of Use Districts within the City of Gladstone, Missouri.  
Applicant/Owner: JA Peterson Enterprises, Inc. File #1306

Councilman Wayne Beer moved to place Bill 07-39 on First Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 07-39, Waive the Rule and place the Bill on Second and Final Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 07-39 and enact the Bill as Ordinance 4.057. Councilmember Carol Suter seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Les Smith. (4-0).

**Item 13. on the Agenda.** **FIRST READING BILL 07-40**, approving a Site Plan revision for property legally described as Family Video Addition Lot 1. Applicant/Owner: JA Peterson Enterprises, Inc. File #1307

Councilman Beer asked Mr. Wingerson to recite the additional conditions he had noted for this bill.

Mr. Wingerson read the additional and amended conditions as follows:

**Amended Conditions:**

Condition #2 – The trash services shall be scheduled from 7:00 AM to 7:00 PM.

Condition #3 – Deliveries shall be made between 7:00 AM to 7:00 PM.

**Adding Conditions:**

Condition #10 - The dumpster may be relocated to an alternate acceptable location.

Final location will be deferred to building permit approval.

Condition #11 - A minimal number of parking stalls may be added with preservation of open space. Final approval is subject to building permit approval.

Condition #12 - Center hours of operation shall be 6:00 AM- to Midnight.

Condition #13 - Digital signage shall be prohibited.

Condition #14 - Detention capacity shall be increased by 10%.

Condition #15 - Exterior vending or storage shall be prohibited.

Condition #16 - 72<sup>nd</sup> Street driveway shall align with North Euclid Court.

Council members discussed Condition #12 and as to whether the hours of operation should begin at 6:00 AM or 7:00 AM.

Mr. Wingerson stated that there was testimony at the Planning Commission Public Hearing concerning a potential coffee shop as one of the tenants.

Councilman Wayne Beer moved to place Bill 07-40 on First Reading and read the amended and added conditions. Councilmember Carol Suter seconded. The vote: All "aye" - Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 07-40, Waive the Rule and place the Bill on Second and Final Reading. Councilmember Carol Suter seconded. The vote: All "aye" - Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 07-40 and enact the Bill as Ordinance 4.058. Councilmember Carol Suter seconded.

Roll Call Vote: All "aye" - Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Les Smith. (4-0).

**Item 14. on the Agenda.** **PUBLIC HEARING:** for consideration of the amendment of Section 7.135.010, and 7.140.010 of the Gladstone City Code relating to C-1 and C-2 Zoning Districts within the City of Gladstone. File #1309.

Mayor Smith opened the Public Hearing, and said the procedure would be the same as in the previous Public Hearing.

Assistant City Manager Scott Wingerson began by saying this is an application brought forward by the City. What is being proposed is an amendment to the text Zoning Ordinance to move the allowable location for the sale at retail of auto parts. This is fundamentally what this is about. Currently, that use is allowed in the C-2 zoning classification. The proposal is to shift that down to the C-1, neighborhood zoning classification. There are two main reasons for this. The first reason is that our Zoning Ordinance was written in the 1950s and 1960s. The actual language says "auto supplies and petroleum products", and if you look at the time the ordinance was written, there was really only one primary place where people bought retail auto parts, such as windshield wipers, brake pads, and those types of things, and that was at the neighborhood service station. When one reads the ordinance with an eye towards the approximate time frame when the ordinance was written, you have a use that doesn't exist in today's market, which are petroleum sales and retail auto parts. The second reason is an automotive retailer approached City staff about locating at the north out-parcel of Tower Plaza, which is currently zoned C-1.

Mr. Wingerson said knowing some of the history of that project, he immediately said not a good idea; that's not going to happen; papers should not be filed to see if it is possible. Mr. Wingerson stated that weekend he looked at it, and what's approved on

the plan is a Sonic style drive-through. Mr. Wingerson said he drove into the cul-de-sac and looked and thought if he lived there would he rather be next to a Sonic style drive-through or would he rather see the back of a retail building. Mr. Wingerson said he could not answer that question, so he asked a couple of the people who live in that neighborhood. What they have told him is that they would prefer to look at the back of a retail building, but really do not want the zoning to change in Tower Plaza. The application was filed late last week for the retail auto parts store in Tower Plaza, and he has not yet had a chance to look at that. Ultimately what this does is move auto retail parts sales from C-2 to C-1. The Planning Commission recommends approval of the text amendment with a couple of changes. In the C-1 classification, the Planning Commission suggested adding language that specifically excludes wholesale automotive supplies and automotive services, so that addition is in the proposed ordinance. In the C-1 classification, there was discussion about whether selling a case of oil at an auto parts store is the same as changing oil, so the word "dispensed" was added in front of "petroleum products", so it reads "automotive supplies and dispensed petroleum products", meaning they are dispensing oil, fuel, or brake fluid and so forth. Mr. Wingerson said this is a very brief summary because it is late this evening, but he hopes it helps to frame the issue adequately.

Councilman Wayne Beer said he is generally in agreement with what is being proposed. He understands there is a big difference in dispensing and "sales of", and there is a big difference between bulk versus small container sales. Councilman Beer said he believes this adequately covers that, and permits a pretty non-intrusive retail sale of product, and does not provide or present an issue of contamination, which oftentimes goes with dispensing of product. Councilman Beer said he is generally in favor of this issue as it is presented.

Mayor Smith said his problem with this is twofold. Number one, this was a very controversial project with a lot of neighborhood input. A lot of that discussion centered around what type of usage was allowed. Someone even made the comment "what's to keep you from changing what's allowed in that center somewhere down the road". Mayor Smith said he is not going there, so he is one "no" vote. Mayor Smith said the second reason is that he does not like changing zoning ordinances in reaction to someone who wants to file an application for a business in our City. Mayor Smith said a third reason, which is so coincidental, just the other day, he, an adult friend and one of his children were driving down North Oak Trafficway. They went to Baskin Robbins at 77<sup>th</sup> and North Oak Trafficway. When they came out, there were two people in the parking lot of the auto parts store across the street working on their cars. One car was up on jacks; the other had the hood up. Mayor Smith said they drove down the street to the auto parts store at Gladstone Plaza. There was one person changing his oil in the parking lot of the auto parts store at Gladstone Plaza. They went further down North Oak Trafficway, and there was a person working on his car in the parking lot of the auto parts store. This is not the kind of thing we told the folks would happen at Tower Plaza.

Councilman Beer said he would hope those types of activities would be prohibited but the problem is how are they prohibited.

Mayor Smith asked how is this prohibited? These people had broken down cars, not too pretty to look at, and they made it somehow to the auto parts store, bought the auto parts, and worked on their vehicles in the parking lot. Mayor Smith said we went over and over with the neighbors of Tower Plaza the types of businesses that would be allowed in the shopping center – right, wrong, or indifferent, that is what we told them.

Councilman Beer said one of the issues that was brought forward during that process was the concept of four sided architecture, and he does not believe that was a condition of the project. Whatever would happen to be built there, even if this ordinance fails, is going to have to be like the rest of the project – four-sided architecture, because these people have to look at the backside of those buildings. This was a big deal to them, and it still needs to be. Councilman Beer said to Mayor Smith that he sees his concern about reacting to a project, and he is looking at this a little bit differently now because of that. Even if this ordinance were to become enacted, that's an issue, no matter what goes in there. If this ordinance does not become enacted, any project that gets set on that property is going to have to be assured that it becomes a four-sided architecture project.

Councilmember Suter asked if there was public representation at the Planning Commission hearing on this issue.

Assistant City Manager Wingerson said he did not believe anyone spoke, beside himself, at the Planning Commission hearing.

Councilmember Carol Suter said given the amount of citizen involvement around this project in the first place, that would be surprising if there were any concerns whatsoever from those folks about renegeing on the deal. Councilmember Suter said she would like to think that even the public can sometimes change their mind and realize that the thing that they approved in the first place may not be as good as the new thing that has just come along. As Mr. Wingerson said, "better than a Sonic", she would rather see something else.

Mayor Smith asked if this is better than a Sonic for those one or two homes behind it – maybe. Is it better than a Sonic for the image and the economy of our City – maybe it is not. We have three auto parts stores within 2.5 miles on North Oak Trafficway – is this the next Pay Day Loan or the next pawnshop? The whole point of being in a C-2 zoning is that they had to be in an area that the City felt was a little more comfortable than C-1, but not quite C-3, but is it better for the overall image of the community to have an auto parts store sitting there than to have a going concern with a Sonic, with people coming and going, and it's a destination? Mayor Smith said he does not know if it is better. It might be better for the person living behind it, but that might be the

exception. Mayor Smith said being the point person on that project, as Mr. Wingerson can attest he still is to this day, he cannot support this. There was too much discussion as to what was and wasn't allowed for them to find out that we changed the zoning classification for a certain type of business so it could go in there.

Councilmember Suter said the public was "noticed" that the City was seeking a change.

Assistant City Manager Wingerson said he would like to clarify that in a text amendment, the only public notice is the published notice, so there is not specific neighborhood notification.

Councilmember Suter replied that is the reason the public was not there.

Mayor Smith said if we are willing to continue this Public Hearing, and "notice" even the closest thirty or forty homeowners and see if they have any concerns, that would be one thing. Mayor Smith explained to Councilmember Suter that this was a tough project, and we, as Council members, gave those people our word that a lot of things were going to happen like we said they were. Mayor Smith said he cannot, in good conscience condone changing something like that in mid-stream. He looked too many people in the eye and told them that was the way it is and that is what was going to be allowed, and nothing else was allowed.

Councilmember Suter said her position on this is different now, realizing that the neighbors did not have notice. If the neighbors had notice, and were able to participate or not participate at the Planning Commission, that would weigh heavily in her opinion on whether to go with this or not. Councilmember Suter said she agrees that perhaps the ideal way to resolve it is to continue this Public Hearing and allow for public input.

Mayor Smith agreed, and said recognizing that would possibly raise the mistrust level. They could say here we go again, and we knew it was coming, and we could say yes, you are right, but we are trying to get your feedback on it.

Councilmember Suter agreed and said given the situation around economic development and the City's interest in maximizing every opportunity, it is only fair to let those folks know that we are interested in new business opportunities in the community where it works, and where our rules don't allow it, we want community input into whether that meets with their expectations about that site.

Councilman Carol Rudi said it seems to her it almost needs to be tied with an application to make a change, because we would be changing all C-1 zoning. We are not just changing that one place. If we give notice to the 30 or 40 people in this area, why are we not giving notice to the 30, 40 or 50 people at 56<sup>th</sup> Street or North Oak Trafficway or 72<sup>nd</sup> Street. Councilman Rudi said she knows we posted it and did our



legal duty, but if we give preference to one group over another group by giving special notice, that is not right, especially if we are talking about ordinance changes. Councilman Rudi said her problem with this is the other issue the Planning Commission brought up in that there is really no way to regulate what happens in the parking lot. Councilman Rudi said she gets tired of running over cans of oil in the Wal-Mart parking lot that someone left because they did not need a whole can of oil when they put it into their cars. This is a trash issue that perhaps the neighbors have not considered, because those trash cans possibly will go into their yards, and they won't like that. Councilman Rudi said when this was first discussed at the Planning Commission, it sounded like a good idea, but the more she thinks about what happens in the parking lots around these types of facilities, she is not so certain it is a good idea.

Mr. Wingerson asked if City Council members should decide to hold a public hearing for the neighborhood, he would suggest that this be remanded back to the Planning Commission and allow them to hold the hearings.

**There were no comments from the audience.**

Mayor Smith closed the public hearing.

**Item 15. on the Agenda.** **FIRST READING BILL 07-41**, amending Section 7.135.010, and 7.140.010 of the Gladstone City Code relating to C-1 and C-2 Zoning Districts within the City of Gladstone.

Councilman Wayne Beer moved to place Bill 07-41 on First Reading. Councilman Carol Rudi seconded.

Councilman Beer said based on everything that has been stated and heard this evening, he will be opposed to this action.

The vote: All "aye" - Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Les Smith. (4-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 07-41, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded. The vote: All "nay" - Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Les Smith. (0-4).

Mayor Smith stated this is a 0-4 vote, and asked City Counselor David Ramsay if further action is necessary.

City Counselor Ramsay replied the Bill is defeated. It could be brought up again with the Planning Commission.

**Item 16. on the Agenda.**

**OTHER BUSINESS.**

There was no other business.

**Item 17. on the Agenda.**

**QUESTIONS FROM THE NEWS MEDIA.**

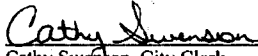
There were no questions from the News Media.

**Item 18. on the Agenda.**

**ADJOURNMENT.**


There being no further business to come before the December 10, 2007, Gladstone Regular 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

# Casey Associates

**I N C O R P O R A T E D**

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