



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JANUARY 14, 2008**

The City Council will meet in Closed Executive Session on Monday, January 14, 2008, 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: 7:00 PM**

**REGULAR MEETING: 7:30 PM**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular December 10, 2007, City Council Meeting Minutes.

## REGULAR AGENDA

5. Communications from the Audience.
6. Communications from the City Council.
- 6a. Board and Commission Appointments.
7. Communications from the City Manager.
8. **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 1, 2008. Hours: 4:00 PM - 12:00 Midnight. Managing Officer: Michelle McDaniel.
9. **RESOLUTION R-08-01**, authorizing acceptance of work under contract with Sunset Landscape for the North Broadway and Englewood Road Beautification Project and authorizing final payment in the amount of \$6,574.70.
10. **RESOLUTION R-08-02**, approving an Addendum to the Cooperation and Use Agreement between the North Kansas City School District and the City of Gladstone providing for insurance coverages for the natatorium component of the Gladstone Community Center.
11. **RESOLUTION R-08-03**, authorizing the appointment of VantageTrust Company as successor Trustee for the 457 Deferred Compensation Trust Agreement.
12. **FIRST READING BILL 08-01**, 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 NW 62<sup>nd</sup> Terrace south to approximately NW 61<sup>st</sup> Terrace.

13. **FIRST READING BILL 08-02**, amending Schedule V of the Model Traffic Code (Gladstone Municipal Code Section 4.100.020), to establish a "No Parking" zone for eastbound and westbound traffic on Northwest Englewood Court.
14. **FIRST READING BILL 08-03**, authorizing the City Manager to execute an agreement with the Missouri Department of Transportation (MoDOT) for Red Light Camera installations on Missouri Highway One.
15. Other Business.
16. Questions from the News Media.
17. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JANUARY 14, 2008**

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION  
5:30 PM**

Mayor Les Smith opened the City Council Meeting to adjourn to a Closed Executive Session on January 14, 2008, at 5:30 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. Councilman Carol Suter seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Les Smith. (4-0).

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 7:00 PM.

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:**

Mayor Les Smith  
Mayor Pro Tem Mark Revenaugh  
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



Mayor Les Smith opened the Regular January 14, 2008, 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.

**Item 3. on the Agenda.**      **PLEDGE OF ALLEGIANCE.**

Mayor Les Smith introduced Troop 180 Boy Scout Leader David Bussinger, saying that Mr. Bussinger's father served five terms as Mayor for our City. Mayor Smith invited Mr. Bussinger and the Scouts with him to introduce themselves as follows:

Boy Scouts – Bret Bussinger; Kyle Deters; Andrew Maus; Scott Geisinger; Andrew Hiller; Jacob Hiler; Ray Saari; Mark Lehr; and Ryan Rutherford. Adult Leaders – David Bussinger; Bob Hiler; Corinne Hiller; Robb Jones; Barb Deters; Jane Saari; and Renae Maus.

Mr. Bussinger thanked the Mayor and Council for allowing them to visit this evening, and said what the boys would learn this evening would help them with their Civic Merit Badge.

Mayor Smith suggested when the Boy Scouts grow-up, they may want to be City Council members.

Mayor Smith thanked Mr. Bussinger and the Scouts, and invited all to join in the Pledge of Allegiance led by an Honor Guard Unit from Troop 180.

**Item 4. on the Agenda.**      **APPROVAL OF THE REGULAR DECEMBER 10, 2007, CITY COUNCIL MEETING MINUTES.**

Councilman Carol Rudi moved to approve the Regular December 10, 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.**      **COMMUNICATIONS FROM THE AUDIENCE.**

**Pete Hall, 5621 North Clinton Place**, said he was present to ask that City Council members reconsider a zoning text Ordinance that was addressed at the December 10, 2007, City Council meeting. Mr. Hall said he believed this would require a motion from City Council.

Councilman Carol Rudi said she was prepared to make that motion.

Mayor Smith asked that the motion be made under the Communications from the City Council agenda item.

**Kirk Forslund, 3515 NE 61 Terrace**, stated he was present to request that the Animal Ordinance be changed so that the Bull Terrier breed of dog is removed. Mr. Forslund provided a packet of information to City Council members. Mr. Forslund said he had attended City Council meetings about this topic, and was following up from the last time he was here, which was last summer. Mr. Forslund said it was requested that proof be provided that the Bull Terrier should be removed from the dangerous dog list. Mr. Forslund said in July, he and his wife received a letter from David Ramsay (City Counselor) regarding past conversations and information they had given about Bull Terriers, and there are a couple of items in the letter from him that need attention. Mr. Ramsay referenced that the American Temperament Test Society information reflects that only 68 percent of Bull Terriers passed the Society's behavioral standards. Mr. Forslund said in the information he provided, it stated that the Bull Terrier's passing percentage is 91.5 percent. Mr. Forslund said someone may have looked at the line below that, which is the Bulldog, who has a score of 68.8 percent.

Mr. Forslund said that Mr. Ramsay stated in another item in the letter that while several people addressed the City Council during the four or so meetings in which the new Animal Control Ordinance was discussed, none asked that the Bull Terrier breed be exempted prior to the enactment of the Ordinance. Mr. Forslund said he did provide several packets of information to the City Council, and he did write a letter raising concerns about the Bull Terrier breed being brought into this legislation. Mr. Forslund said he sent a letter to several area veterinarians asking for their opinion. Mr. Forslund then read the letter he sent to each of the veterinarians, and read the letters he received from the veterinarians. (please see attached).

Mr. Forslund said he had some clarifications – one from a website about the American Pit Bull Terrier, and said there is a section called "Confusion among Pit Bull Breeds". Taking a sentence from that, it says that adding to the muddle is the fact that many people refer to any dog of these breeds, as well as American Bulldogs and sometimes Bull Terriers as Pit Bulls. There are actually 20+ breeds that can easily be mistaken for a Pit Bull. Mr. Forslund said the next one is from a CNN article, where it says the Pit Bull is not a breed but a type that includes American Pit Bull Terriers, American Staffordshire Terriers, Staffordshire Bull Terriers, and Pit Bull mixes, according to the Pit Bull rescue central website. Mr. Forslund said he knew this was a lot of information, and asked if the breed can be removed. Mr. Forslund said he would like to know the opinion of each City Council member based on the information he has provided tonight.

Mayor Pro Tem Mark Revenaugh said he does not feel it is fair to ask City Council members for an opinion, when Mr. Forslund has just provided a mountain of information to read, and he is sure he and his fellow Council members would like to

have time to digest the information and give it some thoughtful consideration. Mayor Pro Tem Revenaugh said although he voted against the last Ordinance, he is not prepared to offer an opinion on new information that he has not yet read.

Councilman Carol Rudi said she agreed with Mayor Pro Tem Revenaugh, and she also voted against the Ordinance. We did consult with Animal Control, and they were not particularly in favor of the Ordinance either, but they agreed to include this breed. Councilman Rudi said she would like to see this Ordinance in place for at least one year before Council reconsiders it, to see if it does what it is expected to do. Councilman Rudi said at this time, she would like to leave it as it is, rather than making any changes presently, even with all this information. Councilman Rudi said she has seen a lot of information already, and has looked at it extensively, so a lot of it looks familiar.

Councilman Wayne Beer stated he would concur.

Councilmember Carol Suter said she was not on the City Council at the time this Ordinance was under discussion, although she followed the discussion with some interest. Councilmember Suter said she also would prefer to have time to look at the information, and seconds Councilman Rudi's opinion that she prefers not to disturb newly enacted Ordinances or Statutes immediately, but to give them a little time to see what happens.

Mayor Les Smith said to Mr. Forslund that he was confident Mr. Forslund knows how he feels, but in fairness to him and all the work he has done, what he would like to suggest to City Council is that they give City staff an opportunity to review this information, and come back to Council with some decision as to whether they wish to change their recommendation or not. Mayor Smith said his question to Mr. Forslund is if Staff comes back to Council and they do not wish to change the recommendation, and what is being heard tonight is that Council will not go against that recommendation, is that good enough or would you like for the City to draft an Ordinance amendment and actually vote on it, to have some finality for your peace of mind?

Mr. Forslund said, yes, he would prefer that if that is how it all turns out.

Mayor Smith said the direction to Staff is to draft a revision to the current Ordinance that would incorporate the changes that the Forslunds are requesting, along with a Staff recommendation on whether or not we should adopt that amendment.

Councilman Rudi said she would also like some input from Animal Control, and just revisit the temperament listing and make sure that information is correct for us.

Mayor Smith said he would hope the Staff recommendation would include taking this issue back through the whole process. Mayor Smith said he knows the Study Session

agenda is full for the January 28, 2008, City Council meeting, so let's schedule this issue on the agenda for the first City Council meeting in February. Mayor Smith stated that if Staff has questions to please contact Mr. or Mrs. Forslund.

Mr. Forslund said that Mayor Smith stated that if he could provide proof, they can be removed – what exactly does that mean?

Mayor Smith said what he said was irrefutable proof, and there is no such thing, and even just skimming through some of the information that Mr. Forslund provided this evening, there are some caveats; for example when they are raised a certain way, they will generally have a sunny disposition is stated in one sentence. Mayor Smith said there may not be irrefutable proof either way for or against Mr. Forslund's position, but Council members are giving it as much justice as they can by running it back through City staff, including the Animal Control division.

Mr. Forslund said one of the frustrating things is for Mayor Smith to just say there is no such thing as irrefutable proof, but then to make that request earlier, you are making an impossible request that you yourself believe is not possible to provide. Mr. Forslund said everything he has given is fact. They are not animal experts, so he contacted the veterinarians, and that is what they are saying. Mr. Forslund said he knows that anyone can make a website and say that Bull Terriers are or are not a Pit Bull, which is why he has gone to the experts. It is frustrating when Animal Control is contacted about it and there is conflicting information where in one letter they say that Bull Terriers shouldn't be included, and then a meeting is held with his wife, and then the letter that comes out after that is different from the conversation that was in that meeting. In that letter it says that Bull Terriers should stay as a Pit Bull, so this kind of stuff is confusing. Mr. Forslund said you are saying you want Animal Control input, then at previous meetings he has heard that it's your decision ultimately, and then you say you take the consideration of the Staff, and they are the ones that give you all the information – where does it end?

Mayor Smith stated a good analogy would be an NFL replay. The decision has been made, and it is going to take conclusive evidence opposite of that to overturn it. Mayor Smith said it may not be good enough, but it is probably the best we can do, and that is to ask our professionals, because they are going to do the research and provide the information. Mayor Smith said City Council members are taking an extraordinary step in asking City staff to revisit an issue for probably a second or third time, but he wants to do that out of fairness to Mr. Forslund and to give him the benefit of the doubt. Mayor Smith said, speaking for himself, what they come back with is what he is going to "hang his hat on", because they are being paid to do that research. Mayor Smith said that is as honest as he can be; that is how he will land on this issue. Mayor Smith said he hopes Mr. Forslund will respect that City Council is willing to revisit this issue, reconsider it, and allocate Staff time and resources to do the research. That is not bad.

Mayor Pro Tem Revenaugh stated he does not know what more can be asked of the City, when right across the street we are trying to get open a \$20 million natatorium in partnership with the North Kansas City School District. There are many items on the City's plate. This Ordinance hasn't even been on the books for a year, so we don't know whether or not it is a fair Ordinance, or how it is working. Mayor Smith is willing to direct the Staff to do the research again, and make sure they are sound in their recommendation, he does not know how much more fair the City can be than to do that.

Mr. Forslund said he would like to point out again that when the animal experts are consulted, they are siding with him, so he is not just saying this, because he has this breed of dog.

**Item 6. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilmember Carol Suter** stated "yea. Gladstone, a happy place to live"! It was delightful to see our City receive good press. It is always a little sobering when they quote it as a surprise that a landlocked first tier suburb could be such a happy place to live, but we are glad to confound people's conventional wisdom. It would be really wonderful if the media would pursue Gladstone a little bit more and follow up with a story as to exactly why we can be the best on the Missouri side, and third when you take into account all of Johnson County and its affluence. This is an amazing thing, and we knew it because of the study that was done, so we knew as a Council how much Gladstone residents appreciate the City services. It is a wonderful place to live!

Councilmember Suter said it is not perfect, so her second comment is about sidewalks not being shoveled during heavy snow. She is seeing a lot of people walking on the streets, and where she lives off 72<sup>nd</sup> Street, people are walking from Antioch Road up to WalMart and Hy-Vee, and people have to walk in the street. Councilmember Suter said kids walking to the school bus in her neighborhood had to walk in the streets, as hardly anyone was shoveling the sidewalks. Councilmember Suter said this is a particularly dangerous thing to have happen, so she was wondering if there was something that can be done to remind folks about their responsibilities to clean their sidewalks.

Councilmember Suter asked for feedback from Staff about a construction project on 72<sup>nd</sup> Street, just west of the Quik Trip. There is a single family residence that seems to be having an absolutely enormous addition to the front of the building, which confounds her, so she is curious about permits and codes for that project.

Assistant City Manager Scott Wingerson said Staff has looked at that two or three times, based on the public calling and asking about that particular structure. It is permitted and does comply with the Detached Building Ordinance, and it is really a

function of the size of that lot, which is extraordinarily large for the City. Staff has looked at this several times and are sure that it complies. It is a nice project.

Councilman Beer said the key is that it is not a detached structure; it is attached.

Mr. Wingerson said the original house is set back very far from 72<sup>nd</sup> Street, and not very far in the rear yard, which provides an opportunity for an addition to move forward. It just happens to be a two-story addition, which makes the scale different.

Mayor Smith asked if there are any provisions for compatibility? Mayor Smith said he knows when at the Staff level a building permit is approved that things might fall into the technical terms of the code; however, when considering the addition being discussed and the addition at Apple Tree Apartments of the enclosed parking, they are both incredibly displeasing aesthetically. We struggle in this community with how we are going to create the desired affect of new construction. It seems we need to be able to control that. Whether it meets the code or not, it is just out of place. It and those parking garages are going to stand for 50 years, and they are going to be out of place for 50 years. Mayor Smith said we require people to meet a certain standard in our City, and we try desperately to get people to comply with certain standards on an ongoing basis. These are just two recent examples of things that are in our control that got through, and it seems unfortunate. A two-story addition on that property, regardless of the lot size, is out of place for that neighborhood. The enclosed parking at Apple Tree Apartments is not consistent with the storage building that they previously had on site. Mayor Smith said he would like to find a way to make something different happen, and out of place is out of place, and it does not matter if it complies technically or not, in his opinion.

Councilmember Suter said given the three or four properties immediately to the east of this are all on the market. It seems much more likely we will receive a proposal for something other than residential development on those properties. Having a monstrosity that is a residence right next to it will certainly encourage that kind of development, rather than maintaining the residential nature of the street. Councilmember Suter said she would be concerned if she lived on that street.

**Councilman Wayne Beer** stated he did not agree.

**Councilman Carol Rudi** stated she agreed with Councilman Beer.

**Mayor Pro Tem Mark Revenaugh** had no comments at this time.

**Mayor Les Smith** stated the article in the Kansas City Star came out with a bit less zip than we thought it might. There were 19 communities who participated in a citizen survey, and the Kansas City Star took those 19 cities and compiled the information and came out with some rankings. Gladstone was the top ranked city on the Missouri side for citizen satisfaction for the community they live in, and the third overall in the

entire metropolitan area. We were the top rated city in the entire metropolitan area based on customer service. Mayor Smith congratulated City Manager Kirk Davis and asked him to take this back to the entire work force at the City. Being a small community, we have the opportunity to touch people quite a bit. It starts with policy making and it goes to budgeting and programs, but we provide our basic services very well. The customer service aspect is how our Staff interacts with the public, and it says we deal very well with the public. Mayor Smith said you always think of what you wished you had said after you talk to the press. It really speaks to the fact that our people care. We can employ people to do their jobs, but we have a City staff who genuinely cares about the public, and that has been reflected in the survey results. Mayor Smith said to City Manager Davis that he and Council members are very proud of him, and asked him to pass that along to the entire organization.

City Manager Davis thanked Mayor Smith and said he would love to do that.

Mayor Smith said he and City Manager Davis met with the metropolitan area's tallest Mayor, Mayor Funkhouser of Kansas City, who visited to address how well our two cities interact. Mayor Smith said he and City Manager Davis gave Mr. Funkhouser a tour of the Community Center, with which he was very impressed, and they visited about Kansas City's light rail proposal. They had a good discussion regarding the light rail and his plan to how to access the Northland with the light rail. Mayor Smith said the meeting went very well, and he thanked City Manager Davis for participating.

Councilman Carol Rudi moved to reconsider the zoning issue regarding the placement of auto parts stores in a C-1 zoning that was discussed last month. Councilman Rudi said Mr. Pete Hall has requested that City Council reconsider this issue, and Mr. Hall says he has some new information that Council did not have. 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).

Mayor Smith asked City Counselor David Ramsay to explain the action of Council and what will happen from this point forward.

City Counselor David Ramsay said that because the City Council has voted to reconsider this issue, it will be placed on the next City Council agenda, a public notice will be published that this matter will taken up again by the City Council, and Staff will provide City Council members with some updated information.

Councilman Rudi stated she did ask Mr. Hall if he would consider helping in funding the posting of this, because this is an issue extremely important to the entire community, and he would be amenable to that. Councilman Rudi said she does not

know if we have any legalities that would preclude this or not, and asked City Manager Davis to discuss this with Mr. Hall.

City Manager Davis said he would be happy to do so.

Mayor Smith asked if this would reopen the Public Hearing.

City Counselor Ramsay replied in all fairness it should reopen the Public Hearing because some additional information will be presented and that should be in the form of testimony or documentation presented to the Council in a Hearing format, and of course other interested people should be allowed to respond to that information.

**Item 6a. on the Agenda.**

**BOARD AND COMMISSION APPOINTMENTS.**

Mayor Smith said nearly 100 residents serve on various Boards and Commissions and in January of each year the City Council makes reappointments and appoint persons to fill vacancies on the Boards and Commissions. Mayor Smith made a recommendation to City Council to make the following appointments:

**Planning Commission**

Reappoint with terms to expire December 2011:

Mary Abbott  
Mike Steffans  
Larry Whitton

Appoint with a term to expire December 2008, to fill the unexpired term of Loren Boor:  
Barry McCullough

**Capital Improvements Program Committee**

Reappoint with terms to expire December 2010:

Ron Guglielmino  
Lee Laramore

Appoint with a term to expire December 2009, to fill the unexpired term of Summer Austin:  
Bill Arbuckle

**Board of Zoning Adjustment**

Reappointed Staci Hagen in July with a term to expire December 2012.

**Code Board of Appeals**

Reappoint with a term to expire December 2010:  
Chuck Logan



**Industrial Development Authority of the City of Gladstone**

Reappoint with a term to expire December 2013:

Jenny Giar

**Parks and Recreation Advisory Board**

Reappoint with a term to expire December 2010:

Jo Ann Bryant

Appoint with terms to expire December 2010:

Jim Olshefski

Rachel Pacubas

**Telecommunications Advisory Board**

No appointments or reappointments will be made at this time.

**Tax Increment Financing Commission**

Reappoint with terms to expire December 2011:

Jenny Scott

David Stanley

**Arts Commission**

Reappoint with a term to expire December 2010:

Julie Crawford

**Theatre In the Park Advisory Council**

Reappoint with terms to expire December 2009:

Lenette Johnson

Michelle Coon

**Atkins-Johnson Farm**

Appoint Barbara Hardy

Councilmember Carol Suter moved for approval of the appointments to the Boards and Commissions 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).

Mayor Smith recommended to City Council that the following appointments be made:

**Environmental Management Advisory Committee:**

Reappoint with a term to expire December 2010:

Eugene Suter

Appoint with a term to expire December 2010:

Terry McGovern

Appoint with a term to expire December 2009, to fill the unexpired term of James Austin:  
Larry Thrasher

Councilman Carol Rudi moved to make the appointments to the Environmental Management Advisory Committee as presented. Councilman Wayne Beer seconded.

Mayor Smith explained that Councilmember Suter would be abstaining from the vote as Eugene Suter is one of the candidates.

The vote: "Aye" – Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. "Abstain" – Councilmember Carol Suter. (4-0-1).

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reported that City Hall would be closed on the Martin Luther King holiday, January 21<sup>st</sup>. City Manager Davis reminded City Council members that this Friday is the Employee Recognition Dinner at 11:30 AM in the new Community Center. City Manager Davis reminded everyone that the brush drop-off is still open at the Public Works site and will be open until January 31<sup>st</sup>, and encouraged everyone to take their tree damage and debris out to the Public Works site, and it is free of charge.

**Item 8. 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 1, 2008. Hours: 4:00 PM - 12:00 Midnight. Managing Officer: Michelle McDaniel.

Councilman Wayne Beer 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 1, 2008. Hours: 4:00 PM - 12:00 Midnight. Managing Officer: Michelle McDaniel. 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 9. on the Agenda.**

**RESOLUTION R-08-01,** authorizing acceptance of

work under contract with Sunset Landscape for the North Broadway and Englewood Road Beautification Project and authorizing final payment in the amount of \$6,574.70.

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-01**, authorizing acceptance of work under contract with Sunset Landscape for the North Broadway and Englewood Road Beautification Project and authorizing final payment in the amount of \$6,574.70. 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 10. on the Agenda.** **RESOLUTION R-08-02**, approving an Addendum to the Cooperation and Use Agreement between the North Kansas City School District and the City of Gladstone providing for insurance coverages for the natatorium component of the Gladstone Community Center.

Mayor Pro Tem Mark Revenaugh moved to adopt **RESOLUTION R-08-02**, approving an Addendum to the Cooperation and Use Agreement between the North Kansas City School District and the City of Gladstone providing for insurance coverages for the natatorium component of the Gladstone Community Center. 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 11. on the Agenda.** **RESOLUTION R-08-03**, authorizing the appointment of VantageTrust Company as successor Trustee for the 457 Deferred Compensation Trust Agreement.

Councilman Carol Rudi moved to adopt **RESOLUTION R-08-03**, authorizing the appointment of VantageTrust Company as successor Trustee for the 457 Deferred Compensation Trust Agreement. 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 12. on the Agenda.** **FIRST READING BILL 08-01**, 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 62<sup>nd</sup> Terrace south to approximately NW 61<sup>st</sup> Terrace.

Councilmember Carol Suter moved to place Bill 08-01 on First Reading. Councilman Carol Rudi seconded.

Mayor Smith noted there were residents present in the audience and asked Assistant City Manager Wingerson if it would be prudent to give this Bill a first reading and give him the opportunity to meet with the residents before the next City Council meeting.

Mr. Wingerson replied he felt that would be appropriate.

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.

Councilmember Carol Suter moved to accept the First Reading of Bill 08-01. 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).

Mayor Smith said the City Council will take this matter up again at the next regularly scheduled City Council meeting for final enactment.

**Item 13. on the Agenda.**      **FIRST READING BILL 08-02**, amending Schedule V of the Model Traffic Code (Gladstone Municipal Code Section 4.100.020), to establish a "No Parking" zone for eastbound and westbound traffic on Northwest Englewood Court.

Councilman Wayne Beer moved to place Bill 08-02 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 Wayne Beer moved to accept the First Reading of Bill 08-02, 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 Wayne Beer moved to accept the Second and Final Reading of Bill 08-02 and enact the Bill as Ordinance 4.059. 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 14. on the Agenda.**      **FIRST READING BILL 08-03**, 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 place Bill 08-03 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.

Councilman Carol Rudi moved to accept the First Reading of Bill 08-03, 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.

Councilman Carol Rudi moved to accept the Second and Final Reading of Bill 08-03 and enact the Bill as Ordinance 4.060. 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 15. on the Agenda.**      **OTHER BUSINESS.**

Mayor Smith thanked everyone in the audience who had been reappointed or appointed to serve on a Board or Commission for their service.


**Item 16. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

**Item 17. on the Agenda.**      **ADJOURNMENT.**

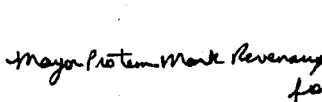

There being no further business to come before the January 14, 2008, Gladstone Regular City Council Meeting, Mayor Les Smith adjourned the regular meeting, and said that City Council members would reconvene to Closed Executive Session.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: X

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

   
for Mayor Les Smith

Kirk and Kim Forslund  
3515 NE 61<sup>st</sup> Terr  
Gladstone, MO 64119  
(816) 455-7594  
September 30, 2007

Billie Deam, DVM  
Animal Clinic of Boardwalk Square  
6302 NW Barry Rd  
Kansas City, MO 64154

Dear Dr. Deam:

Earlier this year, the Gladstone City Council passed Ordinance No. 4.022. This ordinance contains new regulations regarding dangerous dogs. My wife and I are alarmed at the inclusion of English Bull Terrier breed of dog as a "pit bull", and the resulting designation as a "dangerous animal".

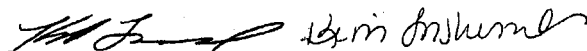
We researched several breeds of dogs over the course of many years before we decided to add a pet to our family. We are active members of the Bull Terrier Club of America, the Bull Terrier Club of St. Louis, and volunteer for the Topeka Kennel Club (all breed club). Our family did the research that responsible people should do before choosing a pet and followed up with 16 weeks of obedience training. Two members of the current Gladstone City Council voted for breed specific legislation based what they described as "media coverage". We believe that if they understand that English Bull Terriers are not pit bulls, we may have a chance to continue our family involvement with this breed. We are not breeders, just breed fanciers that enjoy including our children in Bull Terrier Club activities across the Midwest.

We have attended many City Council meetings and have also met with Animal Control officers to clarify that English Bull Terriers are not pit bulls.

Mayor Les Smith has stated that if our family is able to give proof that English Bull Terriers should not be included in the dangerous animal ordinance, then the City Council would consider removing them.

We would be grateful if you were able to provide a letter to the Gladstone City Council, on our behalf, based on what you know about this breed.

Sincerely,



Kirk and Kim Forslund



600 West 23<sup>rd</sup> Street  
Independence, MO 64055  
816-252-5105  
Fax 816-252-6037

April 13, 2007

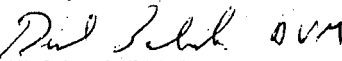
City of Gladstone

To Whom It May Concern:

As you probably know, the city of Independence has recently passed a breed specific ban on Pit bull type dogs. The legislation chosen to be adopted in our city does not include the Bull Terrier. This breed can be physically differentiated very easily from Pit bull terriers, Staffordshire terriers and their type.

In our experience, we would not consider Bull Terriers to be aggressive dogs. As with any breed, aggression can occur in individual dogs for a variety of reasons. We urge you to reconsider grouping this breed with Pit bull and Staffordshire terriers.

Sincerely,

  
Rick Schrock, DVM  
and Staff

# Shoal Creek

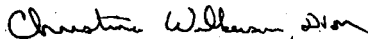
## Animal Hospital and Lodge

April 4, 2007

Dear Gladstone City Council;

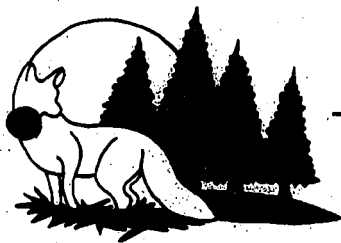
I am writing on behalf of a client in regards to Gladstone's current dangerous animal restrictions. I have read Ordinance NO. 4.022 and question the necessity of including the Bull Terrier breed of dog in the grouping of dogs known as "Pit Bulls". The Bull Terrier is represented in today's society as the lovable dog used in the Target ads. It has been my experience with my Bull Terrier patients that they are energetic and friendly. This is a far cry from the menacing, aggressive, dangerous dogs that irresponsible owner's have managed to create, known as the Staffordshire Bull Terrier or American Pit Bull. I can only speak from my experience, but know that the Bull Terrier is a very social breed. I would ask that you reconsider its grouping in your definition of dangerous dogs of the "Pit Bull Breeds."

Sincerely,



Christina Wilkerson, DVM





Garry J. Rokey, DVM

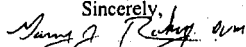
## Foxwood Animal Hospital

4704 NE Vivion Road  
Kansas City, Missouri 64119  
Office (816) 453-2154  
Fax (816) 453-5775

2 October 2007  
City of Gladstone

To whom it may concern:

It is my opinion that the Bull Terrier breed should not be included in a breed ban ordinance. While they are strongly built and muscular, they are amenable to discipline and are usually very loving companions to their families. Those that I have seen in my nearly forty years of practice have all been nice patients to work with. Their generally friendly demeanor separates them from the other "pitbull" types.

Sincerely,  
  
Garry J. Rokey, DVM



**NEWMARK**  
ANIMAL CLINIC

October 15th, 2007

City of Gladstone, Missouri

To Whom it may Concern,

I am writing on behalf of Ordinance No. 4.022 as to including Bull Terriers with Pit Bulls and Staffordshire Terriers. I have several Bull Terriers in my practice and they are not an aggressive breed. They are loving and friendly. They do not even look similar to Pit Bulls and should not be mistaken for one. I strongly recommend that the English Bull Terrier not be included in this ban.

Sincerely,

James Cupp DVM



October 2, 2007

F.Y.I.

Mayor Les Smith  
City of Gladstone  
Gladstone City Hall  
7010 No. Holmes  
Gladstone, MO 64118

Dear Mayor Smith:

I have been asked to write to you regarding the inclusion of English Bull Terriers in the designation of "pit bulls" and "dangerous dogs" in Ordinance No. 4.022.

Today's Bull Terriers are not considered aggressive fighting dogs. To quote the 1999 Edition of the ASPCA Guide To Dogs, "Bull Terriers are sweet, energetic, playful dogs that require a lot of attention and love to frolic with their families." They are a distinctly different breed from the Staffordshire Terrier or American Pit Bull Terrier.

As a veterinarian, I would recommend they not be included with "pit bulls" in your ordinance's designated "dangerous dogs."

Sincerely,

Billie D. Deam, DVM


October 12, 2007

✓  
Antioch Dog & Cat Hospital P.C.  
5200 NE Vivion Rd  
Kansas City, MO 64119

To Gladstone City Council:

I am writing on behalf of Kirk and Kim Forslund. The Ordinance NO. 4.022 that is in question with regards of adding Bull Terriers to the list of dangerous dogs. It is my experience that Bull Terriers are loving and energetic animals that make great family pets. To add this breed in the same list with Pit Bulls would be out of character for this breed. I would like for you to take this in to consideration before making your final decision to add Bull Terriers to the "dangerous animal" list.

Sincerely,



Michael L. Hodgson, DVM  
And staff of Antioch Dog & Cat Hospital P.C.



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JANUARY 28, 2008**

**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 (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.

**AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular January 14, 2008, City Council Meeting Minutes.
5. **PRESENTATION OF MAYOR'S CHRISTMAS TREE LIGHTING CHECKS** to the Northland Christmas Store, Neighbors Helping Neighbors, and the Gladstone Youth Scholarship Fund.

## 6. CONSENT AGENDA

**RESOLUTION R-08-04**, authorizing the City Manager to accept a Bill of Sale from Terry Morgason, Incorporated and Wilson Plumbing Company, conveying to the City one Water Line and two Fire Hydrants built in conjunction with construction of Plaza 57 at 5711 Northeast Antioch Road.

**RESOLUTION R-08-05**, authorizing acceptance of work under contract with Miller Paving, & Construction Limited Liability Company for the Northeast 72<sup>nd</sup> Street Turn Lanes and authorizing final payment in the amount of \$8,350.22.

**RESOLUTION R-08-06**, authorizing acceptance of work under contract with Miller Paving & Construction Limited Liability Company for the NW 70<sup>th</sup> Terrace and North Central Street Reconstruction and authorizing final payment in the amount of \$7,945.89.

**RESOLUTION R-08-07**, authorizing acceptance of work under contract with Siemens Water Technologies Corporation, to replace the bearings on the Secondary Basins and authorizing final payment in the amount of \$23,991.00.

**APPROVAL OF A BUILDING PERMIT:** for the construction of a communications antenna at 2711 NE Brooktree Lane. Applicant: Selective Site Consultants. Owner: Curry Investment Company.

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWAL** for Snappy Store #4901, 4901 Old Pike Road, Seven Day Package Liquor License.

**APPROVAL OF THE DECEMBER FINANCIAL REPORTS.**

## REGULAR AGENDA

7. Communications from the Audience.

8. Communications from the City Council.
9. Communications from the City Manager.
10. **SECOND READING BILL 08-01**, Amending Schedule V of the Model Traffic Code (Gladstone Municipal Code Section 4.100.020), to establish a "No Parking" zone along the west side of North Main for southbound traffic from Northeast 62 Terrace south to approximately Northwest 61st Terrace.

**AUDIENCE NOTE:** The Second Reading of Bill 08-01 is continued to the February 11, 2008, City Council meeting, at the request of Staff to allow for further discussion with the area residents.

11. **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.
12. **FIRST READING BILL 08-04**, 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.
13. **FIRST READING BILL 08-05**, imposing a City Tax on the charges for all sleeping rooms paid by transient guests of hotels and motels situated within the City of Gladstone, Missouri, at the rate of five percent for the sole purpose of promoting tourism, subject to the approval by the voters of the City at a special election to be held on Tuesday, April 8, 2008; calling an election for such purpose; designating the form of the ballot; and directing the City Clerk to provide notice of said election.
14. Other Business.
15. Questions from the News Media.
16. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JANUARY 28, 2008**

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Pro Tem Mark Revenaugh  
Councilman Wayne Beer  
Councilman Carol Rudi  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Mayor Les Smith  
Councilmember Carol Suter

Mayor Pro Tem Mark Revenaugh opened the Regular January 28, 2008, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda. ROLL CALL**

Following the Roll Call, Mayor Pro Tem Mark Revenaugh stated that Mayor Les Smith's plane was delayed, and hopefully, he would be arriving soon. Mayor Pro Tem Revenaugh said that Councilmember Suter sent her regrets that she would not be able to attend tonight's meeting.

**Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.**

Mayor Pro Tem Mark Revenaugh led the Pledge of Allegiance, in which all joined.



**Item 4. on the Agenda.**      **APPROVAL OF THE REGULAR JANUARY 14, 2008, CITY COUNCIL MEETING MINUTES.**

Councilman Carol Rudi moved to approve the Regular January 14, 2008, City Council Meeting Minutes as presented. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Mark Revenaugh. (3-0)

**Item 5. on the Agenda.**      **PRESENTATION OF MAYOR'S CHRISTMAS TREE LIGHTING CHECKS** to the Northland Christmas Store, Neighbors Helping Neighbors, and the Gladstone Youth Scholarship Fund.

Mayor Pro Tem Revenaugh suggested, with approval of City Council, that this item be moved forward on the Agenda, to allow time for Mayor Smith to arrive.

**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" – Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Mark Revenaugh. (3-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-04**, authorizing the City Manager to accept a Bill of Sale from Terry Morgason, Incorporated and Wilson Plumbing Company, conveying to the City one Water Line and two Fire Hydrants built in conjunction with construction of Plaza 57 at 5711 Northeast Antioch Road. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Mark Revenaugh. (3-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-05**, authorizing acceptance of work under contract with Miller Paving & Construction Limited Liability Company for the Northeast 72<sup>nd</sup> Street Turn Lanes and authorizing final payment in the amount of \$8,350.22. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Mark Revenaugh. (3-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-06**, authorizing acceptance of work under contract with Miller Paving & Construction Limited Liability Company for the NW 70<sup>th</sup> Terrace and North Central Street Reconstruction and authorizing final payment in the amount of \$7,945.89. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Mark Revenaugh. (3-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-07**, authorizing acceptance of work under contract with Siemens Water Technologies Corporation, to replace the bearings on the Secondary Basins and authorizing final payment in the amount of \$23,991.00. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Mark Revenaugh. (3-0)

Councilman Wayne Beer moved to **APPROVE A BUILDING PERMIT**: for the construction of a communications antenna at 2711 NE Brooktree Lane. Applicant: Selective Site Consultants. Owner: Curry Investment Company. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Mark Revenaugh. (3-0)

Councilman Wayne Beer moved to **APPROVE THE ANNUAL LIQUOR LICENSE RENEWAL** for Snappy Store #4901, 4901 Old Pike Road, Seven Day Package Liquor License. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Mark Revenaugh. (3-0)

Councilman Wayne Beer moved to **APPROVE THE DECEMBER FINANCIAL REPORTS**. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Mark Revenaugh. (3-0)

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE AUDIENCE.**

There were no communications from the audience.

**Item 8. on the Agenda.**

**REMARKS FROM THE CITY COUNCIL.**

**Councilman Wayne Beer** inquired into the progress of the Scola business at 57<sup>th</sup> and North Antioch Road. Councilman Beer said he knew the architect/engineer went out of business, and asked if they have found another.

Assistant City Manager Scott Wingerson stated it has happened; the current property owner is marketing the property in the development community, and currently has two nibbles to develop it in basically the same way as Council approved the Site Plan.

Councilman Beer inquired into the progress of the work on the Atkins Johnson House.

Planning Specialist Chris Helmer replied work is progressing very nicely. He visited the site this morning. Work should have been completed by now, but we have had several cold spells, which have delayed the work. Mr. Helmer said we were fortunate to get the tear-off of the roof taken care of prior to the bad weather we have had. At this point in time, the contractor is doing some minor finishes to the front porch, the roof is completely on, as well as the small root cellar. There has been a pretty good

job of clean-up done at the site. Work is beginning on the wooden planks on the front porch, and painting is being done. The contractor needed to do some power spraying up around the drip edge and the trim of the roof to get it cleaned off before they painted. They had to wait on this numerous times because of the weather. Mr. Helmer said the contractors have been a great group of individuals to work with, and there have not been any issues as far as rot damage under the tear-off. There have been no Change Orders, and we have been very fortunate. The contractor told City staff that the roof was one of the more solid roofs that they had seen for an older home.

Mr. Helmer said he is confident to say that work is going very well, Staff is in the next stages of getting other work done, and by next week that work should begin. The next stage is to look at what the cost is going to be to work with the front façade, so Staff will be coming before Council to finalize the plans. Staff has been working with the Gladstone Economic Betterment Council on setting up the limited partnership as a process to funnel the money that hopefully will come. Mr. Helmer said what that amount will be is still under discussion, but we need substantially more money at this point in time to get the architectural drawings together, which will really help us know how much work we can complete.

Mr. Helmer said there are areas of the project that may not be the most glamorous, but that do need to be done, such as heat and cooling at the site. Not having heating and cooling is hard on the building. Staff needs to evaluate what needs to be done to help with that long-term sustainability. Work on some of the interior will be put off for a time, because right now the most damage is being seen with the fireplaces and the chimneys. Some emergency stabilization was done in those areas. There is a substantial amount of exterior renovation that needs to occur. Mr. Helmer reported that the front façade will be a primary priority at this time, but we are still a ways away.

Councilman Carol Rudi asked when the next Atkins Johnson Farm meeting would be held.

Mr. Helmer reported the next meeting will be held February 28, 2008, at 6:00 PM, in City Hall.

**Councilman Carol Rudi** stated that one of her two favorite projects was just discussed – the Atkins Johnson Farm. Councilman Rudi invited anyone who would like to donate money to that project to please see Mr. Helmer or Economic Development Administrator Melinda Mehaffy. Councilman Rudi said her second favorite project is "Art Springs in Gladstone", which is the City's first annual art show that will be held April 18 and 19, 2008. Councilman Rudi held up a sponsor packet, and invited anyone who would like to help with the art show by being a sponsor, to please see her. The committee will take any amount of money and are also looking for "in kind" contributions. The last day for artists to sign up is January 31<sup>st</sup>. This will be

a juried show, and a family friendly show. Councilman Rudi invited everyone to attend this event on April 18 and 19.

Mayor Pro Tem Mark Revenaugh had no comments at this time.

**Item 9. on the Agenda.**      **COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis offered special thanks to Representative Jerry Nolte, who provided the Missouri State Manuals to City Council members. City Manager Davis reported that the Community Center dedication would be February 23, 2008. February 9<sup>th</sup> is the opening of the Center. Charter members are being called and will be allowed into the facility from February 5<sup>th</sup> through February 9<sup>th</sup>. The opening of the Community Center is February 9<sup>th</sup>, and the dedication is February 23<sup>rd</sup>. The larger of the two events is February 23, at 10:00 AM. On February 9<sup>th</sup>, at 9:00 AM, City Council members will unlock the doors to the Community Center and will greet and welcome the membership that is using the facility that day.

**Item 10. on the Agenda.**      **SECOND READING BILL 08-01**, Amending Schedule V of the Model Traffic Code (Gladstone Municipal Code Section 4.100.020), to establish a "No Parking" zone along the west side of North Main for southbound traffic from Northeast 62 Terrace south to approximately Northwest 61st Terrace.

Mayor Pro Tem Revenaugh announced that the Second Reading of Bill 08-01 would be continued to the February 11, 2008, City Council meeting, at the request of Staff to allow for further discussion with the area residents.

**Item 11. 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 Pro Tem Revenaugh opened the Public Hearing and stated that as a large percentage of City Council members are not present, he would like a motion to continue the Public Hearing.

Councilman Wayne Beer moved to continue the **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, to the next City Council meeting. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Mark Revenaugh. (3-0)

Mayor Pro Tem Revenaugh closed the Public Hearing.

**Item 12. on the Agenda.**      **FIRST READING BILL 08-04**, 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 continue **FIRST READING BILL 08-04**, 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 to the next City Council meeting. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Mark Revenaugh. (3-0)

**Item 13. on the Agenda.**      **FIRST READING BILL 08-05**, imposing a City Tax on the charges for all sleeping rooms paid by transient guests of hotels and motels situated within the City of Gladstone, Missouri, at the rate of five percent for the sole purpose of promoting tourism, subject to the approval by the voters of the City at a special election to be held on Tuesday, April 8, 2008; calling an election for such purpose; designating the form of the ballot; and directing the City Clerk to provide notice of said election.

Councilman Wayne Beer moved to place Bill 08-05 on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Mark Revenaugh. (3-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 08-05, 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, and Mayor Pro Tem Mark Revenaugh. (3-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 08-05 and enact the Bill as Ordinance 4.061. Councilman Carol Rudi seconded.

Mayor Pro Tem Revenaugh said there was an article in the newspaper that discussed the importance of having this tax before the City has a hotel. This tax will not cost the Gladstone residents anything, but in the event that the City is able to find a developer to build a hotel in Gladstone, then our City will reap economic benefits that will tie hand in hand with the Community Center and the other new development projects on which the City is working.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Mark Revenaugh. (3-0)

**Item 14. on the Agenda.**      **OTHER BUSINESS.**

Mayor Pro Tem Revenaugh said unfortunately our Mayor has not arrived yet, so at this point, he would like to make the presentation of the Mayor's Christmas Tree Lighting checks. Mayor Pro Tem Revenaugh said this was a record year in donations, with an excess of \$2,000 donated over and above what was received last year, which was a record breaking year. All City Council members are grateful to the institutions and people that contributed generously to the Mayor's Christmas Tree Lighting this year.

Mayor Pro Tem Revenaugh invited Ikey Harris, Chairman of the Northland Christmas Store, to step forward, and he presented her with a check in the amount of \$3,154.23, and thanked her for all the good work she does. Ms. Harris expressed her thanks to Mayor Pro Tem Revenaugh, Mayor Smith and City Council members, which was followed by applause.

Mayor Pro Tem Revenaugh invited Art Hammen, Executive Director of Gladstone Neighbors Helping Neighbors, to step forward, and he presented him with a check in the amount of \$2,007.24, and thanked him for all the good work he does. Mr. Hammen, said on behalf of Neighbors Helping Neighbors, the Board of Directors, and especially on behalf of the citizens of Gladstone who will benefit from this, he would like to thank Mayor Pro Tem Revenaugh, Mayor Smith and City Council for all their support of Neighbors Helping Neighbors, which was followed by applause.

Mayor Pro Tem Revenaugh invited Parks and Recreation Director Sheila Lillis to step forward, and he presented her with a check for \$573.50 for the Gladstone Youth Scholarship Fund, and thanked her for the good work that they do. Director Lillis thanked Mayor Pro Tem Revenaugh, Mayor Smith, and City 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 January 28, 2008, Gladstone Regular City Council Meeting, Mayor Pro Tem Mark Revenaugh adjourned the regular meeting.


Councilman Wayne Beer moved 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 Pro Tem Mark Revenaugh. (3-0)

**Note:** Mayor Les Smith arrived just as the Regular meeting concluded and was present at the Closed Executive Session.

Respectfully submitted:

  
\_\_\_\_\_  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
\_\_\_\_\_  
Mayor Pro Tem Mark Ravenaugh



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, FEBRUARY 11, 2008**

The City Council will meet in Closed Executive Session on Monday, February 11, 2008, 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: 6:30 PM**

**REGULAR MEETING: 7:30 PM**

**AMENDED AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular January 28, 2008, City Council Meeting Minutes.



**5. PRESENTATION OF BOARDS AND COMMISSIONS APPRECIATION PLAQUES:**

**Roger Shannon, Parks and Recreation Advisory Board**  
December 1991 – December 2007

**Kate Miner, Parks and Recreation Advisory Board**  
December 2004 – December 2007

**Patty Ibarra, Environmental Management Advisory Committee**  
December 2004 – December 2007

**Robert Cornick, Telecommunications Advisory Board**  
December 2004 – December 2007

**C. Loren Boor, Planning Commission**  
December 2004 – December 2007

**Summer Austin, Capital Improvements Program Committee**  
January 2007 – September 2007

**James Austin, Environmental Management Advisory Committee**  
January 2007 – September 2007

**6. CONSENT AGENDA**

**RESOLUTION R-08-08**, authorizing acceptance of a proposal from Victor L. Phillips for the purchase of a Compact Track Loader for the net purchase amount of \$51,624 to be reimbursed to the City under a Mid America Regional Council Solid Waste Management District grant.

**RESOLUTION R-08-09**, authorizing an intergovernmental agreement between the City of Gladstone and the Mid-America Regional Council

Solid Waste Management District for the Regional Household Hazardous Waste Collection Program.

**RESOLUTION R-08-10**, authorizing acceptance of work under contract with Rose-Lan Contractors, Incorporated, for the North Oak Water Main Replacement – Northeast 72<sup>nd</sup> Street to north City limits, and authorizing final payment in the amount of \$61,808.80 for Project WP0790.

**RESOLUTION R-08-11**, authorizing acceptance of work under contract with Daktronics Engineering for the Video Display Board in the Natatorium in the Gladstone Community Center, and authorizing final payment in the amount of \$83,163.00 for Project CB0665.

**RESOLUTION R-08-12**, authorizing the City Manager to execute an agreement with the Junior College District of Metropolitan Kansas City, Missouri, to provide clinical experience training for students in the College's Paramedic Program.

**APPROVAL OF A NEW SEVEN DAY PACKAGE LIQUOR LICENSE** for Lighthouse Party Shop, LLC.; 5800 N. Oak Trafficway; Jeffrey S. Bay, Managing Officer.

#### REGULAR AGENDA

7. **Communications from the Audience.**
8. **Communications from the City Council.**
9. **Communications from the City Manager.**
10. **SECOND READING AMENDED BILL 08-01**, Amending Schedule V of the Model Traffic Code (Gladstone Municipal Code Section 4.100.020), to establish a "No Parking" zone along the west side of North Main for southbound traffic from Northeast 62 Place south to approximately Northwest 61st Terrace.

11. **CONTINUED 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.
12. **FIRST READING BILL 08-04**, 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.
13. **FIRST READING BILL 08-06**, approving the Litigation Settlement Agreement with AT&T Mobility for payment of Business License Taxes for cellular telephone service.
14. **FIRST READING BILL 08-07**, amending Ordinance Number 4.030 by repealing the provisions of the "Building and Construction Ordinance" of the City of Gladstone, Missouri, regulating "Fences and Walls," and enacting new provisions in their place.
15. Other Business.
16. Questions from the News Media.
17. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, FEBRUARY 11, 2008**

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION  
6:00 PM**

Mayor Pro Tem Mark Revenaugh opened the City Council Meeting to adjourn to a Closed Executive Session on February 11, 2008, 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 Pro Tem Mark Revenaugh. (3-0).

Mayor Les Smith and Councilmember Carol Suter were also in attendance at the Closed Executive Session.

Mayor Les Smith recessed the Closed Executive Session to go into an Open Study Session at 6:30 PM.

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:**

Mayor Les Smith  
Mayor Pro Tem Mark Revenaugh  
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

Mayor Les Smith opened the Regular February 11, 2008, 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.

**Item 3. on the Agenda.**      **PLEDGE OF ALLEGIANCE.**

Mayor Les Smith introduced Troop 288, sponsored by the Northland Presbyterian Church. Mayor Smith invited the Scouts to lead the Pledge of Allegiance, in which all joined.

Mayor Smith invited the Scouts to introduce themselves as follows:

Boy Scouts – David Bratten, 5<sup>th</sup> grade, Antioch Middle School; Austin Barker, 5<sup>th</sup> grade, Oakwood Manor Elementary School; Andy Nissley, 9<sup>th</sup> grade, North Kansas City High School; Harley Marolt, 4<sup>th</sup> grade, Oakwood Manor Elementary School; Michael Hubbert, 10<sup>th</sup> grade, North Kansas City High School; Donavon Edmonds, 10<sup>th</sup> grade, Platte City High School; Matthew Edmonds; Michael Kautz, 9<sup>th</sup> grade, North Kansas City High School; Alex Nissley, 5<sup>th</sup> grade, Clardy Elementary School. Adult Leaders – Dave Edmonds and Jonathan Watkin.

Mayor Smith thanked the Scouts and leaders, which was followed by applause.

Councilman Wayne Beer stated that he noticed a number of the Scouts were from North Kansas City High School, and said he taught at North Kansas City High School for 23 years. Councilman Beer jokingly said it took him a little while to graduate, and said he hoped they would do a little bit better job in that regard!

**Item 4. on the Agenda.**      **APPROVAL OF THE JANUARY 28, 2008, CITY COUNCIL MEETING MINUTES.**

Councilman Carol Rudi moved to approve the Regular January 28, 2008, City Council Meeting Minutes as presented. Mayor Pro Tem Mark Revenaugh seconded. The vote: "Aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Mark Revenaugh. "Abstain" - Mayor Les Smith. (4-0-1)

**Item 5. on the Agenda.      PRESENTATION      OF      BOARDS      AND  
COMMISSIONS APPRECIATION PLAQUES.**

Mayor Smith said he and City Council members would like to present plaques to some outstanding citizens in appreciation for their service to our community. Mayor Smith invited the recipients to join him in front of the City Council dais.

Mayor Smith began by saying that he would not read the plaques but would recite their service period on the respective Boards.

**Roger Shannon, Parks and Recreation Advisory Board  
December 1991 – December 2007**

Mayor Smith said that Roger Shannon has been on the Parks and Recreation Advisory Board since 1991, and he has been an integral part of the Parks Department. Mayor Smith said Mr. Shannon goes back to the mid 1980's when he was directing adult softball. Mayor Smith jokingly said he was attempting to play adult softball during that period of time. Mayor Smith thanked Mr. Shannon for his service to the City.

**Kate Miner, Parks and Recreation Advisory Board  
December 2004 – December 2007**

Mayor Smith thanked Ms. Miner, and said it is easy to talk about all the good things in the Parks and Recreation Department.

**Patty Ibarra, Environmental Management Advisory Committee  
December 2004 – December 2007**

Mayor Smith thanked Ms. Ibarra, and jokingly said she might be leaving the Board at the right time, because that group will be very busy with the City's sustainability issues.

**Robert Cornick, Telecommunications Advisory Board  
December 2004 – December 2007**

Mayor Smith thanked Mr. Cornick, and said this Board has morphed over the years. It started out as the Cable TV Advisory Board, and has had many roles and functions throughout the years.

**C. Loren Boor, Planning Commission  
December 2004 – December 2007**

Mayor Smith presented Mr. Boor with a plaque, along with a plaque for his wife, LaVonne Boor, who retired from the Gladstone Recycling and Solid Waste

Committee last year, (currently the Environmental Management Advisory Committee). Mayor Smith thanked Mr. Boor.

Mayor Smith said everything we do in this community starts with the volunteers, and there is a lot going on in this town. These folks are indicative of the residents who put in hours and hours of their time. They are not paid for their work, and are probably out of pocket quite a bit. Mayor Smith said on behalf of the City residents, Staff, and City Council, he would like to thank the Boards and Commission members for making our community what it is today, which was followed by applause.

Patty Ibarra thanked Mayor Smith, and said she first called the City to see how to dispose of her thermostat, which had mercury inside of it. Ms. Ibarra said she is very happy to have served on a Board.

Robert Cornick stated it was nice being on a Board and working with the Board members, and being appreciated.

C. Loren Boor thanked Mayor Smith and said he has been impressed with the leadership shown by Board members and as well as City Council members. Mr. Boor said our City government tries to keep the people happy, but still provides the leadership to bring Gladstone along.

Kate Miner said it was a wonderful experience working with the Parks and Recreation Advisory Board, Roger Shannon, all the Council member, Director Lillis and her staff. Ms. Miner said it is a wonderful group, and we can see across the street the results of working together.

Roger Shannon stated it has been a real privilege to work with all the people he has worked with over the years. Mr. Shannon said through dedication and hard work they have accomplished a great deal; it has been a privilege to be a small part of that. Mr. Shannon thanked Mayor Smith and City Council members.

Mayor Smith stated that Summer Austin, who served on the Capital Improvements Program Committee from January 2007 through September 2007, and James Austin, who served on the Environmental Management Advisory Committee from January 2007 through September 2007, were unable to attend tonight's meeting, as Mr. Austin has taken a job in Texas, so they had to relocate.

**Item 6. on the Agenda.**      **CONSENT AGENDA.**

Following the Clerk's reading, Councilman Wayne Beer moved to accept the Consent Agenda as presented. Councilman Beer said he did not wish to have Resolution R-08-12 removed from the Consent Agenda for discussion, but would like for this Resolution to be explained for the benefit of the audience.

City Manager Kirk Davis said this is a partnership for our City's paramedics to be working with students who are training to become paramedics. It gives our City an opportunity to interact with the next class of folks who are entering that profession. It hopefully gives us an inside track on hiring the best of those folks to work for our City. It also gives our paramedics, who are very good at what they do, the opportunity to train Community College students who are interested in moving into that field. City Manager Davis invited Interim Public Safety Director Mike Hasty to add his comments.

Interim Public Safety Director Mike Hasty said the only thing he would add is that these students have completed all of their training in the course work, and have passed to that point, and are ready to begin providing patient care. They will be under the direct supervision of specific paramedics on our staff who are trained to handle these students. This is a common and very valuable experience for students passing through this program, and many of the other area ambulance services are also participants with the college.

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-08-08**, authorizing acceptance of a proposal from Victor L. Phillips for the purchase of a Compact Track Loader for the net purchase amount of \$51,624 to be reimbursed to the City under a Mid America Regional Council Solid Waste Management District grant. 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-08-09**, authorizing an intergovernmental agreement between the City of Gladstone and the Mid-America Regional Council Solid Waste Management District for the Regional Household Hazardous Waste Collection Program. 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-08-10**, authorizing acceptance of work under contract with Rose-Lan Contractors, Incorporated, for the North Oak Water Main Replacement – Northeast 72<sup>nd</sup> Street to north City limits, and authorizing final payment in the amount of \$61,808.80 for Project WP0790. 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-08-11**, authorizing acceptance of work under contract with Daktronics Engineering for the Video Display Board in the Natatorium in the Gladstone Community Center, and authorizing final payment in the amount of \$83,163.00 for Project CB0665. 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-08-12**, authorizing the City Manager to execute an agreement with the Junior College District of Metropolitan Kansas City, Missouri, to provide clinical experience training for students in the College's Paramedic Program. 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 **NEW SEVEN DAY PACKAGE LIQUOR LICENSE** for Lighthouse Party Shop, LLC.; 5800 N. Oak Trafficway; Jeffrey S. Bay, Managing Officer. 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)

## **REGULAR AGENDA**

### **Item 7. on the Agenda.**

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

Larry Newport, 2002 Northeast 69 Terrace, said there is a car that has not been running for a month or more, and has a flat tire, which is located at 6821 North Euclid. The car has been sitting at this address for a couple of months. At 1710 NE 69 Terrace there is a wrecked car sitting at this location, which has been there for about three weeks, and has not been moved. Between 69<sup>th</sup> Terrace and City Hall, there is a wrecked car sitting, with the left front fender all bashed in and the tire is flat. It has been sitting on the street all weekend. (Note: It was later determined this address is 6921 North Woodland). Mr. Newport said they could at least remove these cars from the street and put them in their driveways.

Mayor Smith asked Assistant City Manager Scott Wingerson to follow up with Mr. Newport after the appropriate actions have been taken.

### **Item 8. on the Agenda.**

### **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilmember Carol Suter** expressed her congratulations and appreciation to City staff and volunteers who worked so hard on the opening of the Community Center. It was such a fun event to see it open and to watch people using the Center. It has turned

out wonderfully. Councilmember Suter said she knows Parks and Recreation Director Sheila Lillis has a long list of things they are working on, as all the kinks get worked out of things, but people were certainly enjoying it, and it is quite a compliment to this community.

**Councilman Wayne Beer** invited everyone to the formal dedication of the Community Center on February 23<sup>rd</sup> from 10:00 AM until 4:00 PM. There will be activities all day.

**Councilman Carol Rudi** stated she wished to express her sadness for missing Saturday's opening of the Community Center, because she knows it was wonderful; however, a new grandbaby got in the way of that. Councilman Rudi reported that on April 18<sup>th</sup> and 19<sup>th</sup>, there will be an event in the Community Center, which is Art Springs in Gladstone. It will be our City's first annual art show. Councilman Rudi said she hoped everyone can attend, and if anyone would like to be sponsors, to please let her know, or talk to Director Lillis.

Councilman Rudi extended sympathy to the City of Kirkwood. The City Council and staff in Kirkwood have been through quite an ordeal. Councilman Rudi said she has been privileged to know a couple of the Council members through various activities, and it is a very sad day when people who want to do nothing more than serve their community are killed for that.

**Mayor Pro Tem Mark Revenaugh** said he has belonged to several fitness centers around the community over the last 25 years, and he can honestly say that ours by far is the best one he has ever seen. Mayor Pro Tem Revenaugh said he belonged to another one north of the river up until December, and not only are our fees lower, but you also get to swim to boot. It is an incredible facility, and he urges everyone to check it out for either an individual or family membership.

**Mayor Les Smith** stated he wished to echo Councilman Rudi's comments regarding the folks in Kirkwood. Many of us are active in the Missouri Municipal League and we have an opportunity to meet people from other communities around the State. Mayor Smith said he knew both of the deceased Council members and knows the Mayor, who is the past President of the Missouri Municipal League. Mayor Smith said our thoughts and prayers go out to the families and loved ones, and to the grieving community. Mayor Smith said they need our support, and he believes we have given them our support.

Mayor Smith said he attended Mayor Funkhouser's Mayors' Summit on Light Rail last Friday. Interestingly enough, they had a great opportunity to just network before the meeting began, and it was amazing how many Mayors asked how our Community Center-Natorium partnership is going, and how did it work, and can you pay for it? There was one community who had a feasibility study in the pipeline for a similar facility, and after some of their consultants toured our facility and saw the

arrangement we have with the School District, they decided to "drown" their feasibility study and not move forward with a similar facility in their community. Mayor Smith offered congratulations to City Manager Davis, Assistant City Manager Wingerson, and Parks and Recreation Director Lillis, and others for getting the facility sufficiently open to the public. The dedication is February 23<sup>rd</sup>, and at 10:00 AM, there will be quite a party with high school bands and high school children involved with the festivities. Mayor Smith said he is sure there will be riveting speeches by political figures, and he invites everyone to attend all the activities throughout the day.

Mayor Smith reported a proclamation was presented from City Council to a resident, John Dods, who was a long time City Attorney with Gladstone. Mr. Dods was celebrating 50 years in the practice of law with Shook Hardy and Bacon. Mr. Dods sent along his appreciation for the proclamation that he received.

Mayor Smith said the City is progressing nicely on the plans for the outside of the Community Center. It looks a little stark right now, but you have to forgive us with this weather. By spring this entire area is going to blossom and move forward with the cultural events being scheduled at the Community Center. Mayor Smith offered thanks to each and every one of the Staff members who have played a big part in that effort, and also to some in the audience, who were very instrumental in getting the program going. We are making headlines in the metropolitan area for all the right reasons.

**Item 9. on the Agenda.**  
**MANAGER.**

**COMMUNICATIONS FROM THE CITY**

City Manager Kirk Davis reported that City Hall will be closed on President's Day. City Manager Davis reported that Community Center memberships total 527 already, and that accounts for roughly 1,200 people. This is a fast start, and we are very proud of the facility. City Manager Davis said a lot of folks will be recognized, and a lot of folks spent a lot of time making it happen, and he is very proud of their efforts. City Manager Davis said another person of whose efforts he is proud is Roger Shannon. Roger started on the Park Board in 1991, and he has had so much to do with softball and Happy Rock Park, and how it worked. He is the before and after story. He has some horror stories of "before". Roger started on the Park Board when Happy Rock Park opened, and he has provided a lot of support to Director Lillis and her staff, as the City began to develop the softball programs out there. City Manager Davis said 1991 to 2007 is an adequate amount of service to dedicate to your community, but we are going to miss Roger, as a staff, and our hats are off to him.

**Item 10. on the Agenda.**

**SECOND READING AMENDED BILL 08-01.**

Amending Schedule V of the Model Traffic Code (Gladstone Municipal Code Section 4.100.020), to establish a "No Parking" zone along the west side of North Main for southbound traffic from Northeast 62 Place south to approximately Northwest 61st Terrace.

Councilmember Carol Suter moved to accept the First Reading of Amended Bill 08-01, 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.

Councilmember Carol Suter moved to accept the Second and Final Reading of Amended Bill 08-01 and enact the Bill as **Ordinance 4.062**. 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 11. on the Agenda.**      **CONTINUED 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 explained the process for the Public Hearing would be that the Public Hearing would be opened, then comments would be heard from Staff, followed by comments from the public in favor of the Ordinance change, and then those who might be opposed. Mayor Smith opened the Public Hearing.

**Comments from Staff**

Assistant City Manager Scott Wingerson began by saying the basis of this hearing is to consider whether the retail sale of auto parts should be allowed in a C-1 classification. Currently it is allowed in a C-2 classification. There was an amendment proposed to the Planning Commission on December 3, 2007, suggesting that retail auto parts sales could be allowed in the C-1 zoning classification. City Council considered that on December 10, 2007, and two weeks ago it was listed on the City Council agenda, and again tonight for reconsideration. The amendment itself, from a technical perspective, is really pretty simple. It is a revision of the C-2 classification and simply adds retail auto parts stores to the C-1 classification.

Mr. Wingerson said the packet Council members received is the original packet from when this issue was presented in December, and contains a transmittal memo, the actual language of the Zoning Ordinance that applies, Public Hearing notices, and minutes from the Planning Commission meeting. Mr. Wingerson said he would be happy to answer any questions.

Mayor Smith asked if there was any new information in the packet.

Mr. Wingerson replied there was no new information in the Staff packets.

**Comments from the Audience in Favor of the Ordinance change**

**Pete Hall**, 5621 North Clinton Place, began by saying he is probably the one who started all of this. Mr. Hall stated he had a narrative he would read as follows:

*I have always believed that it is best to address or to correct inequities in any system or process as they are found and not just ignore them. This is one way we improve and make things better for others in the future. That is precisely why the zoning text change on retail auto parts was brought forward.*

*Several months ago I had a "Future 500 Company" ask me to help find a site for a retail store. I was able to find a location in Gladstone that they liked, but we found a problem with the commercial retail zoning. I asked City staff to review why retail auto parts were excluded from standard retail development zoning; that is when we found that portion of the C-1 zoning code was established in the 1950's, and I am sure you will agree much has changed since then. After review, City staff agreed that there was sufficient reason to revise that portion of the zoning code to include retail auto parts stores in C-1 zoning, as long as the store sold at retail to the public and did not perform installation or service work in or on the premises (a true retail store).*

*In America, we love our automobiles. We wash them, shine them and keep them in heated garages; many new homes now have three car garages, so all of our loved ones can be inside and out of the elements. The retail aftermarket parts and auto care business is now at \$65 billion a year and growing (please note that this number does not include any service work). This industry has become very sophisticated, the stores are becoming larger, their product mix or number of items that are carried in each store is now over 25,000 items with access to 100,000 if needed, and the average store will have an inventory of \$500,000 or more; they sell everything from computer chips to car wax. I have recently visited several area stores; they have friendly, helpful and knowledgeable employees. They are clean, well stocked and brightly lighted. They are as customer friendly as any local grocery store; in short they are what most retail outlets strive to become.*

*Here are a few additional facts about the retail auto parts business that I would like to share: 1. The average store has 15 to 20 employees. 2. Pay ranges between \$12 and \$16 per hour. 3. Retail sales increases have averaged 5.5 percent annually over the last five years.*

*Gladstone has always prided itself on involving its citizens in government. This city has more of its residents on Boards and Commissions than any other municipality in the region. The people on these Boards and Commissions volunteer their time, talent and work extremely hard to provide recommendations on a variety of issues to this City Council. These recommendations are their best opinion on issues that come before them, and the City Council has always considered their recommendation as a*

valuable tool in making decisions on matters affecting our City. Further, we are extremely fortunate to have a City staff whose expertise and experience far exceeds most other cities the size of Gladstone. I make these statements because both the Planning and Zoning Commission and the City staff recommended approval of this zoning text change, and it was forwarded to the City Council as a general housekeeping item; however, it seems to have developed a life of its own.

As you are aware, my involvement was early on in the process, thinking the matter was an oversight in the current zoning code. I am the one who brought the inequity to the attention of the City staff for their review and action. I know that this City Council believes that it is important to be as well informed as possible on all subjects brought before them in order to make the best decisions for our City and its residents. There are several areas of additional information which was not available or discussed at the December 10<sup>th</sup> City Council meeting when this text change item came before you and that is what brings us together again this evening. You had the foresight to reconsider this recommendation and generally there are three areas of additional information pertaining to this zoning text amendment that was not available on December 10<sup>th</sup>. First, is the rather impressive numbers stated earlier tonight on inventory levels, employment, sales and growth. Second, is the fact that all other municipalities in the Northland allow retail auto parts stores in C-1 zoning. As an aside, even Overland Park, Kansas, one of the area's toughest cities on zoning, allows retail auto parts in C-1 zoning. This does not make it necessary for Gladstone to follow suit, but it does indicate that those cities with which we directly compete for retail businesses believe that auto parts stores do belong with other retail trade.

Lastly, after reading the December 10<sup>th</sup> City Council meeting minutes, I had a great deal of concern about the possible condition of the parking lots and the type of customers these stores attract. As you know, I have never and would never intentionally do anything to hurt this community and thought I may have been misinformed or perhaps I didn't understand the retail auto parts industry as well as I thought. I took it upon myself to visit several local auto parts store locations numerous times over an eight-week period. I checked on them early to late six days a week (146 visits). Not once did I see a vehicle in the parking lot of these establishments being worked on; no cars on jacks and only three times did I see a hood up on a car and one of those was at Perkins on North Oak. The events in the minutes were an anomaly and I am sure that it is very unusual to see this type of thing, but it can happen, even in the local super market or restaurant parking lot.

Our City commercial development plan approval process works very well and allows for ample notification to go to the residents about proposed changes. I believe strongly in public input and this City has long been recognized, even nationally, for its inclusion of City residents in the development approval process. The December 10<sup>th</sup> City Council meeting minutes do show concern for lack of that public involvement. The approval of this zoning text change does not limit in any way the plan approval process, which encourages such public involvement. If any auto parts store wishes to develop a store anywhere within our City, public involvement will be required. I

would submit that most neighborhoods would prefer quality retail uses that are not intrusive or cause problems for the surrounding residents. Yes, I think they would prefer a use such as retail auto parts stores if the zoning were to allow it.

*I ask that this Council approve this evening the recommended zoning text change before you.*

*Recap: Information not known at the December 10<sup>th</sup> Gladstone City Council meeting.*

- 1. Sales, employment, growth and inventory numbers.*
- 2. All Northland competing cities allow for retail auto parts stores in C-1 zoning.*
- 3. Clean well-operated retail outlets and parking areas.*

*Thank you for the opportunity to share this information with you this evening. I will be glad to answer any questions you may have on this matter.*

Mayor Smith asked City Manager Davis or Assistant City Manager Wingerson if we could verify that all these municipalities allow auto parts sales in a C-1 zoning.

Assistant City Manager Wingerson stated that Staff has not done that research to confirm that.

Mayor Smith asked Mr. Hall to help clarify for him, as he is unclear; he has three or four of the surrounding communities' zoning codes here, and basically they do not specify in their printed zoning codes (found online) that retail auto parts stores are allowed in C-1 zoning. What they say in a lot of places is that standard use in a district could be a whole ton of things, but could not include wholesale sales. Mayor Smith said he talked to three different mechanics, and asked them if they buy wholesale from some of the auto parts stores in our city, and they indicate that they are able to buy wholesale. Mayor Smith said he is looking for clarification as to if they actually do sell wholesale, then none of the surrounding cities do allow auto parts stores in their communities, so we need to clarify that if we could.

Mr. Hall replied if you ask them specifically, they will provide that information specifically. Our City is no different. Our Code online does not indicate whether it does or does not allow retail auto parts stores, and that is really not uncommon. Mr. Hall stated he would be glad to share with Staff all of his information.

Mayor Smith directed Mr. Wingerson to please be sure to ask the wholesale question. Mayor Smith asked Mr. Wingerson if an already built property is zoned C-1, and we should allow auto parts sales in a C-1 zoning, and they meet all the requirements, can they be granted an occupation license, or would it require public input as Mr. Hall suggested.

Mr. Wingerson replied if it is planned zoning, then it would require the public input. For a straight C-1 zoning, and no exterior building modifications, then there would not be an opportunity for public input.

Mayor Smith said the reason he asked was earlier we approved the liquor license for Lighthouse liquors. We went straight from payday loans, and none of us in the room are big supporters of payday loan shops, and we were hoping to upgrade that property. As they met all the requirements and had all the zoning in place, we had no choice but to grant them a license for a liquor store, which made him think that he is not sure that is totally correct.

**Comments from the Audience in Opposition of the Ordinance change**

Jesse Valenciano, 6503 North Olive, said he lives directly behind the center. Mr. Valenciano stated this makes him wonder why we need another auto parts store. We have three on North Oak. Advance Auto Parts is on Vivion Road, and they all deliver wholesale. Why were they turned wholesale – why would they object to it? Mr. Valenciano said he believes the City needs to stay with boutique type operations. We need to clean up the City. There are a lot of problems on North Oak and Antioch Road. There are plenty of repair facilities and you can get bodywork, upholstery, auto parts and anything you want, is already here. Most people are not going to be able to work on their cars.

Mayor Smith said this is the first time in many, many years he and Mr. Valenciano have agreed.

Mr. Valenciano said we cannot change our own batteries in the cars today. We can't change our own light bulbs, because you have to replace the entire assembly on a lot of cars. Mr. Valenciano said he feels the City will be stepping back, thinking this is good for the future.

**Mayor Smith closed the Public Hearing.**

**Item 12. on the Agenda.**      **FIRST READING BILL 08-04**, 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 08-04** 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 Beer said we have tasked Staff to do a bit more research, and it may be best to wait for the second reading until we have received the benefits of that research.



Mayor Smith said he saw two Council members nodding yes.

Mayor Pro Tem Revenaugh inquired into what Staff has been tasked to do?

Mayor Smith replied Staff has been asked to verify if surrounding communities allow auto parts sales in a C-1 zone, and whether or not that will make a difference in our thought process would be the question.

Mayor Smith said he would like to move forward, and has a litany of reasons why he will be voting against this Bill, but will defer to the wishes of the Council.

Mayor Pro Tem Revenaugh asked if the information Staff has been asked to research germane to the decision before us? Is it information we have to have before we make a decision?

Mayor Smith replied the reason to have that information is to know what is going on around us. His guess would be that Mr. Hall's purpose for mentioning that would be that if we continue to be somewhat selective in what zoning districts we allow those in, someone interested in this area could build their operation in a surrounding community. Mayor Smith asked Mr. Hall if that were correct.

Mr. Hall replied partially, and the other part is that most all of the other cities have upgraded their zoning issue. When it comes to this, ours was in the 1950's. These stores do up to \$2 million per year, so they are looking at paying good money, so a lot of people want them in their cities, and make it as easy as possible.

Councilmember Carol Suter said the information requested is not germane in her opinion, so for her there is no need to wait.

Councilman Wayne Beer moved to accept the First Reading of Bill 08-04, 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 08-04 and enact the Bill as **Ordinance 4.063**. Councilman Carol Rudi seconded.

Councilman Rudi stated this is a really hard decision for her. Councilman Rudi said she can see the upgrade in the zoning to move what used to be more service oriented operations into a retail category. On the other hand, she looks at the North Oak Corridor Study, which has recommended that we group automotive types of activities to the south portion of North Oak. In looking at the Village Center Plan, we don't really have a specific plan, but she does not feel that what we were thinking of in that area would be something like auto parts. If we move auto parts stores into this

category, they can be anywhere in any of those areas. Councilman Rudi said we are working on our Comprehensive Plan, and she feels that maybe this needs to be done in conjunction with that. The change in the way we view our City zoning could make a big difference on this particular issue. Councilman Rudi said because of the inconsistency with what she already sees in the North Oak Corridor Study, she will not be voting in favor of this.

Mayor Smith said to Mr. Hall that he appreciated the diligence he has shown in bringing this forward, and he agrees with Mr. Hall about public involvement, but he agrees with him more from the standpoint that if we have such a business who wishes to locate in a particular area in our City, then let's let them come forward and let's have them apply for a zoning change, apply for their site plan provision, or whatever it might be. Let's have public input on that application specifically. Jesse Valenciano, a resident who lives directly behind the center, who was against the rezoning of the property in the first place, thinks we need to be a bit more forward than this type of use. Mayor Smith said let's use this as an example. If there is an auto parts business that wishes to locate on that pad site, then let's have them come in and apply for a rezoning, and go through the entire process of notifying the neighborhood and have that discussion with the neighborhood, rather than just blanket across the City, downgrading the classification. Then we have done it for the whole City.

Mayor Smith said he had placed at each Council member's place a zoning map of the City. Some of the areas are planned zonings that require a site plan approval; some are properties that are probably not conducive to this type of use, but as can be seen, there is plenty of opportunity in the City of Gladstone for auto parts retailers to locate in a C-2 or C-3 district. Mayor Smith said to make his point about each individual parcel, if you look at Gladstone Plaza on North Oak Street, it is zoned C-1, but what you will see is three individual pad sites that came in and asked for rezoning for a higher classification. One of which is an auto parts store, and they were granted that rezoning. We took the lower use of the C-1, and we did allow three different uses on that tract of land for a higher zoning, but yet we didn't do the whole property.

Mayor Smith said he believes it is OK for this City to be a little bit more particular in what we want. Mayor Smith said he does not have anything against auto parts stores; he has been in one in the last three weeks, but we are facing a lot of development opportunities. We granted a lot of uses and classifications that are causing us problems. We talk about pawnshops and payday loans, and used car lots. Let's be particular, and let's not just say across the whole City any particular use is now allowed in a C-1 zone. Mayor Smith said we cannot help but tie this as an example to the property at 64<sup>th</sup> and Antioch Road - the Tower Plaza property. That is a vacant C-1 property with a pad site. Mayor Smith said in David Gale's presentations when he was talking about the redevelopment of Gladstone Plaza and redevelopment issues on the North Oak corridor, there was even some discussion of razing the auto parts store that is there, because it is too valuable of a pad site for that type of use. There needs to be a more diverse type of use. There needs to be some retail that creates some

synergy, not only in the project, but along our commercial corridors, and that is not the type of use typically, in his opinion, that generated those.

Mayor Smith said he has probably half a dozen other reasons why it doesn't make sense for us to make this text change for the good of the City overall, but believes this is probably enough. Mayor Smith said he would not be supporting this.

Councilmember Suter stated there is lots to be said on both sides of this particular issue. As an alum of the Planning Commission, she comes down on the side that we have a Planning Commission for a purpose. It's a larger group than this. It gives full and thorough discussion and analysis to the issues that come before it, and they consider a recommendation coming from Staff, who also research, review, and think through everything that they bring to us. Councilmember Suter said this recommendation came from Staff, was processed by the Planning Commission, and came to us with approval from both of those entities. Councilmember Suter said given that most of the municipalities around us haven't made a significant distinction about this, and as she looks around the community, she sees some kinds of stores that are nicely done, and some kinds of stores that are poorly done; whether they are auto parts, hair salons, or payday loans. There are certain parts of our community that need to be improved – the North Oak corridor in particular definitely needs to be improved. Councilmember Suter continued by saying she does not feel a particular kind of retail store here and there makes a significant difference. She believes it will take a lot more broad stroke improvements in order to improve North Oak the way we want to see it.

Councilmember Suter said for the most part when you look at some of the developments, in particular the ones Mayor Smith mentioned, and some of the newer ones, landowners and developers who have invested in them are smart people and realize they have to have the right retail mix in order for all of their tenants to be successful. It is rare for the new investor to do something that would sabotage its current tenant or future tenants. Councilmember Suter said she is excited about the quality of what is being built in Gladstone these days, and she believes it is leading us in the right direction. Councilmember Suter said for those reasons she supports this Ordinance.

Mayor Smith said he does not disagree with Councilmember Suter, but if you look at the demographic for an auto parts store, his guess is that it is probably between 18 and 48 year old males. If you are looking at creating a synergy, and let's look at this particular development, does that get it? This is a pad site, which is potentially one of the two most visible locations in our last greatest development in Gladstone. Is that the type of use that will help drive that synergy? It is not a car full of mom and dad and the kids. It is not a husband and wife looking to shop. There is no impulse buy to it, and there is nothing to pull traffic off of the street into the retail development. Mayor Smith said he would hate to think we gave up that corner for that type of use. We have people screaming for more diverse and better retail opportunities in the City. Mayor Smith said we may have to wait a little while to get it, but to give this away

carte blanche across the whole City, to him sounds like sales tax dollars at all costs. Our community has been telling us through the master planning process that they don't want the same old Gladstone, and he really believes it is OK to hold our ground and expect better than what we had before. It is the only way we are going to turn this community around economically in his opinion. There is the opportunity for every developer as it is now to cut out that half acre, that one acre, that pad site, that building or whatever and come into the City and ask for the appropriate zoning for any type of use.

Councilmember Suter said this Ordinance doesn't give permission for this type of store at the 64<sup>th</sup> and Prospect location. That has to come before us again specifically for a site plan revision, so there will be an opportunity to make a decision about that particular installation.

Mayor Smith said if it fails, we have opened the door for C-1 properties all across the City where appropriate.

Councilmember Suter said she cannot imagine we will be overrun by car parts stores, unless there is something happening in America that is contrary to current retail trends. Councilmember Suter said while she would like to see us have even more upscale kinds of nice synergistic retail, you look around the universe and all we are getting on every corner and every development anywhere in the City is another Penney's, Lowe's, or a Home Depot. It's the same stores, the same stores, the same stores going up in new locations. Retail America is becoming very standardized and homogenized and there isn't that kind of retail available. Given the recession that we clearly are in or going into, retail sales at this time are struggling all the way around, and what we are seeing are more businesses closing and more chains closing their stores than we are opening. Councilmember Suter said for a lot of those reasons, and again she would like to look at individual sites, but it seems to her that in the changing of America that this isn't a particularly significant change in our zoning law of which to be particularly afraid.

Mayor Smith suggested that if they have to come back for a site plan revision, why not come back for a zoning change simultaneously?

Councilmember Suter said she agrees with the Planning Commission and the Staff's opinion that this isn't a matter that needs to be looked at in every single instance.

Mayor Smith said with all due respect to the Planning Commission, and we have all served on the Planning Commission, he served on it probably longer than most, they did not have the benefit of this discussion. They did not totally have the benefit of Mr. Hall's information nor did they have the benefit of this discussion, and he does not know how in depth the Staff recommendation was. Mayor Smith said he agrees, having served on the Planning Commission, he believes strongly in our volunteer

Board and Commission recommendations, but he does not know if you took this back to them, it would come back unanimous.

Councilmember Suter said they are on the record for having been unanimously in favor of this.

Mayor Pro Tem Revenaugh said he was on the Planning Commission when this property came up for development originally, and he opposed it. He was one of two or three Planning Commissioners who did oppose it. He too would like to see a higher use for all of our development efforts. Last Saturday he went to Smithville to a drug store that has been turned into a gourmet restaurant. Mayor Pro Tem Revenaugh said he would love a gourmet restaurant in Gladstone, and he wishes we were discussing a zoning change for that instead of an auto parts store. Mayor Pro Tem Revenaugh said if he understands it correctly, a Sonic drive through could go into that pad site instead of the auto parts store. He has not done an informal poll of the neighborhood there to see whether or not they would like to have all night traffic and the grease and smell from a fast food restaurant, but he does not have that much of a negative connotation about auto parts stores. He thinks people must use them or they would not exist. Mayor Pro Tem Revenaugh said he would rather see something else on this particular space. All of us would rather see nicer boutique type of uses, but the demographics are working against us, which is why PB&J restaurants supposedly won't come into town, because there is no lunch business. Mayor Pro Tem Revenaugh said he is not saying we have to be satisfied with what we get, but he fails to see the argument for keeping out a well-run, well designed auto parts store. Even if they do have delivery people who deliver wholesale parts, he is not sure he understands the distinction that causes that to be an issue.

Mayor Smith said he was just making a point as it pertains to Ordinances that he read online. They may not actually allow those uses in their cities. The store on North Oak Street, by Mr. McCullough's office, had four pick-up trucks sitting in the parking lot today. That was his point, not so certain that they do allow them. Mayor Smith said he agrees with what Mayor Pro Tem Revenaugh is saying, but at some point in time we have got to hold out for what we want, and what we need in this community. This is the shining example of new development in Gladstone. It is the biggest and best we have. We protected the neighborhood against a Sonic; the Sonic was a potential player at the time. We protected the neighborhood against that by the way we made them orient the building and the way we did the site plan, the lighting, and some other things, so the neighborhood actually knows, and probably is expecting that to be a possibility. We have a gentleman who was the fiercest opponent of the project, who lives right behind it, who thinks we gave that up for something, we ought to do better than that type of use. We need to create some synergy, wait for it, hold out for it and quite frankly, demand it or we are never going to turn this community around.

Mayor Pro Tem Revenaugh asked if we have the right to tell a developer what kind of business he can put in his property.

Mayor Smith replied they came to us and asked for a specific zoning, which was C-1, and they knew what went and would qualify for that zoning when they applied. They made an argument for the validity of it, the need for it, and also for the fact that it was satisfactory – absolutely yes.

Councilman Rudi said she really cannot look at this change regarding this one particular property. She is looking at it for the entire City, and to her this is something we need to be doing at this time. She is not saying in the future we shouldn't make that change, but at this time, she thinks with all the City has in the works and potentially in the works, we need to wait, and she cannot make this change for the entire City.

Mayor Smith said the very next meeting of the Comprehensive Plan Committee is going to deal largely with land use and zoning districts and so forth. We are getting ready to go through that process. Talk about volunteer and citizen input, we have a hundred people participating in that process, and these types of uses may be exactly what they want to overlay for Oak Street and Antioch Road, but we are almost looking at superceding the work they haven't done yet.

Roll Call Vote: "Aye" – Councilmember Carol Suter, Councilman Wayne Beer, Mayor Pro Tem Mark Revenaugh. "Nay" – Councilman Carol Rudi and Mayor Les Smith, (3-2). Mayor Smith said this Bill has been enacted as Ordinance 4.063.

**Item 13. on the Agenda.**      **FIRST READING BILL 08-06**, approving the Litigation Settlement Agreement with AT&T Mobility for payment of Business License Taxes for cellular telephone service.

Mayor Pro Tem Mark Revenaugh moved to place Bill 08-06 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 08-06, 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 08-06 and enact the Bill as **Ordinance 4.064**. 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 14. on the Agenda.**      **FIRST READING BILL 08-07**, amending Ordinance Number 4.030 by repealing the provisions of the "Building and Construction Ordinance" of the City of Gladstone, Missouri, regulating "Fences and Walls," and enacting new provisions in their place.

Councilman Carol Rudi moved to place Bill 08-07 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.

Councilman Carol Rudi moved to accept the First Reading of Bill 08-07, 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.

Councilman Carol Rudi moved to accept the Second and Final Reading of Bill 08-07 and enact the Bill as **Ordinance 4.065**. 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 15. on the Agenda.**      **OTHER BUSINESS.**

Mayor Smith made mention that Mrs. Boor's plaque from last year had Mayor Cross's name on it, and Mr. Boor's plaque this year had Mayor Smith's name on it. Mayor Smith proposed to the City Council, that just like we did with the proclamations, that plaques and so forth that are given to residents include the names of all the members of the City Council, rather than just the Mayor's name. City Council members indicated they agreed.

Councilman Rudi suggested smaller type on the plaques.

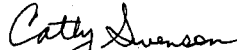
**Item 16. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**


There were no questions from the News Media.

**Item 17. on the Agenda.**      **ADJOURNMENT.**

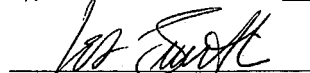
There being no further business to come before the February 11, 2008, Gladstone Regular City Council Meeting, Mayor Les Smith adjourned the regular meeting.

Respectfully submitted:

  
\_\_\_\_\_  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
\_\_\_\_\_  
Mayor Les Smith





**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, FEBRUARY 25, 2008**

**OPEN STUDY SESSION: 7:00 PM**

**REGULAR MEETING: 7:30 PM**

**AGENDA**

- 1. Meeting Called to Order.**
- 2. Roll Call.**
- 3. Pledge of Allegiance.**
- 4. Approval of Regular February 11, 2008, City Council Meeting Minutes.**
- 5. SPECIAL PRESENTATION to Dr. Robert Marx, DDS.**
- 6. CONSENT AGENDA**

**RESOLUTION R-08-13**, authorizing Change Order Number 2 in the amount of \$71,531.25 to the contract with Insituform Technologies USA, Incorporated for the Mill Creek Cured in Place Pipe (CIPP) Phase 2 Project.

**BUILDING PERMIT:** for an addition to an existing mausoleum at White Chapel Memorial Gardens, 6600 North Antioch Road. Owner/Applicant: Stewart Enterprises, Inc.

**APPROVAL OF THE JANUARY FINANCIAL REPORT.**

**REGULAR AGENDA**

7. Communications from the Audience.
8. Communications from the City Council.
9. Communications from the City Manager.
10. **RESOLUTION R-08-14**, amending the 2008 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. **FIRST READING BILL 08-08**, approving the Litigation Settlement Agreement with Sprint for payment of business license taxes for Cellular Telephone Service.
12. **Other Business.**
13. **Questions from the News Media.**
14. **Adjournment.**



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, FEBRUARY 25, 2008**

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Les Smith  
Mayor Pro Tem Mark Revenaugh  
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

Mayor Les Smith opened the Regular February 25, 2008, 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.

**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 FEBRUARY 11, 2008, CITY COUNCIL MEETING MINUTES.**

Councilman Wayne Beer moved to approve the Regular February 11, 2008, City Council Meeting Minutes 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)

**Item 5. on the Agenda.**  
DDS.

**SPECIAL PRESENTATION TO Dr. Robert Marx.**

Mayor Smith stated he was invited to the 20<sup>th</sup> anniversary of the "Have a Heart Day" at Dr. Marx's office in Gladstone. Mayor Smith said he had never been there and was quite impressed. "Have a Heart Day" is when Dr. Marx offers dental cleaning and exams to children who might not otherwise receive dental care. They have seen nearly 2,000 children since he began this program. Mayor Smith said in visiting with the office staff that day, he learned that Dr. Marx does what most dentists do; he gives out thousands of toothbrushes and toothpaste and so forth. Dr. Marx sponsors Little League Baseball and has coached since 1992. Mayor Smith said Dr. Marx also does other things, such as he has helped in collecting over \$10,000 for the Salvation Army Bell Ringing Program. Dr. Marx has been a sponsor in the "Send a Kid to Camp" program, and has sponsored a Northland food drive and collected thousands of pounds of food for Harvesters. Dr. Marx has sponsored children in the City wide "Set a Good Example" contest, with three other teams achieving national recognition. Dr. Marx also conducts toy drives for "Operation Break Through".

Mayor Smith said upon learning all of this, and because of Dr. Marx's commitment to youth, about which our community feels strongly, it dawned on him that Dr. Marx is an unsung hero of our community. Mayor Smith said Dr. Marx was invited this evening so he and City Council members could present to him, his wife Terry, and his entire staff a Proclamation. Mayor Smith invited Dr. Marx to join him in the front of the Council Chambers, and said that due to Dr. Marx's impressive resume, he would not be presenting a Proclamation, but would instead be presenting a Key to the City. Mayor Smith read and presented the Key to the City to Dr. Marx. Mayor Smith invited all City Council members to join him in front of the Council dais.

Dr. Marx said he was moved.

Mayor Smith said this was his second term as Mayor, and this is only the second Key to the City he has presented.

Dr. Marx said he grew up in Gladstone and he loves this City. Dr. Marx said he came up with the idea of "Have a Heart Day" 20 years ago, with the help of his Staff. Dr. Marx said he was amazed how much parents love their children, and this is pretty much universal, and they wanted to do something for them, and some of the children were not receiving care. It was not because their parents didn't want to provide dental care; they just could not do it. Dr. Marx said the need is great. Dr. Marx said he is very proud of dentistry; it is a wonderful profession, but medical and dental care is expensive. Dr. Marx said he does not do this for any honor, and he was not planning on this, so he is overwhelmed by this honor. Dr. Marx thanked the Mayor and City Council members. Dr. Marx said he had several key members of his staff present this

evening, and introduced them as follows: his wife, Terry Marx, Director of the Dental Office; Wanda Foren, Lead Dental Assistant; and Kelly Green, Dental Hygienist. Dr. Marx said when you see 130 children in a day, it is moving, and he is just the tip of the iceberg. His staff is doing an incredible amount of work. They do it because they care.

Mayor Smith said there were children everywhere at the event, and he was fortunate to read the proclamation from the Governor, which was very nice.

Dr. Marx said Claire McCaskill also sent a commendation, which he appreciated.

Mayor Smith said Dr. Marx is no longer an unsung hero, and now Dr. Marx knows why he needed all the information. Mayor Smith thanked Dr. Marx for all he does for the community, which was followed by applause from the audience.

**Item 6. 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" – 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-08-13**, authorizing Change Order Number 2 in the amount of \$71,531.25 to the contract with Insituform Technologies USA, Incorporated for the Mill Creek Cured in Place Pipe (CIPP) Phase 2 Project. 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)

Councilman Carol Rudi moved to approve a **BUILDING PERMIT**: for an addition to an existing mausoleum at White Chapel Memorial Gardens, 6600 North Antioch Road. Owner/Applicant: Stewart Enterprises, Inc. 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)

Councilman Carol Rudi moved to approve the **JANUARY FINANCIAL REPORT**. 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)

## **REGULAR AGENDA**

### **Item 7. on the Agenda.**

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

Brian Bechtel, Athletic Director at Maplewoods Community College, said he was present on behalf of Maple Woods Community College President Merna Saliman, who was unable to attend today, to formerly thank the City for the soccer fields that were built at Happy Rock Park this past year. Mr. Bechtel reported they were able to play both men's and women's soccer for the first time on those fields, and while they didn't win any championships, it was a great field and a great opportunity. Mr. Bechtel said he knows it was a significant investment on the City's part to install the scoreboard, fencing and everything else, and they do recognize that and appreciate it.

Mr. Bechtel said on behalf of the college, he would like to present to Mayor Smith and City Manager Kirk Davis a signed ball from the soccer team.

Mayor Smith and City Manager Davis thanked Mr. Bechtel.

Mayor Smith said this is an example of another partnership that the City has in the community. Mayor Smith offered congratulations to City Manager Davis, and asked him and Parks and Recreation Director Sheila Lillis to take back to their staff members his congratulations for this fine facility.

City Manager Davis reminded Mayor Smith that at the last City Council meeting, the City Council approved an agreement to assist with the college's paramedic program, and hopefully, this will open up the opportunity for their students to work for our City. This is another in a long line of partnerships that benefit our community.

### **Item 8. on the Agenda.**

### **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilmember Carol Suter** offered congratulations to Staff, City Council members, and volunteers who made the Community Center-Natorium dedication on Saturday such a fun and fabulous quality event that it was. The activities were as good as the facility and that is saying a lot.

**Councilman Wayne Beer** agreed with Councilmember Suter.

**Councilman Carol Rudi** offered congratulations to all involved with the Community Center-Natorium dedication, and said she heard so many comments about how wonderful the building was, and she talked to a few people who were unable to attend, and they really regretted missing the event, as it was a lot of fun.

**Mayor Pro Tem Mark Revenaugh** had no comments at this time.

**Mayor Les Smith** stated he wished to echo the comments from the other City Council members about the Community Center-Natatorium dedication. The dedication was very well received by the community, and excitement continues to grow.

**Item 9. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis offered his thanks to Parks and Recreation Director Lillis and her staff, who did all the work in putting the dedication together. It was a lot of fun, and there was a great crowd. The food in the conference rooms was also a hit with everyone. City Manager Davis reminded everyone that on March 10, 2008, most of the City Council will be at the National League of Cities conference, in Washington, D.C., so there will not be a City Council meeting that night. The next City Council meeting will be March 24, 2008.

**Item 10. on the Agenda.**

**RESOLUTION R-08-14**, amending the 2008 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 Carol Rudi moved to adopt **RESOLUTION R-08-14**, amending the 2008 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.

Mayor Smith suggested for next year's budget that if the "Robo Cop" unit is nonfunctional, that Staff pursue bids on a new one or a reconditioned unit, or whatever it takes to get it up and running, as it has been seen to be very effective.

City Manager Davis said the mechanics of the old one are pretty antiquated, so we will be looking at a new unit.

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 11. on the Agenda.**

**FIRST READING BILL 08-08**, approving the Litigation Settlement Agreement with Sprint for payment of business license taxes for Cellular Telephone Service.

Mayor Pro Tem Mark Revenaugh moved to place **Bill 08-08** 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.

Mayor Pro Tem Mark Revenaugh moved to accept the First Reading of Bill 08-08, 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.

Mayor Pro Tem Mark Revenaugh moved to accept the Second and Final Reading of Bill 08-08 and enact the Bill as **Ordinance 4.066**. 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 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 25, 2008, 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, MARCH 24, 2008**

The City Council will meet in Closed Executive Session on Monday, March 24, 2008, 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: 7:00 PM**

**REGULAR MEETING: 7:30 PM**

**AGENDA**

- 1. Meeting Called to Order.**
- 2. Roll Call.**
- 3. Pledge of Allegiance.**
- 4. Approval of Regular February 25, 2008, City Council Meeting Minutes.**

5. **PROCLAMATION:** recognizing **EPSILON SIGMA ALPHA INTERNATIONAL, INCORPORATED (ESA)**, a leadership and service organization that brings volunteers together to pursue programs and projects that make a positive difference locally, nationally and internationally.
6. **PROCLAMATION:** designating May 2008, as **"MOTORCYCLE AWARENESS MONTH"** in Gladstone, Missouri, and supporting the "Motorcycle Awareness and You" campaign, which encourages motor vehicle operators to be cautious of motorcyclists on the streets and highways.
7. **PROCLAMATION:** designating April 7-13, 2008, as **"PUBLIC HEALTH WEEK"** in Gladstone, Missouri, and commending the Health Department's service to our community.
8. **PROCLAMATION:** designating April 4, 2008, as **"ARBOR DAY"** in Gladstone, Missouri, and urging residents to support efforts that focus on environmental betterment and the planting of trees.
9. **CONSENT AGENDA**

**RESOLUTION R-08-15**, authorizing execution of a contract with Shawn's Lawn and Landscape, Inc. for the Contractual Mowing of certain City of Gladstone parks, facilities, and drainage areas for the 2008 mowing season.

**RESOLUTION R-08-16**, authorizing execution of a contract with Brandy Electric, Incorporated, in the total amount not to exceed \$48,200.00 for the 72<sup>nd</sup> Street Tennis Court Lights; Project CP0860.

**RESOLUTION R-08-17**, authorizing execution of a contract with Calverts Paving, Incorporated, in the total amount not to exceed \$106,687.00 for the Oak Grove Park Trail Reconstruction; Project CP0660.

**RESOLUTION R-08-18**, authorizing the City Manager to execute an amendment to the Antenna Site Lease with Verizon Wireless for the Linden Water Tower site.

**RESOLUTION R-08-19**, authorizing execution of a Water Tower Antenna Site Lease with T-Mobile Central LLC, a Delaware Limited Liability Company, for the Flora Park Tower location.

**BUILDING PERMIT:** for construction of a new building and tenant finish for property located at 1900 NE 72<sup>nd</sup> Street. Applicant: Rockford Construction. Owner: Family Video Movie Club.

**BUILDING PERMIT:** for a kitchen remodel and walk-in freezer addition to Oakwood Manor Elementary School, located at 5900 North Flora Avenue. Applicant: Kevin Cowan Architects. Owner: North Kansas City School District.

**APPROVAL OF A CHANGE IN LIQUOR LICENSE** from a Seven Day Package Liquor and Wine Tasting License to a Seven Day Liquor by the Drink License, for Hy-Vee, Incorporated, dba Hy-Vee Food & Drugstore, 7117 North Prospect; Mark T. Dahms, Managing Officer.

**APPROVAL OF A NEW SIX DAY PACKAGE LIQUOR LICENSE** for Millennium 2, Incorporated, dba The End Zone, 7632 North Oak Trafficway; Richard W. Steckelberg, Managing Officer.

**APPROVAL OF THE FEBRUARY FINANCIAL REPORT.**

**REGULAR AGENDA**

10. Communications from the Audience.
11. Communications from the City Council.
12. Communications from the City Manager.

13. **FIRST READING BILL 08-09**, repealing Ordinance NO. 3.748, and enacting in lieu thereof two new sections relating to the Mandatory Use Of Seat Belts and Child Passenger Restraint Systems, to be designated as Sections 307.178 AND 307.179, of the Code of Ordinances for the City of Gladstone, Missouri.
14. **FIRST READING BILL 08-10**, amending Schedule VIII of the Model Traffic Code (Gladstone Municipal Code Section 4.100.020) to establish "Stop" Sign locations at the NE 69<sup>th</sup> Street and N. Holmes Street entrances to the City of Gladstone Community Center.
15. **Other Business.**
16. **Questions from the News Media.**
17. **Adjournment.**



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MARCH 24, 2008**

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION  
6:15 PM**

Mayor Pro Tem Mark Revenaugh opened the City Council Meeting to adjourn to a Closed Executive Session on March 24, 2008, 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" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, and Mayor Pro Tem Mark Revenaugh. (4-0).

Mayor Les Smith 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 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

Mayor Les Smith opened the Regular March 24, 2008, 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.

**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 FEBRUARY 25, 2008, CITY COUNCIL MEETING MINUTES.**

Councilman Carol Rudi moved to approve the Regular February 25, 2008, City Council Meeting Minutes 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)

**Item 5. on the Agenda.**      **PROCLAMATION:** recognizing **EPSILON SIGMA ALPHA INTERNATIONAL, INCORPORATED (ESA)**, a leadership and service organization that brings volunteers together to pursue programs and projects that make a positive difference locally, nationally and internationally.

Mayor Smith invited members of Epsilon Sigma Alpha International, Incorporated to join him at the dais. Mayor Smith read and presented the Proclamation to the group.

Alberta Baker thanked Mayor Smith and Council members, and said she was wearing a shirt that promotes the 4<sup>th</sup> Annual St. Jude's Home event. Ms. Baker introduced her fellow members of the Epsilon Sigma Alpha's Gladstone Chapter, Iota Omega, as follows: Roberta Garrett; Pamela Baker; Cindy Bogue; June Leslie; and Dennis Mautino.

Mayor Smith said his business, the Gladstone Bowl, helps every year with the St. Jude's Bowl for Life program, and raised \$5,600 this past year. This program is done in conjunction with KFKF radio station once a year. Mayor Smith said all the customers are involved, and the event takes place over one day and they have a lot of fun. Mayor Smith thanked the group for all of their good work.

**Item 6. on the Agenda.**      **PROCLAMATION:** designating May 2008, as **"MOTORCYCLE AWARENESS MONTH"** in Gladstone, Missouri, and

supporting the "Motorcycle Awareness and You" campaign, which encourages motor vehicle operators to be cautious of motorcyclists on the streets and highways.

Mayor Smith invited representatives of the "Motorcycle Awareness and You" campaign to join him at the dais. Mayor Smith read and presented the proclamation to the group.

Russell Felts stated that Freedom of the Road Riders have been around since 1981. They promote safety, and they have classes to train new riders and experienced riders.

Mayor Smith invited the group to introduce themselves as follows: Russell Felts, Nequelle Wolfeher; Brent DeFord; Don Jackson; LeRoy Coe; Rhonda Felts; Keith Rice and Carl Laber.

Mayor Smith asked from how many communities did the group expect to receive Proclamations.

Mr. Felts said the Proclamations are collected all over the State. Many are collected in the northern part of the State - Lawson, Platte City, North Kansas City and Gladstone. The group's different Locals and Districts will collect them from all over the State of Missouri, and the Proclamations will be delivered to the Governor on April 29<sup>th</sup> right on the steps of the Capitol building.

Councilman Wayne Beer stated he used to be an ardent motorcycle rider himself and he would be today, if the other resident in his home (his wife) had the same ardency as he. Councilman Beer said he believes motorcycles are a great means of travel and recreation, and he has a great deal of admiration for folks who are still able to ride.

**Item 7. on the Agenda.**      **PROCLAMATION:** designating April 7-13, 2008, as "PUBLIC HEALTH WEEK" in Gladstone, Missouri, and commending the Health Department's service to our community.

Mayor Smith invited Freddie Nichols, Clay County Health Department Board of Trustees member, to join him at the dais. Ms. Nichols accepted the proclamation and offered her thanks to Mayor Smith and City Council members. Ms. Nichols said she is very proud of the new Health Center, which is busy all the time, and they are still working on the original "dime".

Mayor Smith agreed that the new facility is something of which to be proud.

**Item 8. on the Agenda.**      **PROCLAMATION:** designating April 4, 2008, as "ARBOR DAY" in Gladstone, Missouri, and urging residents to support efforts that focus on environmental betterment and the planting of trees.

Mayor Smith invited Parks and Recreation Director Sheila Lillis, and Parks and Recreation Advisory Board members, Freddie Nichols and Don Harper, to join him at the dais. Mayor Smith read and presented the Proclamation to Director Lillis, Ms. Nichols and Mr. Harper, who thanked Mayor Smith and the City Council members.

Director Lillis reported that the Arbor Day celebration would be held at Oakwood Manor School, beginning at 10:00 AM, on Friday, April 4<sup>th</sup>.

Mayor Smith said at this annual celebration, the Oakwood Manor students join in planting a tree, and it really is a neat event. Mayor Smith invited all to attend.

Mr. Harper said, in his mind, it is a very fun event, and the children get very excited about planting a tree and watching it grow.

Ms Nichols agreed and said the children do a great job.

**Item 9. on the Agenda.**      **CONSENT AGENDA.**

Following the Clerk's reading, Councilmember Carol Suter moved to accept the Consent Agenda 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)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-15**, authorizing execution of a contract with Shawn's Lawn and Landscape, Inc. for the Contractual Mowing of certain City of Gladstone parks, facilities, and drainage areas for the 2008 mowing season. 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)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-16**, authorizing execution of a contract with Brandy Electric, Incorporated, in the total amount not to exceed \$48,200.00 for the 72<sup>nd</sup> Street Tennis Court Lights; Project CP0860. 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)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-17**, authorizing execution of a contract with Calverts Paving, Incorporated, in the total amount not to exceed \$106,687.00 for the Oak Grove Park Trail Reconstruction; Project CP0660. 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)



Councilmember Carol Suter moved to adopt **RESOLUTION R-08-18**, authorizing the City Manager to execute an amendment to the Antenna Site Lease with Verizon Wireless for the Linden Water Tower site. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carl Rudi, Mayor Pro Tem Mark Revenaugh, and Mayor Les Smith. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-19**, authorizing execution of a Water Tower Antenna Site Lease with T-Mobile Central LLC, a Delaware Limited Liability Company, for the Flora Park Tower location. 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)

Councilmember Carol Suter moved to approve a **BUILDING PERMIT**: for construction of a new building and tenant finish for property located at 1900 NE 72<sup>nd</sup> Street. Applicant: Rockford Construction. Owner: Family Video Movie Club. 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)

Councilmember Carol Suter moved to approve a **BUILDING PERMIT**: for a kitchen remodel and walk-in freezer addition to Oakwood Manor Elementary School, located at 5900 North Flora Avenue. Applicant: Kevin Cowan Architects. Owner: North Kansas City School District. 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)

Councilmember Carol Suter moved to approve a **CHANGE IN LIQUOR LICENSE** from a Seven Day Package Liquor and Wine Tasting License to a Seven Day Liquor by the Drink License, for Hy-Vee, Incorporated, dba Hy-Vee Food & Drugstore, 7117 North Prospect; Mark T. Dahms, Managing Officer. 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)

Councilmember Carol Suter moved to approve a **NEW SIX DAY PACKAGE LIQUOR LICENSE** for Millennium 2, Incorporated, dba The End Zone, 7632 North Oak Trafficway; Richard W. Steckelberg, Managing Officer. 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)

Councilmember Carol Suter moved to approve the **FEBRUARY FINANCIAL REPORT**. 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)

## **REGULAR AGENDA**

### **Item 10. on the Agenda.      COMMUNICATIONS FROM THE AUDIENCE.**

There was no communications from the audience.

### **Item 11. on the Agenda.      COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilmember Carol Suter** expressed congratulations and appreciation to the neighborhood associations of Bolling Heights, Evanston Place, and Stormy Acres for producing a wonderful candidates forum last week. It was a wonderful commitment of these neighborhood associations in serving a wider community. Councilmember Suter said this is exciting because these are our newest neighborhood associations and they are working together in concert, and working not only for their own neighborhoods, but also for the betterment of the entire community. Councilmember Suter stated for those of us who participated, it was fun. The event was very professionally done.

Councilmember Suter said as this is the last City Council meeting before the election, this could be her last City Council meeting. Councilmember Suter said she hopes it is not her last session, but if it is, she wanted to thank all of the City staff for all their support, knowledge, insight and guidance they provide to Council members. Councilmember Suter said she wished to thank the members of the community who participate; she is always excited at how many folks regularly attend City Council meetings just to learn and observe, and be sure that they are informed citizens. Councilmember Suter thanked each member of the City Council for so generously accepting her participation, and for being such an interesting and supportive group with which to work. Councilmember Suter said she was talking to a Mayor from one of the Kansas suburbs last week, and he told her about how rancorous their meetings were, and at a recent meeting a City Councilmember jumped out of her chair, grabbed his gavel and held it up to his face. Councilmember Suter said she would take the civility of this group any time; it has been a pleasure to serve, and she hopes she gets to continue.

**Councilman Wayne Beer** said he hoped his regrets were properly conveyed to the organizers of the forum last week. Councilman Beer said he sent his apologies for not being able to attend. He had an unexpected visit from out of town relatives. Councilman Beer said he understands it was a well-done affair, and offered congratulations to the neighborhood associations. Councilman Beer congratulated John Garner, who he pointed out was the lone representative of the neighborhood associations present at this meeting.

**Councilman Carol Rudi** thanked the Neighborhood associations for the opportunity to speak at the candidates forum. Councilman Rudi said the associations had some concerns about the attendance, but in the past the number of people in attendance might be 10 or 12, so to see more than 50 people in attendance, was excellent. Councilman Rudi said they did a good job publicizing the event, and she thinks they should do it every year.

**Mayor Pro Tem Mark Revenaugh** had no comments at this time.

**Mayor Les Smith** reported that he, Councilman Beer, and Mayor Pro Tem Revenaugh were fortunate to attend the National Congress of Cities. Mayor Smith said they went to Capitol Hill begging for money, along with about 2,000 other communities. Mayor Smith said they were fortunate to meet with a Congressman and some Senators. It was very worthwhile, if nothing else to make those contacts. There were also the opportunities to make contacts with other communities in the Northland, and they cross-supported each others' issues, which was very good.

Mayor Smith recognized a member of the audience who asked to speak.

**Richard Steckelberg** stated that the City Council approved his liquor license this evening (the End Zone), and he wished to say that 40 years ago he came to Gladstone. He graduated from Veterinary school and set up a little clinic at 67<sup>th</sup> and North Oak Trafficway, and that was something that had never been done in that sort of area. Everett Smith (Mayor Smith's father) went to bat for him, and he got the clinic established and it went from there. Mr. Steckelberg said he started the Gladstone Animal Clinic, and he was there for 20 years, and then he sold it, so he owes a debt of gratitude to Gladstone, who got him going. Mr. Steckelberg said he does not really want a bar, but he has two friends who need help, which is why he applied for the liquor license, and he feels they will do well, and he will make sure they are an asset to Gladstone.

Mayor Smith thanked Mr. Steckelberg, offered good luck to him, and asked if he could shake his hand.

**Item 12. on the Agenda.      COMMUNICATIONS      FROM      THE      CITY  
MANAGER.**

City Manager Kirk Davis encouraged everyone to vote on April 8. The City has the Hotel Motel Transient Guest Tax issue on the ballot. City Manager Davis reported that City Counselor David Ramsay and Paul Harrell, Chief Finance Officer of the North Kansas City School District, will be going to Jefferson City tomorrow to discuss the legislation the School District has relative to the school funding formula and its impact on the ownership potential of the Community Center-Natatorium. City Manager Davis reported that on Thursday at the Chamber luncheon, the subject matter

is our Arts Commission, and he encouraged everyone to attend. The Art Springs in Gladstone art show is April 18 and April 19. Beautification Weekend is April 25 and 26 at Happy Rock Park. On April 26, there will be a unique addition in that a shredder will be available. Shredding information and documentation is a need in our society today, and this is the first time this service will be offered during Beautification Week. City Manager Davis stated that passes are currently available for the outside Municipal Pool.

City Manager Davis said he wished to recognize Mike Nichols, who spent the afternoon with City staff today. Mr. Nichols is the son of Freddie Nichols, and is a graduate student of the University of Nebraska, Omaha, in Public Administration, and his focus is Municipal Administration. He spent this afternoon with various staff members, who answered his questions. City Manager Davis said Mr. Nichols is a very bright, articulate gentleman, and we wish him well in his future endeavors, and we appreciated the opportunity to spend time with Mike, who is, frankly, a very smart, young man.

Mayor Smith mentioned to City Council member that in regard to the Hotel Motel Tax initiative, there are five speaking opportunities available, beginning at 7:00 AM, tomorrow, if any Council member would like to address folks regarding the Hotel Motel Tax. City Council members are more than welcome to participate.

**Item 13. on the Agenda.**      **FIRST READING BILL 08-09**, repealing Ordinance No. 3.748, and enacting in lieu thereof two new sections relating to the Mandatory Use Of Seat Belts and Child Passenger Restraint Systems, to be designated as Sections 307.178 and 307.179, of the Code of Ordinances for the City of Gladstone, Missouri.

Councilman Carol Rudi said, as a Grandmother, she would like to move to place Bill 08-09 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.

Councilman Carol Rudi moved to accept the First Reading of Bill 08-09, 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.

Councilman Carol Rudi moved to accept the Second and Final Reading of Bill 08-09 and enact the Bill as **Ordinance 4.067**. 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 14. on the Agenda.**      **FIRST READING BILL 08-10**, amending Schedule VIII of the Model Traffic Code (Gladstone Municipal Code Section 4.100.020) to establish "Stop" Sign locations at the NE 69<sup>th</sup> Street and N. Holmes Street entrances to the City of Gladstone Community Center.

Councilman Wayne Beer moved to place Bill 08-10 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 Wayne Beer moved to accept the First Reading of Bill 08-10, 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 Wayne Beer moved to accept the Second and Final Reading of Bill 08-10 and enact the Bill as **Ordinance 4.068**. 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 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 March 24, 2008, Gladstone Regular City Council Meeting, Mayor Les Smith adjourned the regular meeting.

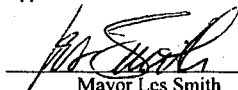
Respectfully submitted:



Cathy Swenson, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐



Mayor Les Smith



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, APRIL 14, 2008**

**REGULAR MEETING: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular March 24, 2008, City Council Meeting Minutes.
5. **SPECIAL PRESENTATION:** to Mrs. Ikey Harris.
6. **SPECIAL PRESENTATION:** to Pastor Bob Baier and the Antioch Bible Baptist Church.
7. **PROCLAMATION:** recognizing Gladstone Hy-Vee and Store Manager Steve Bindseil's support of the City of Gladstone and the Northland Community.
8. **PROCLAMATION:** designating May 2008 as "**OLDER AMERICANS MONTH**" in Gladstone, Missouri, and urging residents to honor our older adults and encourage efforts to improve the lives of our older citizens and help pave the way for future generations.

9. **FIRST READING BILL 08-11**, declaring the results of the Tuesday, April 8, 2008, Gladstone General Election as certified by the Clay County Board of Election Commissioners that City Council Candidates **CAROL RUDI** and **CAROL SUTER** have been elected to Three Year Terms on the Gladstone City Council, and **WAYNE BEER** has been elected to a One Year Term on the Gladstone City Council.
10. **FIRST READING BILL 08-12**, declaring the results of the Tuesday, April 8, 2008, Special Election, at which election the following proposition was submitted to the voters of said City as Question 1, to wit: "Shall the City of Gladstone, Missouri, impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated within the City of Gladstone at the rate of five percent for the sole purpose of promoting tourism"?
11. MAYOR'S STATE OF THE CITY ADDRESS.
12. REMARKS FROM THE CITY COUNCIL.
13. CITY COUNCIL OATH OF OFFICE: **CAROL RUDI, CAROL SUTER and WAYNE BEER.**
14. ELECTION OF MAYOR AND OATH OF OFFICE.
15. ELECTION OF MAYOR PRO-TEM.
16. REMARKS FROM THE CITY COUNCIL.

**REGULAR AGENDA.**

17. Communications from the Audience.



18. Communications from the City Council.
19. Communications from the City Manager.
20. Other Business.
21. Questions from the News Media.
22. Adjournment.

Following the Adjournment  
of the Regular City Council Meeting,  
you are cordially invited to a Reception  
in the North and South Conference Rooms  
honoring Past and Present City Council Members



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, APRIL 14, 2008**

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Les Smith  
Mayor Pro Tem Mark Revenaugh  
Councilman Wayne Beer  
Councilman Carol Rudi  
Councilmember Carol Suter  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

**ABSENT:** City Counselor David Ramsay

Mayor Les Smith opened the Regular April 14, 2008, 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.

**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 MARCH 24, 2008, CITY COUNCIL MEETING MINUTES.**

Councilman Wayne Beer moved to approve the Regular March 24, 2008, City Council Meeting Minutes 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)

**Item 5. on the Agenda.**      **SPECIAL PRESENTATION:** to Mrs. Ikey Harris.

Mayor Smith said this is a special time of the year for City Council members, as they have the opportunity to honor special folks in our community. Mayor Smith said this year there will be a presentation of two Keys to the City and a Proclamation.

Mayor Smith invited Ikey Harris to join him at the City Council dais, and stated that most people may know Mrs. Harris from the Northland Christmas Store. Mrs. Harris has also contributed largely to the City's Amphitheatre and Theatre in the Park programs. Mayor Smith reported that Mrs. Harris has been the Chairman of the Northland Christmas Store for 10 years; she has been a major benefactor to Gladstone Theatre in the Park for 18 years, and an original stage contributor; and every year she provides support where needed, and she makes things happen. Mrs. Harris paid for water service for the back stage of the Amphitheatre; and has contributed over one half of the funds for the Oak Grove Park sign on the corner of 76<sup>th</sup> Street and North Troost. Mrs. Harris has been a Scarecrow 5K Walk/Run Sponsor for 10 years; and a major sponsor of the Western Missouri Soccer League Harris Cup Tournament; a major benefactor of the Clay County Clothes Closet Building Campaign; and is a major sponsor of Relay for Life.

Mayor Smith said Ikey Harris does not like to talk about what she does, but we do! Mayor Smith read and presented a Key to the City to Ikey Harris, which was followed by a standing ovation from the audience.

Mrs. Harris thanked Mayor Smith and City Council members.

**Item 6. on the Agenda.**      **SPECIAL PRESENTATION:** to Pastor Bob Baier and the Antioch Bible Baptist Church.

Mayor Smith invited Pastor Bob Baier to step forward, then began by saying it seemed appropriate to present Pastor Baier and his congregation with a Key to the City, as the church doors are always open for the community. Mayor Smith stated that Pastor Bob, as he is affectionately called, is not only there to answer the phone when there is a need, but he calls us when there might just be a need. Pastor Bob assisted the City in the aftermath of the 2003 tornado, and after the 2002 ice storm. They opened their facility to shelter people, even offering to shelter pets, so people would feel comfortable leaving their homes. The Antioch Bible Baptist Church hosted the Community Oriented Government meetings; the Downtown Master Plan meetings; and the City's Comprehensive Plan meetings. Pastor Bob is currently a member of the Gladstone Area Chamber of Commerce Board of Directors; and in 2006 he received the Gladstone Civic Leadership award, which is a presentation the City Council makes once per year in conjunction with the Westgate Division of the Missouri Municipal

League. Mayor Smith said without Pastor Bob, he does not believe our community would be where it is today. Mayor Smith said it is a challenge to present a Key to the City to an entire congregation, but City Council members feel it is well deserved, and they appreciate Pastor Bob and the church's commitment to the community. Mayor Smith read and presented the Key to the City to Pastor Bob Baier, which was followed by a standing ovation from the audience.

Pastor Baier stated, on behalf of his congregation, they very much appreciate this honor, and he thanked the Mayor, City Council, and City Manager Kirk Davis. Pastor Baier said they have a great group of people at Antioch Bible Baptist Church, and they love God and this community, and are glad to be a part of it. What a great honor to accept this on behalf of the church, and the glory of God.

**Item 7. on the Agenda.**      **PROCLAMATION:** recognizing Gladstone Hy-Vee and Store Manager Steve Bindseil's support of the City of Gladstone and the Northland community.

Mayor Smith invited Steve Bindseil to step forward, following which he read and presented the Proclamation to Mr. Bindseil.

Mr. Bindseil stated he thanked the Mayor and City Council for this fine honor, on behalf of the employees of the Gladstone Hy-Vee. Mr. Bindseil said he and his wife, Victoria, enjoy being part of the Gladstone community and look forward to many profitable and good years with Hy-Vee and the City of Gladstone in the future.

Mayor Smith said, in addition to the contributions made by Hy-Vee, Ikey Harris and others, Antioch Bible Baptist Church donated an amount to the Mayor's Christmas Tree Fund this past year that pushed it over the top, making it the largest single year for donations in its history, and he would also like to thank them for their generous contribution.

Mayor Smith stated at this time, the City Council would move to Item 9. on the Agenda, to allow the City Clerk the opportunity to locate the recipients of the next Proclamation.

**Item 9. on the Agenda.**      **FIRST READING BILL 08-11**, declaring the results of the Tuesday, April 8, 2008, Gladstone General Election as certified by the Clay County Board of Election Commissioners that City Council Candidates **CAROL RUDI** and **CAROL SUTER** have been elected to Three Year Terms on the Gladstone City Council, and **WAYNE BEER** has been elected to a One Year Term on the Gladstone City Council.

Mayor Pro Tem Mark Revenaugh moved to place Bill 08-11 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.

Mayor Pro Tem Mark Revenaugh moved to accept the First Reading of Bill 08-11, 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.

Mayor Pro Tem Mark Revenaugh moved to accept the Second and Final Reading of Bill 08-11 and enact the Bill as **Ordinance 4.069**. 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.** **FIRST READING BILL 08-12**, declaring the results of the Tuesday, April 8, 2008, Special Election, at which election the following proposition was submitted to the voters of said City as Question 1, to wit: "Shall the City of Gladstone, Missouri, impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated within the City of Gladstone at the rate of five percent for the sole purpose of promoting tourism?"

Councilman Carol Rudi moved to place Bill 08-12 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.

Councilman Carol Rudi moved to accept the First Reading of Bill 08-12, 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.

Councilman Carol Rudi moved to accept the Second and Final Reading of Bill 08-12 and enact the Bill as **Ordinance 4.070**. 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 8, on the Agenda.** **PROCLAMATION:** designating May 2008 as "**OLDER AMERICANS MONTH**" in Gladstone, Missouri, and urging residents to

honor our older adults and encourage efforts to improve the lives of our older citizens and help pave the way for future generations.

Mayor Smith invited Donald Harper to join him, following which, he read and presented the proclamation to him.

Mr. Harper said he was accepting the Proclamation as one of the Board members of the Clay County Senior Services, which was established about five years ago with a fund levy from Clay County. This group is very active in providing many services to the community. Mr. Harper said he would not detail the services, but he did have some flyers that he would be passing out tonight. Mr. Harper said there is not a lot of publicity, but work is done in conjunction with the Shepherd Center and other organizations, so it is a joint effort. The City of Gladstone is a partner with the Clay County Senior Services through the Community Center, where approximately \$2,000 will be reimbursed for classes that Seniors are taking in the Gladstone Community Center. Seniors may be seen in the Community Center, working out and bettering their health. The idea is to keep Senior Citizens out of the nursing homes, and to encourage exercise, to maintain better health. This is a community effort.

**Item 11. on the Agenda.**      **MAYOR'S STATE OF THE CITY ADDRESS.**

Mayor Smith stated at this time, he would like to share some thoughts with everyone, as a recap of the most recent year in our City, and some of the things that each and every person has been a part of this year. Mayor Smith said it has been busy in our City this year, and everyone knows that because we have leaned on a lot of you to help us. Mayor Smith said it was good to see in the audience former Mayors, City Council members and other community leaders; it seems it wasn't very long ago, 12 months, that we all got together. Mayor Smith encouraged all to remain for a group photo after this meeting.

Mayor Smith thanked City Manager Kirk Davis, City staff, and Council members for their hard work and support this last year. It has been busy around here the last 12 to 18 months; not that we have done more than any previous Councils or administrations have done; it just seems it is all hitting at once. We have many challenges ahead of us, but we have also put many challenges behind us. Mayor Smith said he believes if we keep a steady hand on the wheel, there is no reason why we can't stay the course, and quite frankly, it is a good course.

Mayor Smith said in the summer of 2001, three people first planted the seed for Gladstone on the Move; City Manager Davis was at that table, and the wheels that would ultimately set the direction for Gladstone's future were set in motion. It was intended to be a 20-year plan, and it will sustain itself far beyond the 20 years. A testament to the strength of this initiative was proven this past year, when Gladstone was awarded the "Strategic Governance and Leadership Award" by ICMA

(International City/County Management Association), the premier local government leadership and management organization in the country.

Mayor Smith stated we are all familiar with many of the recommendations that came from Gladstone on the Move, and stated he would like to update the audience on a few of those. Most notable was the desire to build a Community Center. Three years and one day after passing a sales tax to build a Community Center, we opened a Community Center. Another objective of Gladstone on the Move was to forge new partnerships and doing so, helped us provide the amenities we see in the Community Center. The Community Center was originally intended to be a "dry" facility, and we could not raise the money to finance a swimming component in the Community Center. What we did is we partnered with the North Kansas City School District. The story is old but it bears retelling. The School District had always desired a competitive swimming arena. Unbeknownst to many, they have a very active and competitive swimming program, and they were using the YMCA and other small pools, and had children getting up at 4:30 in the morning to practice; they needed the space that desperately. The City partnered with the School District, and with their help we were able to build a leisure pool for our residents and a competitive swimming arena for their students. This was very gratifying. We do not have a School District of our own, and to make such an impact in the lives of so many children is very gratifying.

Mayor Smith continued by saying we also forged a partnership with Metropolitan Community Colleges for a tournament-quality soccer field at Happy Rock West, and a partnership that will allow their paramedic students to ride along with our paramedics and gain additional training from our paramedics. The benefit to them is obvious – on the job training. The benefit to us is that it enhances our recruitment opportunities and puts a third person on many of our ambulance runs. Also part of Gladstone on the Move was streets, sidewalks, water distribution lines, and the "Coming Home to Gladstone" magazine. The magazine came out of Gladstone on the Move as a way of better communicating with our citizens. The North Oak Water main projects have been completed, and North Oak will be paved this summer. The City completely renovated the outdoor municipal pool to the tune of more than \$1 million. We had a pool that was nearly 30 years old, very conventional, and functionally obsolete. We now have one of the premier facilities in the Northland.

The City also initiated a Future Leaders Academy. Sergeant Richard King is the point person on that, and does a fine job. Mayor Smith said he recognized many in the room who were either graduates of the first class or are participating in the current class. The City has designed more than \$1.5 million in trails, which was another objective of Gladstone on the Move. The City has focused on a downtown – a village center for Gladstone. The village center process was very unique. We engaged Gale Communities and David Gale to help us design our master plan for the village center. We had a series of design charrettes, where we invited the community to weigh in on what the master plan for downtown Gladstone should look like. So where do we stand

on the village center? We have a pretty picture and a lot of different development use potentials for that, but why haven't we turned any ground yet? All we really need is a developer with about \$50 to \$70 million in their pocket and we can probably get going tomorrow. There are a lot of different components that go into developing the village center. This community – all of you – reinvested in yourself first and foremost with the issue to pass a sales tax for the Community Center-Natorium. We just recently passed an initiative that was on the agenda this evening, for a Hotel/Motel Tax or Tourism Tax. The first thing we usually hear is skepticism about the prospects of a hotel actually locating in our City. Mayor Smith said believe it or not, the Natorium has generated enough interest from the outside development community that we have at least a preliminary proposal from a hotel group for a hotel in Gladstone. The thought being that this will attract people from around the region, state, and the entire Midwest, and bring people to Gladstone, and those folks will need a place to stay. It seems a bit strange or less than conventional that a community center can be an economic engine that would drive development of our village center. It absolutely can happen, and we have seen the first steps in that.

Another integral component of the village center master plan is the 68<sup>th</sup> Street Parkway. Mayor Smith pointed out that to the left of the master plan, a greenway that leads to 169 Highway. We have time and time again heard from outside interests that connection is a key component to developing the village center, and the reason for that, is because whether it be Gladstone Plaza or this area, we have no east-west connections. Everything runs north and south through our City, excepting 72<sup>nd</sup> Street, which terminates on the east at North Brighton and on the west at 169 Highway. This has become a very important component. At the time, when developing the master plan, we committed to the residents of Hamilton Heights that we would protect their interests, and we agreed to a ten year moratorium on the construction of that road. We are finding now that road is very important, and we might have trouble getting off the ground too awfully far without that road, but the fact of the matter is, we are almost three years into that commitment. We believe that by incorporating a design that is sensitive to the needs of the neighborhood, that when the time comes that we are able to build that road, we will be able to build that road, subject to finding a revenue source to pay for it, but we still will be able to protect the interests of the neighborhood, and we fully intend to honor our commitment to do so.

Mayor Smith stated that Gladstone on the Move and this Council have placed a huge emphasis on North Oak and Gladstone Plaza – where do we stand? David Gale, who facilitated the design of our master plan, also intended to be the master developer for the village center, and had definitely planned to be the master developer for Gladstone Plaza. Two issues have happened. One is that Gladstone Plaza is owned by an entity out of St. Louis. The property is worth approximately \$1 million to \$1.5 million. The owner is stuck on a \$7 million selling price. The City has negotiated with the owner and some movement has been seen, but it is still somewhat of an obstacle. The second issue is that David Gale owns thousands of acres and thousands of residential lots in the Lee's Summit area. We all know what has happened to the residential real estate



market; so with that being his bread and butter, he has had to pull back on what he is hoping to do in his commercial ventures, and this is one of the places from which he has had to pull back. Because you don't hear very much, does not mean that much is not happening. City Manager Kirk Davis, Assistant City Manager Scott Wingerson and Economic Development Administrator Melinda Mehaffy have been working very hard on numerous angles for Gladstone Plaza redevelopment. Although, it may not take the form immediately that we hoped it would, there is at least some potential for something to come about with Gladstone Plaza in the near future. Mayor Smith said he would like to manage that expectation a bit, because he believes we got a little ahead of the game two or three years ago, and we thought something was imminent, but there may now be something on the horizon.

Mayor Smith continued by saying there are other economic development successes in our City. We have Tower Plaza at 64<sup>th</sup> and Antioch Road. We have some developments that have occurred on Antioch Road, further to the south. We have two that are master planned further to the south, and we have a project at 72<sup>nd</sup> and North Euclid that is master planned. One thing that we have heard through all of our citizen engagement forums, whether it be Gladstone on the Move, the Village Center, or the Comprehensive Plan, is that our residents want quality, compatible and sustainable commercial development. It is incumbent upon us to be vigilant in protecting the vision of those citizens as we move forward with these development and redevelopment projects.

Mayor Smith posed the question, "What does the future hold"? Hopefully the future holds a lot of exciting things like have been seen in the last year or two. The bar has been set high. Gladstone ranked 1<sup>st</sup> in Missouri and 3<sup>rd</sup> in the metropolitan area for overall citizen satisfaction of how their government is operated. Of cities included in the Direction Finder Survey conducted by ETC Institute, Gladstone ranks within the top 4 percent of cities in America for delivery of services. City Manager Davis and his staff should be very proud of these statistics.

Revenues continue to be relatively flat. We have seen some minor upward trends in our sales tax revenue, which comprise 70 to 80 percent of our City's revenues, that allow us to provide basic services to the community. We continue to see increase in costs. We run quite a few vehicles throughout the City, and fuel alone has made a major impact on our budget.

Mayor Smith stated he believes our Number One challenge is the potential increase in crime. That seems strange for Gladstone, because we have led a fairly protective life, but we are seeing the occurrences of crime happening Monday through Friday, during the day, that we only used to see at 2:00 and 3:00 on Friday and Saturday mornings. Crime is here and something we are dealing with – we have absolutely the finest Public Safety Department in the area. We, as a Council, must commit to continuing to fund those resources necessary for our Law Enforcement Division.

Regarding street maintenance, Mayor Smith reported that the last two winters have wreaked havoc on our roadways. Clay County has withheld some funds from local communities for the last three or four years that were actually due to our Road District that can go a long way to helping us maintain our roads. We agreed with the County a couple of years ago that the cities affected would file a "friendly" lawsuit, and let the courts decide. The Circuit Court has decided in favor of us. The County appealed, and the Appeals Court decided in our favor. It is now our understanding that the Clay County Commission is trying to get the Missouri State Supreme Court to review the decisions. Mayor Smith said, in his opinion, it is time for Clay County to stop paying the lawyers and start paying the piper.

Mayor Smith stated we must continue to focus on neighborhood preservation and revitalization efforts. Mayor Smith said he has two new initiatives to propose this evening. Former Mayor Dan Bishop was a champion for neighborhood causes. There are some in the room who served on the first Neighborhood Preservation Task Force, which was his brainchild. Mayor Bishop, who became a State Representative upon leaving office here, passed away at a very young age. The family of Dan Bishop contacted us, and has offered in Dan's memory to establish an endowment fund. The endowment fund is intended to generate interest amongst neighborhoods. One of the goals of Gladstone on the Move and a major goal of this Council has been neighborhood preservation and revitalization efforts. The family has committed \$1,000 per year, with an initial commitment of five years. They will fund \$1,000 to the Dan Bishop Neighborhood Endowment Fund.

Mayor Smith said the Bishop family has asked he select someone at this time of year every year who should receive an award – that neighborhood activist who has done the most to get their neighborhood organization together and make a positive difference in their neighborhood. Mayor Smith said after consulting with City Manager Davis and Richard King, who we will call the Neighborhood Services Director for now, he would like to introduce this evening the first recipient of the Neighborhood Endowment Fund. The Bishop family is really wanting the recipient, the one main individual, to receive something, so they have insisted that part of the \$1,000 be awarded directly to the recipient and part of the money awarded to the neighborhood for neighborhood programs of their choice. Mayor Smith said he was proud to introduce Winnie Estep, the neighborhood representative from Bolling Heights. Bolling Heights was the first neighborhood that we were able to work with and with whom to form a neighborhood association. There will be a \$200 check awarded to Winnie, that she may use as she chooses. There will be a check in the amount of \$800 that will go to the Bolling Heights neighborhood association, for use with any project the Board of Directors may choose.

Mayor Smith stated the issue of sustainability and climate protection has moved to center stage at the national level because of the attention it has received at the local level. Mayor Smith said he was fortunate this summer to co-host with the Mayor of Mission, Kansas, Laura McConwell, a Mayor's Climate Protection Agreement

Conference, at which time there was the largest single signing of Mayors to the Climate Protection Agreement in the United States to date. Over 800 cities have signed on, and we had the largest single day signing event in the country. It is a major goal of this Council and will be a major emphasis in our upcoming budget.

Mayor Smith said the Atkins-Johnson Farm is a historic preservation effort. Councilman Rudi has done a great job in spearheading the Atkins-Johnson Farm preservation efforts. It is now listed on the National Registry of historic sites, and some funds have been committed from the budget, and we are looking for more funds. The City hopes to fully restore this site to where this property becomes a working piece of history in our community.

Mayor Smith said we are also very excited about arts in Gladstone. It bears mentioning that the aforementioned Mayor Bishop also is the one who insisted on one percent of the Capital Improvements Funds generated at the City level be placed into a permanent Art Fund. That Art Fund was tapped for the artwork that is seen in the Community Center. We have an Art Springs in Gladstone event coming up April 18 and 19 in the Community Center, bringing culture to Gladstone. Mayor Smith congratulated Councilman Rudi and everyone who has been working on this effort. Mayor Smith said he wished he could share a couple of more things regarding economic development and redevelopment efforts in our City, but he is not at liberty to do so, but he can say there are a couple of things potentially coming down the pike in the very near future that will prove that Gladstone is alive and well.

Mayor Smith said, in regard to the second initiative, we lost two dear friends in our community this year. Former Mayor Dr. Bill Cross passed away in June, and former five time Mayor Lee Bussinger passed away last month. Mayor Smith said Dr. Cross was one of the greatest ambassadors for this community that he has ever known, and Mayor Smith grew up here. Mr. Bussinger was one of our City's great leaders. If you wanted to do something in Gladstone, politically, or if you wanted something done in Gladstone, the first name you received very often to go see was Lee Bussinger. Sometimes it is too easy to forget our past. We remember those we've had dealings with and those we saw in action, but what about those who got us to this point. Mayor Smith stated you have heard a lot about what we have done this past year, but you have also heard me say - loudly and often - that in order to cross the bridge you must first build the bridge. We have more than 50 years of people building the bridge to get us to where we are today. We have not done a very good job, traditionally, of remembering our past and those who built the bridge.

Mayor Smith stated he would like to propose an addition to the Community Center site, and directed the audience to a visual aid, saying this has yet to be named. There have been names suggested from a Founders' Garden to a Legacy Garden or a Heritage Walk or a Legacy Walk. The intention is to build a permanent history and story of our City. Mayor Smith pointed out a conceptual rendering prepared by Gould-Evans Architects, saying it is proposed to have this area immediately on the

cast side of the Community Center, and it would be a walk of walls. Along the top, the gray material is actually a stainless steel or something of that sort. Mayor Smith pointed out an area that indicated what a plate might look like. A plate that might tell the history of our City and help us remember those who got us to this point. There are a lot of folks, and as we work to develop the criteria, we want to be as all-inclusive as possible. Mayor Smith suggested many in the room may not know a man named Amos Hinkle; or maybe Charlie and Leona Doolittle; Doc Gould; Ray Sapp Hardware; Joe Berry, the first Mayor of Gladstone; or Jack Riggs, the first elected Mayor; or Paul Degenhardt, who was the first elected Mayor under the City Manager form of government. Mayor Smith said another name of a man that he liked a lot - his father - Everett Smith. Mayor Smith said another name is John Street, who was the first postmaster of Linden. These are all names of people we do not remember as much, because we don't remember who they are or what they did, but they got us here, including some folks who donated the land that our Community Center, that we are all so proud of, sits on now.

Mayor Smith said we hope, with Council's blessing and if we can get some community support, to be able to tell the story of our community in a permanent manner - the first 50 years, the next 50 years, and hopefully beyond. Mayor Smith said he is reminded that it is important to remember the people of our community, and he remembers the keynote address at the City's 50<sup>th</sup> Anniversary Gala, when we talked about Gladstonians having heart, and that is what makes our community such a wonderful place. It must be true, because Gladstone was just recently named one of 17 finalists in the Country for the coveted All America City Award. They honor ten cities each year, and we are one of the 17 finalists. That is something that we should all be proud of and we should all be excited about.

Mayor Smith said in closing, he would say from the Mayor's perspective and the Council's perspective, the table is set for our future, and if we keep a steady hand on the wheel, there is no reason why we cannot stay the course. Mayor Smith said thank you for your time. It's great to see everyone this evening, and it has been an honor and privilege to serve as your Mayor this past year.

**Item 12. on the Agenda.**

**REMARKS FROM THE CITY COUNCIL.**

Councilmember Carol Suter commended Mayor Smith on his year in leadership in Gladstone, and said he has been one of the most articulate, persuasive, and energetic cheerleaders for this community that she has yet met, and he has been extremely impressive. Councilmember Suter said a lot of what is good about Gladstone today is part of Mayor Smith's family's legacy in Gladstone, and she appreciates being a part of it.

Mayor Smith thanked Councilmember Suter.

**Item 13. on the Agenda.**      **CITY COUNCIL OATH OF OFFICE: CAROL RUDI, CAROL SUTER and WAYNE BEER.**

City Clerk Cathy Swenson administered the oath of office to **Carol Rudi and Carol Suter** for three-year terms on the Gladstone City Council, and to **Wayne Beer** for a one-year term on the Gladstone City Council. The audience applauded the newly elected City Council members.

Councilmember Carol Suter thanked the community and said she is glad to be back today. At the last City Council meeting she bade farewell in case she was not back again. Councilmember Suter said she likes to think of herself as one of the successes of Gladstone on the Move, because she is a graduate of the first Gladstone Leaders Academy. The Academy is supposed to produce people who are so excited about Gladstone and its future, that we want to get involved, and it has worked for her. Councilmember Suter said she works in a regional capacity so she gets to run across people from all around the metropolitan area. Councilmember Suter said she is often asked what makes Gladstone so progressive and exciting these days. The answer is sitting right here in this room. It is the people of Gladstone.

Councilmember Suter said she had the wonderful opportunity in running for office for the first time in her life to discover this fascinating thing about American politics. That is you can send out letters and e-mails and ask people to support you, and people that you don't know will write back, and will offer to put a sign in their yard or volunteer for your campaign or actually send you money. It is an amazing thing. It is how America works and what our democracy is all about. Councilmember Suter said for her it has been a wonderful opportunity to get to know so many more Gladstonians, and to get to hear what excites them about this City, which is what makes this such a fun job, and she anticipates will continue to be fun for the next three years. Councilmember Suter said it is a real honor for her to serve.

Councilman Carol Rudi offered her thanks and said it has been an honor to serve for the past six years, and she has tried her best to do what is right for this City, and she promised to continue to do that. Councilman Rudi said she will always listen to what the citizens tell her; she cannot promise that she will always do what they want, because there are other factors that come into play. Councilman Rudi emphasized that she will always listen, and encouraged residents to give her a call and tell her anything of concern. Councilman Rudi again offered her appreciation for this privilege.

Councilman Wayne Beer joking said, it was a hard fought battle, but he finally won out! Councilman Beer said these past six years have been an enlightening experience, and he has enjoyed it all; in fact, he had not intended to run again for office, but a number of people felt he should run one more time to complete Bill Cross's term. This Council has been the recipient of remarkable things that were started by previous Councils going all the way back to when the City was founded. The recent Councils have worked very diligently with trying to do some of the things that happened to fall

into this Council's lap. This worked out, not just because of this Council, but due to all the previous Councils, and especially the more recent Councils. Councilman Beer said there are those in this audience who are as responsible as anyone in this City for the things which have occurred in the last 20 to 25 years. Without the citizens of Gladstone, Councils do not get anything done. Councilman Beer thanked the citizens and previous Council members for all the things that have occurred that made it possible for things to happen now.

Mayor Smith offered his congratulations to the newly elected City Council members. Mayor Smith introduced his mother, Carmelina Smith, his son Jason Everett Smith, Laura Gay and her son, Sam Gay.

**Item 14. 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 by acclamation **Mark Revenaugh** for Mayor of the City of Gladstone, Missouri. Councilman Wayne Beer seconded the motion.

The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Mayor Pro Tem Mark Revenaugh and Mayor Les Smith. (5-0).

Mayor Smith congratulated Mayor Pro Tem Revenaugh.

The City Clerk administered the Oath of Office for the position of Mayor of the City of Gladstone, Missouri to **Mayor Pro Tem Mark Revenaugh**. The audience applauded the newly elected Mayor.

Mayor Mark Revenaugh said that he would submit that trying to go after all of these gifted orators, is an impossible task. Mayor Revenaugh thanked the City Council members and the residents of this community for giving him the opportunity to serve in this capacity. Mayor Revenaugh said he would like to introduce and offer his thanks to his parents, Stewart and Marilyn Revenaugh, who have been a source of support and inspiration to him. Mayor Revenaugh also introduced his sister-in-law, Cheryl, and his brother Kevin Revenaugh. Mayor Revenaugh said he would also like to introduce two good friends, the younger looking of who happens to be his boss. Mayor Revenaugh said he appreciated his employer allowing him the opportunity to serve.

Mayor Revenaugh stated it has been said it takes a village to raise a child, and to him Gladstone has been that village. He moved here when he was in sixth grade; he went to Meadowbrook Elementary School, Antioch Junior High School, Oak Park High School, University of Missouri, and finished up at William Jewell College. Mayor

Revenaugh said most of his life has been here in the Northland, and he could never have imagined sitting here today in this capacity. When people ask him what caused him to run for City Council, he has to stop and think, because he never even ran for Student Council; there is no way this was on the radar. It was the encouragement of the current Council at the time and several of the citizens who prompted him to pursue this role. Mayor Revenaugh said it is tough following former Mayor Smith, but being Mayor Pro Tem, while he was Mayor, he has been able to see first-hand just how much time, energy and effort he has put into the job. It is hard for the public to imagine just how hard and how much time it takes to do the kind of job he has done for us this past year, and Mayor Revenaugh asked for a round of applause for Mayor Smith as his service has been exceptional.

Mayor Revenaugh said, as Councilman Smith said earlier, Gladstone is "on a roll", and the reason for that is the active, caring residents in our community. The people are what drive the whole process. They drive the City government, and the City staff, so without the people in the community caring about what goes on in their community, we would not be accomplishing near what we have been. The fact that we have a professional, top notch City staff is recognized region wide if not State wide. We are the envy of many communities around this area. They look at Gladstone and wish they could do what we are doing. No small part of that is due to City Manager Kirk Davis and his staff. Mayor Revenaugh thanked City Manager Davis and staff for their support.

Mayor Revenaugh stated he sees the challenge ahead of us, as well as the ones former Mayor Smith alluded to, is to continue to engage the residents to encourage new participation and community leadership, and he believes we have set up avenues for that to happen. When he came on the Council two years ago, it was with the idea that we wanted to be more inclusive, and reach out and encourage more residents to take an active part and allow them the opportunity to take an active part in City government. Mayor Revenaugh said another challenge is to continue to improve on the level of services our residents have come to expect. We have set the bar high, and certainly we don't intend to rest now and let things deteriorate, because there is always room for improvement.

Mayor Revenaugh said, as a community, he feels it is incumbent upon all of us to work to improve the lives of every citizen, regardless of their economic condition, race, color or creed, because that is the kind of community that he grew up in, and the kind of community he believes we all enjoy living in. Mayor Revenaugh said he looks forward to serving this next year as Mayor, and joking said for residents to feel free to call Councilman Rudi for any problems, but if it is good news, he is in the phone book!

Councilman Rudi jokingly said she could pass on Mayor Revenaugh's phone number!

**Item 15. on the Agenda.**

**ELECTION OF MAYOR PRO-TEM.**

Councilman Wayne Beer nominated by acclamation **Carol Rudi** for Mayor Pro Tem of the City of Gladstone, Missouri. Councilman Les Smith seconded the motion.

The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Carol Rudi, Councilman Les Smith and Mayor Mark Revenaugh. (5-0).

Mayor Revenaugh and Councilman Smith congratulated Mayor Pro Tem Rudi.

**Item 16. on the Agenda.**

**REMARKS FROM THE CITY COUNCIL.**

**Councilmember Carol Suter** had no comments at this time.

**Councilman Wayne Beer** stated that former Mayor Smith has done an outstanding job this past year, and he knows that he has set a high bar and example to which Mayor Revenaugh must now aspire, and he knows that he is worthy, and Mayor Pro Tem Rudi's track record is well established as well. Councilman Beer said he is very pleased and offered congratulations to Mayor Revenaugh and Mayor Pro Tem Rudi.

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

**Mayor Pro Tem Carol Rudi** said Mayor Revenaugh talked a little bit about not being able to imagine ever running for City Council and why he did it – she does not know the answer to that, but she would like to introduce her "saner" half, Greg Strasser. Mayor Pro Tem Rudi said normally she would be introducing her mother, but she was not here tonight, and she wished to thank Public Safety, because they went over to check on her mother at the beginning of meeting, since she was not answering her phone. Mayor Pro Tem Rudi said she is fine and she feels better. Mayor Pro Tem Rudi said to former Mayor Smith that he has done a great job and she really appreciates it, and he is one of the brightest people she knows, and he puts that to good use here, and we appreciate it very much. Mayor Pro Tem Rudi said Mayor Revenaugh is really going to do a good job. Mayor Pro Tem Rudi said Mayor Revenaugh has been sturdy and steady on the Council, and he has opinions that he expresses very well, and she is looking forward to working with him as Mayor this year.

Councilman Carol Suter introduced her husband, Eugene, and said he travels a lot and jokingly said people often think he that he is a figment of her imagination!

Councilman Wayne Beer said he would like to introduce his spouse of 42 years, Judy.

**Mayor Mark Revenaugh** had no comments at this time.



## **REGULAR AGENDA**

### **Item 17. on the Agenda.**

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

Anne Alexander, 3121 NE 59 Terrace, said she is a member of the Planning Commission. Ms. Alexander said Dan Bishop was who got her involved with Gladstone. When she sold her townhouse recently, she moved to an apartment in Gladstone. She didn't consider any place but staying here. Ms. Alexander said she appreciates all the work the City Council and the City is doing, and she knows Dan would be very happy.

### **Item 18. on the Agenda.**

### **COMMUNICATIONS FROM THE CITY COUNCIL.**

Mayor Pro Tem Carol Rudi invited everyone to Art Springs in Gladstone, which is our first annual art show and sale. It will be in the Community Center this Friday from 6:30 PM to 9:00 PM and Saturday, from 10:00 AM to 5:00 PM. Mayor Pro Tem Rudi said she hoped everyone could attend.

There were no further comments from City Council members.

### **Item 19. on the Agenda.**

### **COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Davis said it has been a great year and he is proud to have worked for this City Council, and on behalf of staff, we appreciate your support, we appreciate you listening to ideas, and suggestions, even the bad ones. City Manager Davis said he is looking forward to the next year and he believes it will be a great year, and he appreciates all the kind comments City Council members had about our staff. City Manager Davis said he wishes the City and City Council all the best of luck.

### **Item 20. on the Agenda.**

### **OTHER BUSINESS.**

Mayor Revenaugh invited everyone to attend a reception in the north and south conference rooms honoring past and present City Council members.

### **Item 21. on the Agenda.**

### **QUESTIONS FROM THE NEWS MEDIA.**

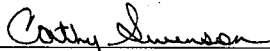
There were no questions from the News Media.


### **Item 22. on the Agenda.**

### **ADJOURNMENT.**

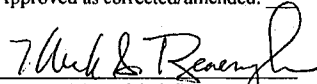
There being no further business to come before the April 14, 2008, Gladstone Regular City Council Meeting, Mayor Mark Revenaugh adjourned the regular meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

Approved as corrected/amended:

  
Mayor Mark Revenaugh



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, APRIL 28, 2008**

**OPEN STUDY SESSION 5:30 PM**

**REGULAR MEETING: 7:30 PM**

**AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular April 14, 2008, City Council Meeting Minutes.
5. **PROCLAMATION:** recognizing Building Safety Week in the City of Gladstone, Missouri.
6. **CONSENT AGENDA**

**RESOLUTION R-08-20**, amending the Tax Increment Financing Policy of the City of Gladstone.

**RESOLUTION R-08-21**, accepting Temporary Construction and Permanent Easements from certain property owners in conjunction with the NE 69<sup>th</sup> Terrace, East of Euclid Stormsewer Improvement Project (CP0827).

**RESOLUTION R-08-22**, accepting a Right-of-Way Parcel and Temporary Easement from certain property owners in conjunction with the North Oak at NE 76<sup>th</sup> Street Traffic Signal Improvement Project (025018).

**RESOLUTION R-08-23**, authorizing execution of a contract with Musselman & Hall Contractors, LLC, in the total amount not to exceed \$319,995.00, which includes Bid Alternate One, for the 2008 Intermediate Maintenance Program, Slurry Seal and Micro-Surface. Project TP0803.

**RESOLUTION R-08-24**, authorizing execution of a contract with WM. White & Sons Construction Company, in the total amount not to exceed \$187,095.00 for the 2008 Curb and Sidewalk Program, Phase One. Project TP0804.

## **APPROVAL OF THE MARCH FINANCIAL REPORT.**

### **REGULAR AGENDA**

7. Communications from the Audience.
8. Communications from the City Council.
9. Communications from the City Manager.
10. **RESOLUTION R-08-25**, approving the purchase of a tract of land in Meadow Brook Estates from J. A. Peterson Enterprises, Inc. to provide access to the Flora East Utility area.
11. **PUBLIC HEARING:** for consideration of a request for a Special Use Permit renewal for operation of a Child Care Center at 5940 North Flora. Applicant/Owner: Tina Dillon, Creative Kids Center, Inc. dba Creative Kids Learning Center. (File #1313).
12. **FIRST READING BILL 08-13**, granting a Special Use Permit subject to certain conditions to Tina Dillon for operation of a Child Day Care Center on property at 5940 North Flora.

13. **PUBLIC HEARING:** for consideration of a Site Plan Revision in a CP-1 Zone for property located at 6450 North Prospect. Applicant: Scott Proctor, Zone Equities, LLC. Owner: Northlander Properties, LLC. (File #1311).
14. **FIRST READING BILL 08-14**, approving a Site Plan Revision in a CP-1 Zone for property located at 6450 North Prospect.
15. **BUILDING PERMIT:** for construction of a new 7,147 square foot commercial business for the sale of automotive parts on property located at 6450 North Prospect. Applicant/Owner: Zone Equities, LLC.
16. **PUBLIC HEARING:** for consideration of a request for a Special Use Permit for operation of a Garden Center at 7508 North Oak Trafficway. Applicant/Owner: Antonio Scire, Tony's Garden Center. (File #1312).
17. **FIRST READING BILL 08 -15**, repealing Ordinance No. 3.992, and enacting a new Ordinance levying Sewer Service Charges and Commodity Rate Charges in the City of Gladstone, Missouri.
18. **FIRST READING BILL 08 -16**, amending Ordinance Numbers 3.835, and 3.971 by incorporating the provisions thereof concerning Fireworks and Open Flame Burning in a new chapter under Title II of the Code of City Ordinances, to be known as "The Fire Prevention Code," and to include therein the existing provisions requiring Smoke Detectors, and new provisions requiring Carbon Monoxide Detectors, in certain residential structures.
19. **Other Business.**
20. **Questions from the News Media.**
21. **Adjournment.**



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, APRIL 28, 2008**

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Mark Revenaugh  
Mayor Pro Tem Carol Rudi  
Councilman Les Smith  
Councilman Wayne Beer  
Councilmember Carol Suter

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Mark Revenaugh opened the Regular April 28, 2008, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.      ROLL CALL**

Mayor Mark Revenaugh noted that all Council members were present.

**Item 3. on the Agenda.      PLEDGE OF ALLEGIANCE.**

Mayor Mark Revenaugh led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda.      APPROVAL OF THE APRIL 14, 2008, CITY  
COUNCIL MEETING MINUTES.**

Councilman Wayne Beer moved to approve the Regular April 14, 2008, City Council Meeting Minutes as presented. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

**Item 5. on the Agenda.**      **PROCLAMATION:** recognizing Building Safety Week in the City of Gladstone, Missouri.

Mayor Revenaugh read and presented the Proclamation to Building Official Alan Napoli. Mr. Napoli thanked Mayor Revenaugh and City Council members.

**Item 6. on the Agenda.**      **CONSENT AGENDA.**

Following the Clerk's reading, Councilmember Carol Suter moved to accept the Consent Agenda as presented. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-20**, amending the Tax Increment Financing Policy of the City of Gladstone. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-21**, accepting Temporary Construction and Permanent Easements from certain property owners in conjunction with the NE 69<sup>th</sup> Terrace, East of Euclid Stormsewer Improvement Project (CP0827). Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-22**, accepting a Right-of-Way Parcel and Temporary Easement from certain property owners in conjunction with the North Oak at NE 76<sup>th</sup> Street Traffic Signal Improvement Project (025018). Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-23**, authorizing execution of a contract with Musselman & Hall Contractors, LLC, in the total amount not to exceed \$319,995.00, which includes Bid Alternate One, for the 2008 Intermediate Maintenance Program, Slurry Seal and Micro-Surface. Project TP0803. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-24**, authorizing execution of a contract with W.M. White & Sons Construction Company, in the total amount not to exceed \$187,095.00 for the 2008 Curb and Sidewalk Program, Phase One. Project TP0804. Councilman Wayne Beer seconded. The vote: All "aye" –

Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to approve the **MARCH FINANCIAL REPORT**. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

## **REGULAR AGENDA**

### **Item 7. on the Agenda.**

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

**Jim Hall, 1501 NE 73<sup>rd</sup> Terrace**, stated he has a problem with the watershed behind his house. It's within 20 inches or so of taking out his fence, and his next-door neighbor has the same problem. Mr. Hall said three or four years ago they could both mow out back with their tractors, but now, there is not enough land left to mow. There is about 125 or 140 yards of creek back there that is washing really badly. Mr. Hall shared pictures of the area with City Council members.

Mayor Revenaugh asked Mr. Hall if he has contacted anyone on City staff about this.

Mr. Hall replied he called someone in the City, who said there was nothing they could do.

Mayor Revenaugh asked with whom Mr. Hall spoke.

Mr. Hall stated he did not recall with whom he spoke.

City Manager Kirk Davis stated Staff would review this, and said he believed Mr. Hall's home is in the Jamestown area.

Mr. Hall replied that was correct.

City Manager Davis said Staff would review this and see what opportunities there are for improvements in the area.

Mr. Hall stated that was fine with him, and said he would like to repeat that there are about 125 yards there that are really bad, and he really needs something done as it is getting close to taking out his fence.

Mayor Revenaugh told Mr. Hall that City Manager Davis will be certain that someone would take a look at his property, and they will not only give Mr. Hall a report back on their findings, but they will also report the findings to City Council.

Mr. Hall expressed his thanks.



**Item 8. on the Agenda.**  
**COUNCIL.**

**COMMUNICATIONS FROM THE CITY**

**Councilmember Carol Suter** 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 Carol Rudi** reported that the City held a successful Art Springs in Gladstone event on April 18 and April 19. There were close to 2,000 people in attendance, and over 40 vendors with this art show. This is our first art show and sale, and we will do it again. It was wonderful! Everyone who was there thought it was amazing that this event was North of the River instead of the Plaza or Westport. Mayor Pro Tem Rudi thanked everyone who was involved; there were a lot of people who did a lot of work to make this event successful. Parks and Recreation Director Sheila Lillis was especially instrumental to us, because she helped us arrange the event in the Community Center, and her Staff did a wonderful job in providing support. Economic Development Administrator Melinda Mehaffy was also a great support. Mayor Pro Tem Rudi said she appreciates everyone's assistance.

**Mayor Mark Revenaugh** stated that if anyone missed the Art Show, they missed a great show. There is one in Brookside this weekend, but he can say that it will probably have nothing over on our first Art Show. Mayor Revenaugh said he was pleasantly surprised at the depth and breadth of the artwork that was shown at the Art Show. Mayor Revenaugh said if you missed it this year, be sure not to miss it next year, because it went off seamlessly, and it brought a lot of folks into the Community Center, who might not otherwise have seen it.

Mayor Revenaugh said last Saturday he had the privilege of joining with Hy-Vee and Hormel, who were sponsoring a kids' triathlon for ages 7 to 14. This is the first year that Triathletes are going to be able to compete in the Olympics, and there will be five men and five women from each country competing. They have not yet completely formed the teams, but one of the Triathletes on the men's team, who has already been chosen, was at this event signing autographs for the children. Mayor Revenaugh said there was better food available than any adult run he has ever seen. It was another opportunity to showcase the Community Center to people from all around the metropolitan area. These were not just Northland kids.

Mayor Revenaugh said the folks he talked to from Hormel, who were from out of town, could not believe how well run our Community Center was, and they gave kudos to our Police Department, who were also very cooperative in pulling off the Triathlon. Mayor Revenaugh said Parks and Recreation Director Sheila Lillis did a great job, and it is amazing that we have put together this staff at the Community

Center that is almost as large as some small cities' staffs, and they are running that building as professionally as anything he has ever seen. The word is getting out around the metropolitan community just what we are offering across the street. Mayor Revenaugh congratulated Director Lillis and Community Center Administrator Justin Merkey for all their hard work with this event. It is just amazing – we just barely get the Community Center open, and we have had birthday parties scheduled in some of the rooms, civic meetings, the Triathlon and an Art Show, and we are just getting started. The Community Center is going to be an incredible facility going forward to the next 20 years and longer for the City of Gladstone.

**Item 9. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

There were no comments from the City Manager at this time.

**Item 10. on the Agenda.**

**RESOLUTION R-08-25**, approving the purchase of a tract of land in Meadow Brook Estates from J. A. Peterson Enterprises, Inc. to provide access to the Flora East Utility area.

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-25**, approving the purchase of a tract of land in Meadow Brook Estates from J. A. Peterson Enterprises, Inc. to provide access to the Flora East Utility area. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

**Item 11. on the Agenda.**

**PUBLIC HEARING:** for consideration of a request for a Special Use Permit renewal for operation of a Child Care Center at 5940 North Flora. Applicant/Owner: Tina Dillon, Creative Kids Center, Inc. dba Creative Kids Learning Center. (File #1313).

Mayor Revenaugh opened the Public Hearing.

**Staff Presentation**

**Chris Helmer, Planning Specialist**, began by saying the current residence is a single-family residential site. On April 7, 2008, the Planning Commission unanimously voted in favor of this Special Use Permit renewal. The application renewal has a long running history for this particular site, with the operation of the day care and learning center dating back 25+ years. Mr. Helmer said specifically, Ms. Dillon has been operating this particular business in a previous 5 year Special Use Permit request. Ms. Dillon did write a well-documented formal letter to City staff about the operation of her business, as well as to provide an overall site plan for the home, as well as an emergency plan that shows the various buildings and layout of the business. Mr.

Helmer said he understands Ms. Dillon has also done increasing business with childcare through this 5-year duration.

Mr. Helmer stated the original request from Ms. Dillon was for a 20 year Special Use Permit request. After Staff review, it was felt that was a considerable longer duration than Staff felt comfortable with on the renewal. After discussion with Assistant City Manager Scott Wingerson, it was felt a 10-year renewal would be much more appropriate for the operation of this type of business. Mr. Helmer pointed out that the Planning Commission had one added item, which is more or less a clarification on signage, the addition is condition Number 10. The condition states that signage on site shall not exceed existing square feet and height requirement of the current sign. Mr. Helmer said Staff does not have any significant objection to this request and asks that City Council consider approval of this 10 year Special Use Permit request.

Councilman Beer asked if this is the property that adjoins Oakwood Manor Elementary School and Flora Park?

Mr. Helmer agreed that is correct.

Councilman Beer asked if the playground area is on the side of the building, opposite North Flora.

Mr. Helmer agreed that is correct – the playground area is to the west of the property.

**Communications from those in Favor of the Application**

**Tina Dillon (Applicant), 7511 Kentucky Avenue, Kansas City, Missouri**, stated the playground is behind the facility, and it touches the school's property. Ms. Dillon offered to answer any other questions.

**Communications from those in Opposition of the Application**

There was no one to speak in opposition to the application.

Mayor Revenaugh closed the Public Hearing.

**Item 12, on the Agenda.** **FIRST READING BILL 08-13**, granting a Special Use Permit subject to certain conditions to Tina Dillon for operation of a Child Day Care Center on property at 5940 North Flora.

Councilman Wayne Beer moved to place Bill 08-13 on First Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 08-13, 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 Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 08-13 and enact the Bill as **Ordinance 4.071**. Councilmember Carol Suter seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0).

**Item 13. on the Agenda.** **PUBLIC HEARING:** for consideration of a Site Plan Revision in a CP-1 Zone for property located at 6450 North Prospect. Applicant: Scott Proctor, Zone Equities, LLC. Owner: Northlander Properties, LLC. (File #1311).

Mayor Revenaugh opened the Public Hearing.

#### **Staff Presentation**

**Assistant City Manager Scott Wingerson**, began by walking through the contents of City Council's packet. On the top is draft Bill Number 08-14, which includes Staff recommended conditions as well as conditions recommended by the Planning Commission. Mr. Wingerson pointed out the landscape plan; an area plan; a site plan; a landscaping plan; original building elevations and a sign elevation. Mr. Wingerson stated that during the Planning Commission hearing, the applicant provided some information on the building and site in terms of the square feet of the site and the size of the building, and some possible reuses should that become necessary in the future, as well as a plan to subdivide the space should that become necessary. Staff has provided a list of trees as a suggestion for the required landscaping.

Mr. Wingerson said also included in the packet is supplemental material related to the original Tower Plaza development Public Hearing, zoning changes, and site plan approvals. In that stack is the original site plan for the south parcel, which is located on the very north edge of Tower Plaza, at 64<sup>th</sup> and North Prospect, generally to the east side. It is considered a pad site in the development. There are three actions for the Council's consideration this evening. The first is this Public Hearing; the second is consideration and vote on the site plan revision to allow the construction of a retail auto parts store; and the third action should that move forward tonight, is consideration of a building permit to allow the physical construction of that facility.

Mr. Wingerson said much of the Council attended the planning Commission Public Hearing; for the essence of time, he would not go through that entire full Staff

presentation, but he would like to highlight the additional conditions gleaned from the Planning Commission Public Hearing. They start in the draft Ordinance with Condition Number 16: as follows:

*16. Prohibit all maintenance and service of any vehicle or equipment on site.*

*17. No corporate identification on north side of building.*

Mr. Wingerson said this specific conversation of the Planning Commission was the orange stripe (Item No. 17).

*18. Lawn irrigation shall be installed and maintained in perpetuity.*

*19. Provide railing, landscaping, and curb plan for north side of building.  
Enhance landscaping along the northern edge of the building.*

Mr. Wingerson stated there is a retaining wall on that side of the development, and there was concern for public safety there.

*20. Install irrigation system to reclaim building run-off.*

Mr. Wingerson said there was a 21<sup>st</sup> condition that had to do with overnight parking of vehicles. After the Planning Commission Public Hearing, it was determined that was already one of the Staff recommended conditions, so it is not new, but it is in there either way. Mr. Wingerson said this is a very difficult application. With a split Planning Commission vote of five in favor and four against, with one person abstaining, it is controversial. The Site Plan is technical in terms of setbacks, building heights, parking ratios, and those types of issues comply with the regulation. The issue with the Planning Commission and the City Council tonight is one of compatibility. Tower Plaza is comprised currently of two buildings. One being BankLiberty, which is primarily characterized by a dark brick and synthetic stucco material. The Tiffany And primarily consists of synthetic stucco and natural stone. Mr. Wingerson said he believes that is where a lot of the conversation tonight will occur.

Mr. Wingerson pointed out on the overhead projector and in the packet the current proposed elevation for this particular project. The building is a natural color and attempts to mimic some of the architectural features of both BankLiberty and Tiffany And. Mr. Wingerson said he would be happy to answer any questions.

Mayor Pro Tem Carol Rudi asked Mr. Wingerson to explain which of the recommendations would relate to the parking of vehicles.

Mr. Wingerson replied Condition Number 4 is the one that has to do with tractor trailers and combine that with the trash and delivery traffic and the hours of operation

- all of those three combined will make it almost not possible to have a vehicle there overnight, because there would be no reason for it to be there.

Mayor Pro Tem Rudi said if there was a delivery truck of some kind, a small van or something, she does not see that would be eliminated. Is that a loophole?

Mr. Wingerson said that can be clarified and be specific and ensure it is not a loophole.

Councilman Beer asked if that question is in regard to company owned vehicles.

Mayor Pro Tem Rudi replied yes.

Councilman Les Smith said he has had this information since 3:00 PM, today, and he is trying to go through it as quickly as possible. Councilman Smith said there was a lot of discussion at the Public Hearing when the property was rezoned about orientation of the retail building that was planned for this pad site, and we worked a lot on protecting the neighborhood from any negative effects of this building. Councilman Smith asked what those were exactly.

Mr. Wingerson asked if Councilman Smith is asking about the orientation of the currently planned and approved building?

Councilman Smith agreed that was correct.

Mr. Wingerson replied that the building is generally fronting on Prospect; however, the use of the building would be a four sided use, meaning that there is parking and vehicular traffic on all four sides of the building. What is currently planned is a fast food drive through restaurant. Mr. Wingerson asked if he had answered the question.

Councilman Smith replied, no, we talked a lot about lighting, noise, and at Councilman Beer's recommendation that the north side really have no access, and solely was a lane for cars to get from one place to the next. Councilman Smith said there was some discussion at the Planning Commission Public Hearing about this benefiting the neighborhood, because it protects the neighborhood from the building that is planned, but he thinks we did a lot of work in protecting the neighborhood; he just does not remember what those specific items were.

Mr. Wingerson stated the information is in Council's packet and would be in the approved Ordinances that have to do with landscaping, fencing, and adverse impacts of lighting and the actual location of trash dumpsters and trash removal. It would be those types of strategies in general that were applied to the original Tower Plaza development plan.

Councilman Smith said Mr. Wingerson mentioned that the main issue might be compatibility and the buildings that are there currently, versus this proposed building. Councilman Smith asked if Mr. Wingerson had any pictures of the existing buildings that can be placed next to this building to see how they compare.

Mr. Wingerson replied he did not.

Councilman Smith asked if that is something we can get for a future meeting?

Mr. Wingerson replied yes.

Councilman Beer stated previous discussions of the Planning Commission and City Council back at the time of rezoning dealt not with just four-sided use, but four-sided architecture. There was a significant amount of discussion that was presented by the developer's representative, and by the Council and the Planning Commission in regard to four-sided architecture. An example given by one of the developer's representatives was the Highway 152 side of Boardwalk. Councilman Beer said he does not see that here, and asked if that is something that is still on the table?

Mr. Wingerson replied the applicant would be much better versed in that general question. In terms of the technical part of this request, the traditional back of the building faces directly north. That part of the building does not have any pedestrian or egress opening, so it is a solid wall with a parafit on top, with a screen wall that extends from the building to house the dumpster enclosure. From the north looking south, topographically up the hill, you would be viewing what would look like a solid wall with no opening. All the lighting is to the east, west and south. In terms of architecture, those mechanisms are in place for the protection of the neighborhood. The architecture is the same on all four sides of the building, from an architectural standpoint.

Councilman Beer said he is not sure this answered his question in regard to the comparison that was given in regards to Boardwalk. Councilman Beer said that was a statement made, he believed, by the developer's original design architect. The four-sided architecture of Boardwalk is significantly different from what he sees on this north elevation. Councilman Beer stated the spill over lighting protection into the neighborhood, and the fact that there is no traffic on the north side of this proposed building eliminates a significant amount of that light, but still we have east and west sides of the structure that we still need to be concerned about. Councilman Beer said the spill over illumination from that and the original proposal that was approved included, he believes, a light barrier that would protect the neighbors from vehicle lights, but we still have vehicle light issues on the east side of this proposed building. Is that to be addressed?

Mr. Wingerson replied it is to be addressed through enhanced landscaping along that northern edge, with minimal lights in that landscaping. On the lighting issue,

Condition Number 6., talks about the exterior lighting to be designed, installed and maintained to reduce any adverse impact on the surrounding neighbors. This is basically the same condition carried forward from the Tower Plaza original development approval.

Councilman Beer said he would want to hear the issues regarding the four-sided architecture.

Councilman Smith stated he has found something about what Councilman Beer is talking about, and asked if he might read it very briefly. Councilman Smith said this is about the original plan - the existing plan that has been approved. Councilman Smith read, "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 to block out headlights and mitigate concerns". Councilman Smith said the main thing he is seeing, skimming through old notes, is that we talked a lot about buildings that were residential in nature, with pitched shingled roofs, which is what we have for the most part with the existing building that is there.

Councilman Beer said in regards to the Planning Commission meeting of January 3, 2005, the Court Reporter Minutes, pages 32, 33 and 34, addresses this quite a bit. Mr. Cantrell is making some remarks and says "that as far as the materials of the building, we are proposing basically a four material building; however, it is going to be on all four sides, too. It will be a wainscoting of masonry brick material - there will be stucco, brick, stack lines as examples, metal and ceramic, as examples". Later, Mr. Cantrell said "the wainscoting on the front tile on the column elements, will continue around to the backside and the sides of the building. I don't know if the guys indicated to you, but on the site plan, there's no vehicular access to the rear of the buildings". Mr. Cantrell says later that "a very good example of this is the shops up at Boardwalk, up along I-29, immediately across the other side from Zona Rosa, the back of these buildings, although they have vehicular access, they are treated architecturally, as sensitive as what the front is treated, and that is what our intentions are to do here also".

Mr. Wingerson stated in response to Mayor Pro Tem Rudi's question about overnight vehicle parking, he would suggest a Condition Number 21, for consideration that could read: *Any overnight vehicle parking is prohibited.*

Mayor Pro Tem Rudi asked which direction the drawings face.

Mr. Wingerson replied the top picture would face east, so you would be looking at that from Prospect Plaza. The second one faces north, so you would be looking at that from below single-family residential homes. The third one faces west, which is adjacent to a detention basin that exists on the property. The bottom one faces south.



**Comments from the Applicant**

Pete Hall, 5621 North Clinton Place, began by saying he was representing Zone Equities, LLC, the purchaser/developer of Lot 1, Tower Plaza property. The site is currently platted for a drive-through fast food restaurant with possible carhop type canopies. The intended use for the revised building is for a retail auto aftermarket parts and accessory store operated by Auto Zone. Mr. Hall stated the land was zoned CP-1 in 1978 and the existing platting approved in 2005. Zone Equities has agreed to all of the items recommended by the City's Planning Commission and Community Development on this plan revision, and no waivers or variances of City Codes are requested. As a point of interest, this company has changed many aspects of their normal building to become a part of our City at this location. Mr. Hall said there is one exception, which is Item Number 20, and the only reason that is an exception, is because he does not know what it means. (Item No. 20. Install irrigation system to reclaim building run-off). Mr. Hall said he was not aware of this condition and is not sure what it does or what it really involves. If at all possible, they would be glad to do that.

Mr. Hall stated Auto Zone is a publicly traded Fortune 500 Company, which adds accountability. They are very customer oriented, which helps make them the best in their industry. Auto Zone donates to charities, and gives to 501(c)3 organizations, which is always a good corporate trait. Their pledge or motto is to always put the customer first, know the products well, and have great looking stores and the best merchandise at the right price. Mr. Hall said Auto Zone is the largest retailer in a \$65 billion industry, with over 4,000 stores worldwide. The stores have 15 to 20 employees per unit with pay ranging from \$12 to \$16 per hour. Quality jobs always help a community and particularly the surrounding businesses. The store sales average \$1.5 million to \$2 million per store, which is up to a 95 percent increase over the platted use. Retail sales increases have averaged 5.5 percent annually over the last five years. It's great to have a store with a growth history. Mr. Hall continued by saying that Auto Zone has extremely clean, well lighted, friendly and well stocked stores, setting an example to most other retail outlets and they set the bar very high for their industry. Mr. Hall said the total investment in our community will be approximately \$2,000,000. They wouldn't spend \$2,000,000 if this weren't a good location for their business. Mr. Hall said we believe that this requested site plan revision accomplishes many positive things and is much less intrusive than the platted use that we have been talking about earlier to the residents in the immediate area.

Mr. Hall said the placement and design of the building creates an excellent sound and light buffer not just for that business, but all the businesses and traffic on Antioch Road and 64<sup>th</sup> Street. That buffer is for the residents most closely affected by the development of this site. Currently, there is no lighting or doors to the rear of the north side of the building planned, but it has the same exterior finish as the other three sides. It is an attractive building that maximizes the use of the available land on this lot. It is not a special use building that can only be used for one purpose such as the

existing platted use. This building can easily be converted to other retail uses or even subdivided for smaller users. The intended use provides for higher paying jobs for the employees of the store than most retail or fast food outlets and will help boost the area's employment demographics. It brings a very successful Fortune 500 company to our City. The building adheres to and compliments the design and colors of the other buildings in the development, without creating another cookie-cutter type development. Parking ratios and all setbacks meet or exceed City Code. It is Auto Zone's intent to make this the best auto after market store that it can possibly be. We ask that the City Council approve this revision as recommended by the City staff and Planning Commission. Mr. Hall said he would be happy to answer any questions.

Councilman Smith said he is not sure if he misheard or Mr. Hall misspoke, but Mr. Hall said their annual sales averaged from \$1.5 million to \$2 million per store, and that is a 95 percent increase over the platted use.

Mr. Hall said that was correct. That would put the platted use at approximately between \$700,000 and \$1.1 million or \$1.2 million.

Councilman Smith asked if there was any way to verify this information. Councilman Smith said not even officially, but he thinks we have one in our City - what we are talking about is something like a Sonic drive through. Councilman Smith said he saw on the plat that there is parking on the east side and dumpsters on the west side of the building, and he commends them on eliminating all access and vehicular traffic to the back side of the building. Based on what he read earlier in response to Councilman Beer's comment, would Auto Zone be willing to put up some sort of a more substantial barrier to block out traffic and headlight noise, than what they have shown here. On the currently approved plan, we talk about 12-foot barrier, landscaped on the backside.

Mr. Hall replied, in his opinion, it seems that a 20-foot+ wall that would be in place of that 12-foot barrier would be more than sufficient.

Councilman Smith inquired into where the 20-foot wall would be located.

Mr. Hall replied the back of the building would have no lights, no doors, and is considered a wall.

Councilman Smith said he is talking about the vehicle traffic that would be generated on the east parking lot and the west dumpster locations that is beyond the building - in front of the building on the east side.

Mr. Hall said he is sure there can be some plantings or something put there that would allow for there not to be any light, so long as it does not disturb the existing retaining wall that is there.

Mayor Pro Tem Rudi asked, regarding the tower, it says there is a 12 to 4 pitch, how does that compare to the other two buildings and the towers that are on them?

Mr. Hall replied very similar. The owners of the development originally wanted to show some type of towers to allow for the Tower Plaza, and wanted to tie in the colors. As it currently exists, they wanted some differences and some variances – some architectural diversity within the buildings themselves. Mr. Hall said we experience that currently; this just takes that further on.

Mayor Pro Tem Rudi said the other question she has is in regard to the operation hours that are allowed – 6:00 AM to 12:00 Midnight. Mayor Pro Tem Rudi said to her that is extensive for retail.

Mr. Hall replied agreed, and said the intent and normal use for these types of stores is somewhere around 7:00 AM at the earliest, 8:00 AM is more likely; and depending on the time of the year, to anywhere from 6:00 PM to 9:00 PM.

Mayor Pro Tem Rudi asked if there would be any objection if it read 8:00 AM to 9:00 PM for hours of operation?

Mr. Hall said he could certainly check with the user. One of the issues is the entire shopping center is under that criteria. To change it for one building may not be appropriate. Mr. Hall said to answer the question about Boardwalk, it has about 50,000 or maybe 80,000 cars directly behind it in the daytime. One of the reasons that development has that kind of finish is because it is exposed to that many people. This is in the backyard of residents and there won't be any exposure other than to the residents on the backside.

Councilman Beer said that is his point; it is exposed to the residents 24 hours, 7 days per week, 365 days per year.

Mayor Pro Tem Rudi stated the orange stripe around three sides does not blend in with the rest of the development. She does not mind as much the Auto Zone on the east side for their signage, but that stripe that goes all around the building, she would like to see eliminated; toned down for sure.

Mr. Hall stated it was alleviated on the backside. There was a concern that it was not attractive for residents to see. Most all of Auto Zone's buildings and money that they have spent in promoting their business has been around gray buildings, certainly a lot more austere than this one, and they feel very comfortable in upgrading what they are doing here, but to completely do away with what they have spent so much money to try to build, may be more than possible.

Councilman Smith said when we approved Wal-Mart, which is a fairly big company, we got them to agree not to paint in their Wal-Mart blue because we wanted

something more aesthetically pleasing for our community, and they did it. For Gladstone that was a coup at the time.

Mr. Hall asked what color is it now?

Councilman Beer replied Wal-Mart colors.

Councilman Smith jokingly said that happened when we were gone – Pete doesn't generally ask a question he doesn't know the answer to!

**Communications from those in Favor of the Application**

There was no one to speak in favor of the application.

**Communications from those in Opposition of the Application**

Jessie Valenciano, 6503 North Olive, began by saying he lives directly behind this development. Mr. Valenciano said we keep talking about Boardwalk and Zona Rosa, and we have to ask ourselves if they have an Auto Zone or a Sonic on those properties. Overland Park, today, will not allow a building like this. Years ago they use to, but now they don't. Liberty is not going to allow something like this in a new development. Why would Gladstone? It's doing the same thing we have always done here. Mr. Valenciano said he believes we need to become more creative as far as the City Council, the Zoning Commission, the developer and the realtor. A lot of people don't realize that Pete Hall is the listing agent for this property, which is why he is concerned about getting it done. Mr. Valenciano said he would like to see Gladstone change its ways and become more creative and have more unique shops come into Gladstone.

Mr. Valenciano said he posed a question for the Planning and Zoning Commission, and some City Council members were there. A lot of people don't realize how many transportation related businesses are in Gladstone; he counted them. Mr. Valenciano said there are 57, and he can list them starting at 77<sup>th</sup> Street down to Englewood on North Oak, and Englewood to 72<sup>nd</sup> Street on Antioch Road. It is time for a change. We need to get away from the same old type of businesses that we've been having. Mr. Valenciano asked if anyone would like to hear the list.

Councilman Smith said the list was printed in the Planning Commission minutes, and it is really long.

Mr. Valenciano said the question he has is do we really need an Auto Zone auto parts store? We have three of them in the boundaries of Gladstone, and outside of Gladstone, there are two more big Advance Auto Parts. As far as charitable, there are a lot of charitable companies out there. There are a lot in Gladstone, plus you have five thrift stores that don't pay sales tax. We need to change.

Mr. Valenciano said as far as the design of the building – it does not blend in with what is there. There is a flat roof, and they put a pitch on one corner and the rest is all flat. Keep in mind Overland Park and Lee's Summit would not allow this. Should we? Mr. Valenciano said he would like to see some nice shops go in there. Mr. Valenciano said he would like to commend the developers, who did a nice job with what is there now, and he would like to see it continue, and most Gladstone residents want to see it continue. Mr. Valenciano said he knows a lot of people who have moved out of Gladstone, but stayed in the Northland area; and he thinks if you asked them why they moved, you would be appalled. You would realize there needs to be some changes.

There being no further comments, Mayor Revenaugh closed the Public Hearing.

**Item 14. on the Agenda.**      **FIRST READING BILL 08-14**, approving a Site Plan Revision in a CP-1 Zone for property located at 6450 North Prospect.

Councilman Wayne Beer moved to place Bill 08-14 on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Beer asked Councilman Smith if as he has only just received his packet of information, does he feel comfortable going to the second reading of the Bill tonight?

Councilman Smith replied this is a lot of information to get at 3:00 PM; obviously, he has not been supportive of this concept, but he would at least like to give it the benefit of the doubt and be able to get through all of the material. To answer Councilman Beer's question, no, he does not feel comfortable voting tonight, and he does not feel he is fully informed, and he would like the time to be able to review the minutes back to 2005, and read all the material. He would appreciate it not going forward, but if Council chooses to go ahead and place this on the table, he will be voting "no" to waiving the rule and moving it to the final reading. Councilman Smith said he needs some time, please, to go through all the material.

Councilman Beer said with that in mind, he is not going to proceed with a motion for a second reading.

City Counselor Ramsay said Council needs to vote on whether or not you accept the first reading and the second reading can be taken up at the next City Council meeting.

Councilman Les Smith moved to accept the First Reading of Bill 08-14. Councilman Carol Rudi seconded.

Councilman Beer said he had some questions during the Public Hearing process that perhaps made it sound as if he might be opposed to this project. As a general rule, he is in favor of this project going forward, and he does like what Auto Zone has done with the project since the Planning Commission meeting. They have done a good job in improving the exterior appearance of their project. Councilman Beer said he does not want anyone to think that he does not like this project or that he does not like Auto Zone, because that is not the case; however, there were some comments made in the Planning Commission meeting, both in Court Reporter meetings, and in the general method by which meetings are reported in minutes. Likewise, a lot of the same discussion was held by the City Council through Court Reporter meetings and the usual method by which our meetings are recorded. Councilman Beer said he wants to be sure the original concepts in the design and theme, as originally presented by the developer's architect, conform to what has been approved in the "P" zoning that was approved by City Council in 2005.

Councilman Smith said he had originally intended to miss this meeting all together, and made arrangements to return to town so he could participate in the Public Hearing and gain as much information as he could. Councilman Smith said in the Planning Commission Minutes, Commissioner Whitton asked whether or not Auto Zone wholesales auto parts. Much like the other auto parts stores in town, we see the little white pick-up trucks and so forth, and he believes that is how that discussion began. Councilman Smith said he would like to know if they wholesale auto parts. Perhaps that answer can be gathered in a letter or something, because it is not clear what their intent is.

Councilman Beer said he makes his comments as a form of protection for the immediate neighborhood. That was an issue of great importance to them three years ago, and it is just as important today, and it is as important to him as it was three years ago. Councilman Beer said he does not object to this project, he just wants some assurance for the neighborhood that what we had provided as guidance to them back three years ago is what we stick to today. He does not want to short-change them any more than they feel they already have been.

The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0).

**Item 15. on the Agenda.**      **BUILDING PERMIT:** for construction of a new 7,147 square foot commercial business for the sale of automotive parts on property located at 6450 North Prospect. Applicant/Owner: Zone Equities, LLC.

Mayor Revenaugh stated, for the record, that this item will be continued to the next City Council meeting.

**Item 16. on the Agenda.**      **PUBLIC HEARING:** for consideration of a request for a Special Use Permit for operation of a Garden Center at 7508 North Oak Trafficway. Applicant/Owner: Antonio Scire, Tony's Garden Center. (File #1312).

Mayor Revenaugh opened the Public Hearing.

**Staff Presentation**

Chris Helmer, Planning Specialist, explained to City Council members that the reason for this application is a change in ownership. The previous operation was under the Ryan's ownership and operation. At the March 17, 2008, Planning Commission Public Hearing the Planning Commission unanimously did not vote in favor of this application. Mr. Helmer said the application received from the applicant lacked a significant amount of information that we would have liked to see with this particular site; that being a basic site development plan with signage, building layouts or any future enhancements or development on that site. This particular site has historically shown some deviation from City Code; one being setback requirements and the other being parking. Currently, the site is a gravel parking lot, which is rather inconsistent of what we do see on the North Oak Corridor, as well as our present development in general.

Mr. Helmer said another consideration that he presented to the Planning Commission largely stemmed on a broad base umbrella of land use issues. We have seen a significant amount of public input, not only at the Planning Commission level, but also at the City Council level, and that being certainty of our development patterns on not just the North Oak corridor, but Antioch and other targeted areas within the community. Mr. Helmer stated that Staff is asking that City Council continue with the recommendation that Planning Commission gave for non-approval. If the City Council should desire to continue with this application, you will notice that you did not receive a draft Ordinance, that is because Staff is not recommending approval of the application; however, if City Council members should choose move forward with this, Staff requests that City Council would give them approximately 30 days to draft that Ordinance.

**There were no comments from the Applicant.**

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

Mayor Revenaugh closed the Public Hearing.

Mr. Wingerson said as there was no Ordinance created, just a motion and a vote by City Council would address this matter.

Councilman Wayne moved to approve the application for a **Special Use Permit for operation of a Garden Center at 7508 North Oak Trafficway.** Applicant/Owner:

Antonio Scire, Tony's Garden Center, with the recommendation that he will be voting "no". Mayor Pro Tem Carol Rudi seconded. The vote: All "no" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (0-5).

Mayor Revenaugh stated the motion is defeated.

**Item 17. on the Agenda.**      **FIRST READING BILL 08 –15**, repealing Ordinance No. 3.992, 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 08-15 on First Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 08-15, 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 Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 08-15 and enact the Bill as **Ordinance 4.072**. Councilmember Carol Suter seconded.

Mayor Pro Tem Rudi pointed out that the City is changing the sewer charges not because the City of Gladstone wishes to, but because these are charges that the City of Kansas City sends along to us, and we have no option but to follow that.

Councilman Beer said the reason for that is they process our sewerage.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0).

**Item 18. on the Agenda.**      **FIRST READING BILL 08 –16**, amending Ordinance Numbers 3.835, and 3.971 by incorporating the provisions thereof concerning Fireworks and Open Flame Burning in a new chapter under Title II of the Code of City Ordinances, to be known as "The Fire Prevention Code," and to include therein the existing provisions requiring Smoke Detectors, and new provisions requiring Carbon Monoxide Detectors, in certain residential structures.

Councilman Carol Rudi moved to place Bill 08-16 on First Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman



Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Mayor Pro Tem Carol Rudi moved to accept the First Reading of Bill 08-16, Waive the Rule and place the Bill on Second and Final Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Mayor Pro Tem Carol Rudi to accept the Second and Final Reading of Bill 08-16 and enact the Bill as **Ordinance 4.073**. Councilman Les Smith seconded.

Councilman Smith asked for clarification of multi-family as it pertains to this Ordinance – is that duplex and up?

City Counselor David Ramsay replied it is a fourplex and up, which is why the term "multi-family apartment structures" is used for the carbon monoxide detectors in section 2.140.070.

Councilman Smith asked why would we not want to do such in any multi-family housing from duplex on up, when in essence the actions of one family or individual can cause great harm to adjoining units.

Counselor Ramsay replied in discussions with the City's Building Official Alan Napoli and Fire Inspector Chuck Duddy, they indicated they wanted to concentrate at this point in time on apartment buildings in terms of compliance and inspections for compliance. They intend to bring forward an amendment in the future once that is accomplished to expand this to duplexes.

Mayor Revenaugh asked if it wouldn't have been as easily done to include duplexes in this Ordinance, and then they have the leeway to move forward.

Counselor Ramsay replied they felt it would be an immediate enforcement problem in regard to manpower, and so forth.

Councilman Smith asked what if someone abides by the Ordinance and follows the requirements and we save a life? What is the downside?

Building Official Alan Napoli stated the intent of this action primarily is for Public Safety who has more of an issue with apartment complexes, and there is more of the possibility of an impact in such housing if there is a problem. Ultimately, in a few years amendments may be requested to require carbon monoxide detectors in single-family homes. We did the same thing with smoke detectors, we started in this fashion and worked our way down to single-family homes.

Councilman Beer said it has to do then with definition of single family versus multi family without regard to the actual configuration of the structure itself. If it were codified as multi family only, it makes it pretty clear where the enforcement actions have to concentrate. If we were to include single family, do you still have the enforcement options to go to only multi family or would you be required to begin enforcement concentration on all housing?

Councilman Smith stated if you could separate it by attached single family versus detached single family, because attached is going to address the town homes, the condos, and the duplexes from an enforcement standpoint. The enforcement part could be all except detached single family, which is the single family stand alone residence. Attached single family would be the duplexes, condos, and town homes, which have a common wall. They would still have an enforcement provision there.

Councilman Beer said he misunderstood.

Councilman Smith said he is not trying to make a "mountain out of a molehill", but it seems the more people we can help to protect in that regard, because of the actions of others makes sense. Most generally, if you leave your car running, or have a faulty furnace in your detached single family home, you are only affecting your family. You do so in a duplex, town home, condo or anything that is attached, you are potentially causing harm to others who might be innocent victims.

Councilman Beer said that will still add a significant load to their enforcement responsibilities. The question he has is are they capable of doing that at this point.

Mr. Napoli replied at this time, he would say no. Not that they could not do it, but we need to start somewhere, so if they do that, they would still start with the higher concentrated complexes and work their way down, so the time frame would still be two or three years away, so they would like to begin with the concentrated housing and work our way down.

Councilman Beer asked if all except single family detached dwellings are codified now, and you were to concentrate your efforts only on multi-family fourplex and above, and not have any enforcement activity on duplexes, town homes, and such, does that leave us open from a legal liability standpoint if something were to happen in a duplex, simply because we would not have enforced what was in the Code.

Counselor Ramsay stated that in regard to the basic enforcement practices, the City is immune from liability for performing inspections and enforcement activities or not performing them. The City might have some liability if inspections are performed in a manner that could be construed as reckless disregard for the safety of the public.

Mayor Pro Tem Rudi stated given where we are in the reading of the Bill, she would recommend that we approve this action, and ask Mr. Napoli, Mr. Duddy, and Mr.

Ramsay to come forward in the future, in possibly another year, and bring forward the next level of this, because that will not take any more time than it's taken to discuss this.

Councilman Beer agreed.

Roll Call Vote: All "aye" -- Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0).

**Item 19. on the Agenda.**      **OTHER BUSINESS.**

There was no other business.

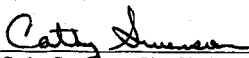
**Item 20. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

**Item 21. on the Agenda.**      **ADJOURNMENT.**

There being no further business to come before the April 28, 2008, Gladstone Regular City Council Meeting, Mayor Mark Revenaugh adjourned the regular meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: \_\_\_\_\_

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

  
Mayor Mark S. Revenaugh



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
FRIDAY, MAY 2, 2008**

**EMERGENCY CITY COUNCIL MEETING  
9:00 AM**

**PRESENT:** Mayor Mark Revenaugh  
Mayor Pro Tem Carol Rudi  
Councilman Les Smith  
Councilman Wayne Beer

**ABSENT:** Councilmember Carol Suter

City Clerk Cathy Swenson

Mayor Mark Revenaugh opened the Emergency May 2, 2008, City Council Meeting at 9:00 AM in the Gladstone City Council Chambers.

**Item 2. on the Agenda. ROLL CALL**

Mayor Mark Revenaugh noted that all Council members were present, except for Councilmember Suter, who was unable to attend.

**Item 3. on the Agenda. RESOLUTION R-08-26**, declaring the City of Gladstone, Missouri to be a Disaster Area due to the Destruction caused by the Wind Storm of May 2, 2008, and directing the City Manager to notify the Honorable Governor of Missouri and the appropriate Emergency Assistance Agencies of the Federal and State Governments of the conditions within the City.

Following the Clerk's reading, Councilman Les Smith moved to adopt **RESOLUTION R-08-26**, declaring the City of Gladstone, Missouri to be a Disaster Area due to the Destruction caused by the Wind Storm of May 2, 2008, and directing the City Manager to notify the Honorable Governor of Missouri and the appropriate Emergency Assistance Agencies of the Federal and State Governments of the conditions within the City. Councilman Carol Rudi seconded. The vote: All "aye" –

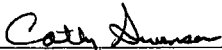
Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (4-0)


Item 4. on the Agenda.

**ADJOURNMENT.**

There being no further business to come before the May 2, 2008, Gladstone Emergency City Council Meeting, Mayor Mark Revenaugh adjourned the Emergency meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Mark S. Revenaugh



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MAY 12, 2008**

**OPEN STUDY SESSION: 5:45 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will adjourn to a 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.

**AMENDED AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Emergency May 2, 2008, City Council Meeting Minutes.
5. Approval of Regular April 28, 2008, City Council Meeting Minutes.
6. CONSENT AGENDA

**RESOLUTION R-08-27**, authorizing acceptance of work under contract with the Wilson Group, Incorporated for the Atkins Johnson Roof Restoration/Renovation; and authorizing final payment in the amount of \$7,897.00 for Project CP0861.

**RESOLUTION R-08-28**, authorizing execution of a contract with Miller Paving & Construction, LLC, in the total amount not to exceed \$224,850.00 for the 2008 Residential Curb and Sidewalk Program, Project TP0805.

**RESOLUTION R-08-29**, authorizing the City Manager to execute an agreement with the Kansas City, Missouri Police Department for installation of an Antenna on the Linden Water Tower Site that will enhance the range of that Department's vehicle tracking system.

**BUILDING PERMIT:** for expansion of the existing Lighthouse Liquors building on property located at 6450 North Prospect. Applicant/Owner: Truman Road Properties, LLC.

**BUILDING PERMIT:** for construction of a 120 foot tall cellular antenna tower and associated building(s) and equipment on approximately 952 square feet of land in Flora Park East for T-Mobile. Applicant: Selective Site. Owner: City of Gladstone.

**APPROVAL OF PARK FESTIVAL USE PERMITS** for the 12th Annual Gladstone Summertime Bluesfest in Oak Grove Park, 76th & North Troost, Friday and Saturday, June 6-7, 2008, and the 29th Annual Gladfest Celebration on Friday, Saturday and Sunday, October 3-5, 2008, 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.

**APPROVAL OF BEER LICENSE** for the Gladstone Summertime Bluesfest in Oak Grove Park, 76th & North Troost, (2-day license), June 6-7, 2008, Managing Officer: Amy Harlin; and the Gladfest Celebration in the Gladstone Central Park area, near 69th & N Holmes, (3-day license) October 3-5, 2008, Managing Officer: Amy Harlin.

**REGULAR AGENDA**

- 7. Communications from the Audience.**
- 8. Communications from the City Council.**
- 9. Communications from the City Manager.**
- 10. SECOND READING BILL 08-14**, approving a Site Plan Revision in a CP-1 Zone for property located at 6450 North Prospect.
- 11. BUILDING PERMIT:** for construction of a new 7,147 square foot commercial business for the sale of automotive parts on property located at 6450 North Prospect. Applicant/Owner: Zone Equities, LLC.
- 12. FIRST READING BILL 08-17**, granting to Missouri Gas Energy, a division of Southern Union Company, a Delaware Corporation, operating a Gas Distribution System in the City of Gladstone, Missouri, its successors or assigns, a franchise to operate a Natural Gas Distribution Plant and System in said city and relating thereto.
- 13. Other Business.**
- 14. Questions from the News Media.**
- 15. Adjournment.**





**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MAY 12, 2008**

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Mark Revenaugh  
Mayor Pro Tem Carol Rudi  
Councilman Les Smith  
Councilman Wayne Beer  
Councilmember Carol Suter

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Mark Revenaugh opened the Regular May 12, 2008, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.      ROLL CALL**

Mayor Mark Revenaugh noted that all Council members were present.

**Item 3. on the Agenda.      PLEDGE OF ALLEGIANCE.**

Mayor Mark Revenaugh led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda.      APPROVAL OF EMERGENCY MAY 2, 2008,  
CITY COUNCIL MEETING MINUTES.**

Councilmember Carol Suter moved to approve the Emergency May 2, 2008, City Council meeting minutes. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

**Item 5. on the Agenda.**      **APPROVAL OF THE APRIL 28, 2008, CITY COUNCIL MEETING MINUTES.**

Councilmember Carol Suter moved to approve the Regular April 28, 2008, City Council Meeting Minutes as presented. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

**Item 6. 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 Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-27**, authorizing acceptance of work under contract with the Wilson Group, Incorporated for the Atkins Johnson Roof Restoration/Renovation; and authorizing final payment in the amount of \$7,897.00 for Project CP0861. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-28**, authorizing execution of a contract with Miller Paving & Construction, LLC, in the total amount not to exceed \$224,850.00 for the 2008 Residential Curb and Sidewalk Program, Project TP0805. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-29**, authorizing the City Manager to execute an agreement with the Kansas City, Missouri Police Department for installation of an Antenna on the Linden Water Tower Site that will enhance the range of that Department's vehicle tracking system. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to approve a **BUILDING PERMIT** for expansion of the existing Lighthouse Liquors building on property located at 5800 North Oak Trafficway. Applicant/Owner: Truman Road Properties, LLC. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to approve a **BUILDING PERMIT:** for construction of a 120 foot tall cellular antenna tower and associated building(s) and equipment on approximately 952 square feet of land in Flora Park East for T-Mobile. Applicant: Selective Site. Owner: City of Gladstone. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to approve **PARK FESTIVAL USE PERMITS** for the 12th Annual Gladstone Summertime Bluesfest in Oak Grove Park, 76th & North Troost, Friday and Saturday, June 6-7, 2008, and the 29th Annual Gladfest Celebration on Friday, Saturday and Sunday, October 3-5, 2008, 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. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (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 6-7, 2008, Managing Officer: Amy Harlin; and the Gladfest Celebration in the Gladstone Central Park area, near 69th & N Holmes, (3-day license) October 3-5, 2008, Managing Officer: Amy Harlin. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

## **REGULAR AGENDA**

### **Item 7. on the Agenda.**

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

There were no communications from the audience.

### **Item 8. on the Agenda.**

### **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilmember Carol Suter** had no comments at this time.

**Councilman Wayne Beer** stated he had the occasion to be in attendance in the Emergency Operations Center following the recent storm from roughly 3:30 AM until approximately going home time late that evening. Councilman Beer said it was an enlightening experience to observe the operations of the Emergency Operating Center. There was a team of people who did an outstanding job of managing the efforts of the storm management. Councilman Beer extended his gratitude to City Manager Kirk Davis, who in his opinion, is an outstanding crisis manager. City Manager Davis did a good job! Councilman Beer said all of the Emergency Operations Center (EOC) staff

operated in an extremely professional and efficient manner. There was no "one-upmanship", which can oftentimes happen in a situation such as this. Everyone had his part to play, and everyone played the part he had to play, and this all came to be because of good planning. There was a good plan in place and it was carried through based upon that plan. These plans are also rehearsed, with tabletop exercises at least once per year. Councilman Beer said without a good plan and without having rehearsed a good plan, the efforts the City made would not have occurred as they did. The City Manager and staff are to be highly commended.

City Manager Kirk Davis expressed his thanks and said a lot of staff members are involved. We are getting pretty good at this, because we have been through it about three times. Everyone does work together in all the departments. We had a full call-out within an hour, and we laid out a pretty good plan. City Manager Davis expressed his appreciation to Kansas City, Missouri, Clay County, and our own staff, and all the people sitting behind him. They came in and jumped in right away. They knew what to do, where to go, and they knew what the plan is, which makes it a lot easier, especially in the first hour, when you have about six fires, communications systems are down, street lights are down, and power lines are down in intersections, and we don't know if anyone has been hurt. We were doing the search and rescue and trying to respond to all the other needs we had. It is pretty chaotic, but it is a managed chaos. City Manager Davis extended his compliments to all the people sitting around him and behind him. They know what to do and they did a very good job.

**Councilman Les Smith** stated he wished to echo Councilman Beer's sentiments. Councilman Smith said he "hit the streets" himself at about 3:30 AM, following the storm, and it didn't matter what street he turned down to check on folks he knows, there was either Police, Fire, Paramedics, Public Works, or Parks crews. It is just amazing, and the plan worked very well. Councilman Smith said this was one of those defining moments for our community - not just in the staff response, but also in the response in the way neighbors are truly helping neighbors, and the way the communities have come to our aid. Councilman Smith said he was in a motel room the night before last in Oklahoma and heard about all the people who were killed in the tornados in Oklahoma over the weekend, and it still just amazes him that we have not had to deal with that, and we are so very fortunate. Councilman Smith stated good words go not only to City Manager Davis and City staff, but it also restores a little bit of faith in the folks in our community.

City Manager Davis stated demolition began today with two structures. The City had about 65 volunteers on Saturday morning who helped in the neighborhoods. Assistant City Manager Scott Wingerson did a really nice job with David Pieronnet in organizing the volunteers. It was a "well oiled machine". The brush site at Public Works will be open until the first weekend in June, with the exception of Memorial Day weekend. Residents are encouraged to take their brush to this site. The clean up is going very well. We are going to probably be through the City one time by the end of the week. Public Works Director Chuck Williams said we are making great

progress relative to picking up brush, and we have had 3,300 residential loads at the brush site. The brush drop-off hours are 8:00 Am to 5:00 PM through the week and Saturday and Sunday.

**Mayor Pro Tem Carol Rudi** extended her best wishes to everyone who has been affected by this storm event, and hope that they all have found places to live, at least for a temporary time. Mayor Pro Tem Rudi thanked all City staff, and said she knows everyone is working long hours, long days, and more than just their five days per week, and they are getting all kinds of phone calls – from glad you are around, to you don't do enough. Mayor Pro Tem Rudi said she knows how hard it is to field those kinds of questions, when you are really tired. Mayor Pro Tem Rudi stated she really appreciates the help that Staff is giving all the citizens.

**Mayor Mark Revenaugh** stated when he went back after the initial shock of the damage, he noticed that not only was there Gladstone personnel, but on almost every corner, there was someone from another area. There were people from North Kansas City, Liberty, Platte County, and the Clay County Sheriff's Patrol. All of our neighbors were coming in to help, in addition to the folks who just showed up last Saturday to give additional help. This is one of the things that sets the Northland apart, and Gladstone in particular, is the fact that we truly care about each other and we show that just like we did the night of the tornado, when the Fire staff in their full gear, and it was fairly warm out, were going into some of the demolished homes off of 76<sup>th</sup> and Euclid to help people that could not get in themselves, because it was too dangerous, and hauling out all their belongings in laundry baskets. People had nothing that was not still in their homes. The Fire Department was just incredible in how they took things out of the homes for the residents. The Police were at every point protecting the property.

Mayor Revenaugh said he noticed north of us, in Kansas City, some of the houses were robbed because the police did not secure the area, and there was not one incident of that in our community. Mayor Revenaugh said Interim Public Safety Director Mike Hasty is to be commended for the job he did coordinating all the support staff. Mayor Revenaugh asked if anything had been heard from the Governor.

City Manager Davis replied that apparently he has issued a declaration in the form of Executive Order 817, which is an amendment to Executive Order 814, which dealt with flooding in some parts of Missouri. We are trying to confirm that information now. If that holds true, we are pleased with that, and now we need to get some potential Federal assistance.

Mayor Revenaugh asked when we would find out, and doesn't the Governor request Federal assistance?

City Manager Davis said it has to go up through the chain of command, and he does not have a time frame for this.

**Item 9. on the Agenda.**

**COMMUNICATIONS FROM THE CITY**

**MANAGER.**

City Manager Davis said the Household Hazardous Waste Program is going to be held this Saturday at Happy Rock Park, from 8:00 AM to 12:00 Noon, but really it is 8:00 AM to whenever we service the first approximately 200 vehicles. There is a capacity limit. City Manager Davis encouraged everyone to utilize this program. City Manager Davis said the All America City practice would be tomorrow night at 7:00 PM in the Community Center. Participants need to wear their assigned shirts.

**Item 10. on the Agenda.**

**SECOND READING BILL 08-14**, approving a Site Plan Revision in a CP-1 Zone for property located at 6450 North Prospect.

Councilman Wayne Beer moved to place Bill 08-14 on Second and Final Reading. Mayor Pro Tem Carol Rudi seconded.

Mayor Pro Tem Carol Rudi stated she is still concerned about the hours going until midnight in that location; even though the entire area is allowed for those midnight hours. This really gets into the Building Permit, which is next. Mayor Pro Tem Rudi said as for the stripe that goes all around the building – she does not feel we need that much orange.

Councilmember Carol Suter said this issue has been discussed for some time, and she has been torn in both directions, and has heard input from the Planning Commission members and members of the community, and from the proponents. So far from what she has observed there is a lack of enthusiasm for the project as opposed to strong opposition to it. People would really like it to be something other than an auto parts store. Councilmember Suter said she appreciates the applicant's energy in trying to accommodate the design needs and the community neighborhood issues that are surrounding this and the developer's response to all of these things. Councilmember Suter said she agreed it would be nice if we could have a number of upscale shops, but the reality is that Gladstone is an absolutely wonderful middle class community; we are not Riss Lake or Briar Cliff or a high income neighborhood, so the demographics rule. Retailers are going to put the kind of facilities in our community that work for our community, so it is probably unlikely that we would have a whole lot of opportunity for the high-end kind of shops.

Councilmember Suter said she is more concerned about the available space in some of the new projects that have gone up at Plaza 57 and right across the street from this project, where there is available space. This project, itself, is not fully occupied as it is, and so she has gone back and forth between if she was looking for a place to start a new operation, she would probably be more likely to look at a place that has a higher occupancy, as opposed to places where there are vacancies. Councilmember Suter said in thinking about what is in the best interest of the community around this project

she thinks it makes a better selling point that we have viable businesses going that are making money that would encourage her to bring her business here as opposed to looking at a lot of available space that isn't being utilized. The kind of building this encourages her. Councilmember Suter said she is worried about the economy, and a recession, and whether starting any new business is smart at the moment. Councilmember Suter said she looks at it both ways. If the business goes in and it's successful, then that is good, because it says Gladstone is a good place to bring your business because you can make money. Councilmember Suter said if it goes in and it is not successful because of the recession, the developer has achieved building an appropriate kind of building that can be used with other kinds of retail, which strongly influences her. The orange stripe can come off and it can be something else. There would be developed property for reuse, as opposed to sitting there with a vacant space, hoping that someone will come along with a great idea. Councilmember Suter said she believes to do something is better than to do nothing, and the ideal probably cannot be achieved, so a really good effort at something that might succeed is weighing strongly in her mind.

Councilman Smith thanked City Council members for allowing him the time to review the material the last couple of weeks, and said there are three of them at the dais who might at least need to think about doing it a little bit differently. Councilman Smith said he has read everything there is to read on this project back to 2000. In 2005, at the Planning Commission and the Council level, from the developer to the developer's representatives, we then assured the residents of the adjoining neighborhood and even beyond that, in that we basically said no, we can't listen to everything you are saying because we have a greater good to look at, which is what's best for the City as a whole. It even states in the Ordinance "in the best interest of the City of Gladstone".

Councilman Smith stated he wanted to remind everyone that the developer fought hardest for this pad site to be what it is now; that was their biggest single fight was for this pad site. Councilman Smith said so, we are not changing the rules, and he is not suggesting we change the rules on the developer in midstream; we are asking the developer to build according to what they asked for. Councilman Smith said he was speaking for himself only, of course. We assured the people, and these are the developer's own words, "to be an upscale development". We assured the neighborhood that the buildings would be compatible and that it would look very nice. Councilman Smith said if you look at the photos that were presented by staff and you look at that building, it is not compatible by look. They assured us, including the architect, that it would not only be compatible by look, but it would also be compatible by material type that the buildings were constructed out of on the exterior, and it is not.

Councilman Smith continued by saying at both the Planning Commission level, and the City Council level, Assistant City Manager Wingerson read specifically what businesses would be allowed in a C-1 zone, and that was a very convincing list. We obviously know now that auto parts sales, retail sales are now allowed in a C-1 list;

that is not what we promised the people in this particular neighborhood – so what does all that mean? Councilman Smith stated this is not about what Auto Zone or retail auto parts are, it is what it isn't. What it isn't – if you go back all the way to Gladstone on the Move, the Village Center Master Plan process, the ongoing Comprehensive Plan process, we have been told the same thing over and over again by all of the citizens involved in those processes. Councilman Smith said he talked to Jeannie Moore, for example, who was the KPA (Key Performance Area) Chair for the business and economic, this is what they railed against. They said look, if we don't take a stand and want to start doing something different, we are never going to have anything different. Councilman Smith said, folks, it is time for us to buy what we have been trying to sell, and I am sorry that circumstances may have changed in the last three years to where the intended use is not viable for the developer on this pad site, but I would rather wait another three years than make a thirty year mistake. We have been from David Gale, to our consultants, to our staff, to our citizens, been implored time and time again to look at what's good for the community for the next 25 to 30 years. Councilman Smith said that this to him is short term. We have a bigger picture that we need to look at.

Councilman Smith stated what are the three main issues, and again, with all due respect to the developers, they have done a marvelous job in what they have built so far. Councilman Smith said Auto Zone - nothing personal, it is not what you are, it's what you aren't, and quite frankly, the only reason I have spent so much time on this, is out of respect for Mr. Hall. The first issue is the site plan itself. There are some various issues that go along with the site plan approval, and if you read through the minutes of what Mr. Wingerson has said, he has time and again said this application technically meets the City's requirements. It does technically meet the City's requirements. We have also seen him talk about the colors are compatible. There is a lot more to building than just colors. One comment was that the developer of Auto Zone at this particular parcel has attempted to mimic the design of the existing buildings. That is not a ringing endorsement from our staff, that they actually are in the compliance that we are looking for. One of the selling points that was also addressed at the Council meeting on February 28, 2005, was Mr. Wingerson read a letter into the record that concluded that the development is less aggressive in terms of square footage development of the buildings than most other areas along that corridor. Keep in mind that we are asking to go from a 944 square foot building to a 7,381 square foot building.

Councilman Smith said another issue is the use that he already talked about, which is the synergy that we talk about creating in our new developments, and what everyone who has participated in the process in this community in the last two years has asked us to do. We have the use, we have the site plan and then last but not least we have compatibility. It just doesn't work. This pad site is now being brought into the classification of a retail building. We specifically, and over and over, and there are at least three comments through the Planning Commission and Council meeting minutes of each and every one of these issues – promising the neighborhood and the City of



what is going to happen. This is absolutely and positively not it. We even went so far as to in our motion to approve this in 2005, to ensure that the architectural compatibility would be there for all points in the future. Councilman Smith read that the developer shall draft restricted 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.

Councilman Smith stated we went way out there, and he does not think this Council will ever recall us actually approving any covenants and restrictions on developments; that is how important it was to maintain that compatibility. Councilman Smith said his last point is that there is also a tendency to compare an approved plan with a proposed plan, and that was discussed at great length at the Planning Commission level and also at our Public Hearing by a representative for the developer. This particular site plan, if you look at the overall protection of noise, sound and lights to the adjoining neighborhood is a step backwards. Councilman Smith said we required, and let's just call it what it was at that time - it was to be a Sonic drive through restaurant - we flip flopped the entire plan, so there would be no service whatsoever on the back side adjoining the neighborhood. We required the developer at that time to build a 12-foot high wall, not the retaining wall from the creek up, a 12-foot high wall to buffer this pad site from the neighborhood. It was to be 12 feet high, the entire length of the lot and planted aggressively on the back side with evergreens and so forth. Councilman Smith said he does not know that you could have driven a tank through it, let alone could have seen anything through it.

Councilman Smith stated this particular site plan allows for 20 parking spaces between the building and M-1 Highway, and which parking lot is directly open to the neighbors to the north. We asked the applicant if they would be willing to construct a wall at our Public Hearing, and the answer was they'd be willing to look at some plantings or something. Plantings or something for a 20 parking space parking lot versus a 12-foot high solid wall for one drive lane, with no parking abutting it, is a step backwards. Councilman Smith said we can use discretion on this, but if you go back and look at the record, and he would be happy to show what he has, he used a whole highlighter on comments - promises made by the developer, promises made by the rep, promises made by the staff, and promises made by this City Council to the residents of Gladstone, he finds it very difficult to find anything at all to "hang his hat on" to approve this revision. If we have to wait for something to come back around, then so be it. That is what we have been preaching; that is what we have been selling, and we have an opportunity to buy it. Councilman Smith suggested to Council members to get their pictures, and although this is not what the residents see from the side, comparing what the residents in that neighborhood look at now, look at what's on the approved plan, versus looking at this; we are doing the folks a disservice. He cannot imagine anyone thinks that is compatible with this.

Mayor Revenaugh thanked Councilman Smith for his thoughtful statements. Mayor Revenaugh said the only correction he would like to point out is that this Council didn't all approve the site, because two of us were not on the Council at the time.

Councilman Smith agreed, and said sometimes circumstances change in doing the business of a community. We have to make changes, but if you go through the minutes, literally, almost a dozen residents were skeptical of what was approved would not get built, because they thought that someone would change the rules on them. We may not be individual Council members, but we are the Council of the City. We made very specific promises to a very specific group of folks as to what would happen in their back yard, and we should have some duty to uphold that. Councilman Smith said to take it a step forward on the compatibility issue, when you look across the street at Prospect Plaza, it was redeveloped very architecturally different than just a rectangular block building. We have a picture of Plaza 57, which is architecturally different. You can look across the street at the dance studio, look across the street at Commerce Bank, which is maybe not the most attractive bank in the world, it at least has some architectural integrity to it. There was even some discussion at great length on the Scola project and about what those buildings would look like, and comments were made for those buildings just like we told these folks, the buildings were going to be of a residential nature; so, when you look out your back window, you are liable to see some components familiar with residential construction, which is why you see the different roofs and pitches and those sorts of things.

Mayor Revenaugh asked for a roll call vote.

Roll Call Vote: "Aye" - Councilmember Carol Suter and Mayor Pro Tem Carol Rudi.  
"No" - Councilman Wayne Beer, Councilman Les Smith, and Mayor Mark Revenaugh.  
(2-3).

**Item 11. on the Agenda. BUILDING PERMIT:** for construction of a new 7,147 square foot commercial business for the sale of automotive parts on property located at 6450 North Prospect. Applicant/Owner: Zone Equities, LLC.

Mayor Revenaugh tabled this item.

**Item 12. on the Agenda.** **FIRST READING BILL 08-17**, granting to Missouri Gas Energy, a division of Southern Union Company, a Delaware Corporation, operating a Gas Distribution System in the City of Gladstone, Missouri, its successors or assigns, a franchise to operate a Natural Gas Distribution Plant and System in said city and relating thereto.

Councilman Les Smith moved to place Bill 08-17 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" - Councilmember Carol Suter,

Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 08-17, 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 Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 08-17 and enact the Bill as **Ordinance 4.074**. Councilman Wayne Beer seconded.

Councilman Smith inquired into the meaning of distribution plant as included in the Ordinance.

City Manager Davis replied that is just the franchise agreement, and what is meant by distribution plant are their lines in the ground, not as in a gas plant.

Councilman Beer asked if this is just a modification of the previously existing agreement?

City Manager Davis said this is an extension of that agreement.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (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 May 12, 2008, Gladstone Regular City Council Meeting, Mayor Mark Revenaugh adjourned the regular meeting.

Councilman Les Smith moved 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 Wayne Beer seconded.

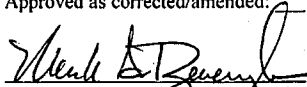
Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh.  
(5-0)

Respectfully submitted:

  
\_\_\_\_\_  
Cathy Swenson, City Clerk

Approved as submitted: 

Approved as corrected/amended:

  
\_\_\_\_\_  
Mayor Mark S. Revenaugh



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
TUESDAY, MAY 27, 2008**

The City Council will meet in Closed Executive Session on Tuesday, May 27, 2008, starting at 5:45 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: 6:30 PM**

**REGULAR MEETING: 7:30 PM**

**AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular May 12, 2008, City Council Meeting Minutes.

## **5. CONSENT AGENDA**

**RESOLUTION R-08-30**, authorizing acceptance of work under contract with Vanum Construction Company, Incorporated, for the Municipal Pool Renovation; and authorizing final payment in the amount of \$5,000.00.

**BUILDING PERMIT:** for remodeling of the exterior of the building on property located at 6700 North Oak Trafficway to prepare for a Verizon Retail store. Applicant/Owner: Kent and Shirley Mayfield.

### **APPROVAL OF AN ANNUAL LIQUOR LICENSE RENEWAL:**

- Snappy Store #4901, 4901 Old Pike Road, 7 Day Package Liquor License.

## **APPROVAL OF THE FINANCIAL REPORTS FOR APRIL 2008.**

## **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 2008-2009 Annual Operating Budget for the City of Gladstone, Missouri.
- 10. Other Business.**
- 11. Questions from the News Media.**
- 12. Adjournment.**



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
TUESDAY, MAY 27, 2008**

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION  
5:45 PM**

Mayor Mark Revenaugh opened the City Council Meeting to adjourn to a Closed Executive Session on May 27, 2008, at 5:45 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 Les Smith seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0).

Mayor Mark Revenaugh recessed the Closed Executive Session to go into an Open Study Session at 6:30 PM.

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Mark Revenaugh  
Mayor Pro Tem Carol Rudi  
Councilman Les Smith  
Councilman Wayne Beer  
Councilmember Carol Suter

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Mark Revenaugh opened the Regular May 27, 2008, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.**      **ROLL CALL**

Mayor Mark Revenaugh noted that all Council members were present.

**Item 3. on the Agenda.**      **PLEDGE OF ALLEGIANCE.**

Mayor Mark Revenaugh led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda.**      **APPROVAL OF THE MAY 12, 2008, CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Carol Rudi moved to approve the Regular May 12, 2008, City Council Meeting Minutes as presented. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

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

Following the Clerk's reading, Councilmember Carol Suter moved to accept the Consent Agenda as presented. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-30**, authorizing acceptance of work under contract with Vanum Construction Company, Incorporated, for the Municipal Pool Renovation; and authorizing final payment in the amount of \$5,000.00. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to approve a **BUILDING PERMIT** for remodeling of the exterior of the building on property located at 6700 North Oak Trafficway to prepare for a Verizon Retail store. Applicant/Owner: Kent and Shirley Mayfield. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to approve an **ANNUAL LIQUOR LICENSE RENEWAL** for Snappy Store #4901, 4901 Old Pike Road, 7 Day Package Liquor License. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)



Councilmember Carol Suter moved to approve the **FINANCIAL REPORTS FOR APRIL 2008**. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

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

**Pete Hall, 5621 Clinton Place**, said he was present at this meeting to discuss something that has been discussed and looked at many times. Three years ago, no one had heard of the sub-prime market. Three years ago, gas was under \$2.00 per gallon. Many things have changed in three years, and substantially and uniquely changed. Mr. Hall explained he says this, because he will be asking the City Council members to do something in a moment.

Mr. Hall stated there was an Auto Zone proposed at 6450 North Prospect. They have made numerous changes to their normal building plan from what they originally intended to do to try to better fit with that particular development, by request of the development and City Council. Those changes are substantial, and they feel like they have done all that they can do in that respect, with the exception of possibly taking off an orange stripe to the east so that no residents by the shopping center will be able to see that orange stripe, in case it would be somewhat offensive. It would only be exposed to the streets or thoroughfares that go through it. Mr. Hall stated he would ask this evening that the Council make a motion to reconsider the second reading as of last week, and he is hopeful they will reconsider in the light in which he has presented it both economically, and in the fact that there have been substantial changes done. As far as being upscale, certainly we believe that it is every bit as upscale as any fast food restaurant could possibly be. Mr. Hall asked that City Council reconsider, and pass the second reading of the Bill, opposed to what happened last time. Mr. Hall thanked the City Council.

Mayor Revenaugh thanked Mr. Hall for his comments.

**Donald Harper, 1606 Northeast 68 Terrace**, said he sat in the audience listening very carefully during the Open Study Session, when the item on the Smoking proposal was discussed. Mr. Harper said he believed he was somewhat behind the letter that City Council members received from the Park Board several months back asking that smoking be prohibited in the Park areas of Gladstone. Mr. Harper said he is a former smoker and that puts him on a really tough side, but he really hates to see cigarette butts littering our parks, particularly at the new Community Center and the nicely landscaped areas. Mr. Harper said he knows it says 25 feet, but who is going to stand outside with a yardstick. Mr. Harper said he does not want them to get into the habit of smoking outside of the Community Center, where he would have to walk through

the haze to get inside the building. This is only a piece of it. It is almost inevitable that Gladstone is going to have a no smoking ban similar to what the other cities have already done or are close to doing. Mr. Harper said, folks, let's get with it; get it done; don't string this out over another six months. You have to have been thinking about it with everything that has been going on in all the other cities. Mr. Harper said as a citizen, let's get with it, and if there is anything he can do, he will be happy to do that, but he thinks we need to pass an Ordinance and get something done very quickly in Gladstone. We don't want to be that last ashtray out there from a Gladstone side.

Mayor Revenaugh thanked Mr. Harper for his comments.

**Item 7. on the Agenda.**  
**COUNCIL.**

**COMMUNICATIONS FROM THE CITY**

**Councilmember Carol Suter** stated she would like to share a fun story that makes her glad she lives here and that she has the privilege of serving on this Council. Councilmember Suter said one of her co-workers who lives in mid-town asked her last week if we paid people to go out and about to promote Gladstone. Councilmember Suter replied to him she did not think so. He said he had breakfast at one of those neighborhood dives in mid-town, where he and his wife often have Saturday morning breakfast. At the next table was a large group of people, ranging in age from senior citizens to teenagers, obviously some kind of family group, and as they were talking and getting kind of boisterous, he heard "Gladstone" a couple of times, so his ears perked up. He said these people just had this entire conversation about the different places they lived in Gladstone, and how wonderful Gladstone is and what great place to live - this is the best place in the metropolitan area to live; the Community Center is the most fabulous thing that's ever happened. They talked about Parks and Recreation and all the programs that were coming up for the summer. They talked about their pride in being from Gladstone and being able to tell that to people as they are out and about. Councilmember Suter said she thought that was a nice story to hear and to know that citizens appreciate us that much, that we are the topic of everyday, ordinary conversation.

Mayor Revenaugh jokingly said if we did pay them, it sounds like it was effective!

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

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

**Mayor Pro Tem Carol Rudi** asked Parks and Recreation Director Sheila Lillis to provide an update on the events coming up at the Gladstone Amphitheatre and something that is going on in Oak Grove Park regarding the walking trail.

Director Lillis reported that this weekend there are two events at the Amphitheatre. On Saturday, the Sweet Adelines will perform from 6:00 PM to 7:00 PM. On Sunday,

there will be a fund raiser put on by the Friends of Maplewoods, who is the group that is spearheading the purchase of the seven acres that sits adjacent to our Maplewoods Nature Preserve. They are doing a fundraiser with a multitude of different volunteer bands performing from Noon to 6:00 PM. Director Lillis said the Oak Grove Park walking trail is complete and it will be a nice venue for both of these events.

Mayor Pro Tem Rudi encouraged all to attend the scheduled events, and thanked Director Lillis for her report.

**Mayor Mark Revenaugh** stated that as the City begins the discussions on the proposed smoking ban, it is important to keep in mind that there are a lot of citizens who will be affected. Certainly, he believes everyone accepts the fact that the smokers in this country are in the minority. It is often times a medical issue for both sides of the coin. A medical issue for the people who smoke as well as a medical issue for those that are around the people who are smoking. Mayor Revenaugh said he hopes the public is patient with the City Council as they deliberate, because there are also a lot of small business owners in the City paying taxes, who decided to invest their land, labor and capital in pursuit of a legitimate business. It is important that if we are going to change the rules on them after they have made that investment, that we consider what they have to say.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reported that President Bush has denied our disaster declaration, apparently, because of lack of information, he believes, but also apparently, they don't believe the dollar threshold was reached. The State Emergency Management Agency (SEMA) is going to handle our appeal to the Federal Emergency Management Agency (FEMA), and we will see what happens with that. City Manager Davis said he wanted to let Council members know that so far the federal government has not approved, and in fact, has denied the application.

Mayor Revenaugh asked if Congressman Graves was going to support this application.

City Manager Davis replied that he believed that Congressman Graves wrote a letter of support to the President, and we have not contacted anyone else yet, because we just found out today. City Manager Davis said there are probably some other envelopes we can push, and again, SEMA is going to appeal that decision.

Mayor Revenaugh inquired into the dollar threshold.

City Manager Davis said he does not recall the amount; it is done on a County-wide basis, and not by City.

Mayor Revenaugh asked how this would affect our citizens if we do not receive federal aid.

City Manager replied, hopefully, it will be seamless for the citizens, we will still provide services, and we are. We know all along that there is always an opportunity that we won't get our federal application approved, so that is not the principle reason why we try to pick up brush and move forward with the demolitions, and provide the security and things like that. It is first and foremost a citizens' service issue in a time of need. If we are reimbursed, that is great. It will not change anything in that regard.

Mayor Revenaugh asked for clarification, if the City would "foot the bill" barring a successful appeal by SEMA.

City Manager replied that was correct.

Mayor Revenaugh asked if there was an estimate of the costs.

City Manager Davis said he believed the application reflected that City expenses, including our own buildings that were damaged, at \$496,000. City Manager Davis said he has not seen any updated figures.

Mayor Revenaugh thanked City Manager Davis.

City Manager Davis reported that Jim Inman, Water Operations Crew Leader, is retiring. His retirement luncheon will be held at Public Works is June 2, at 11:30 A.M. City Manager Davis invited everyone to attend Bluesfest, June 6, and 7, in Oak Grove Park, and encouraged everyone to attend and enjoy themselves.

**Item 9. on the Agenda.**      **PUBLIC HEARING:** on the proposed 2008-2009 Annual Operating Budget for the City of Gladstone, Missouri.

Mayor Revenaugh opened the Public Hearing.

City Manager Davis began by thanking the City Council for their time this evening, and also for the time that City Council members have put into discussing our proposed Fiscal Year 2009 budget, through two Study Sessions. City Manager Davis said he would also like to thank the City staff for all the work that they have put into this document. City Manager Davis stated submitted herewith is the Fiscal Year 2009 (FY 09) budget and program of services for the City of Gladstone. The annual budget for FY 09 as proposed represents the strategic, administrative and financial plan of the City of Gladstone. It is the product of a comprehensive team effort from every level of the municipal organization, from the Council down to a majority of the Staff members.

City Manager Davis said the FY 09 budget is intended to serve as a policy document, a financial plan, an operations guide and a communication device. The FY 09 budget illustrates a conservative approach utilized by the City Council and City staff to develop a proposed budget that will benefit the entire City of Gladstone and its residents. The FY 09 budget represents a continuing commitment to the citizens of Gladstone as well as to the employees who provide citizen services. The proposed budget provides a picture that generates some cautious optimism. While the economy is not strong right now, we are fortunate this year to have an additional revenue that will be mentioned in a few minutes. The budget generates a cautious optimism based upon some of the economic conditions – recent revenue enhancements and economic development efforts in the City of Gladstone.

City Manager Davis reported that in the General Fund, total budgeted revenues are projected to be \$15,444,000; expenditures are projected to be \$15,435,000. City Manager Davis called Council's attention to the chart on page two of the Public Hearing Budget Draft Report. City Manager Davis said there are two revenues he would like to highlight. Number one, sales tax is projected to be essentially flat. The second item is the gross receipts tax, which is up approximately \$473,000 as a result of the litigation with the Telecommunications Carriers. That is the revenue enhancement referred to earlier. General Fund FY 09 projected expenditures represent a \$225,000 decrease compared to the FY 08 expected expenditures. Despite that, personnel services show an increase of \$411,000 over the FY 08 budget. That increase includes staffing additions totaling \$79,000. The balance of the increase, or \$331,000, is for annual merit increases, (\$240,000), and for increases in health insurance benefit costs (\$91,000).

City Manager Davis continued by saying that in FY 08, City Management requested Public Works to develop a systematic five year plan for replacing City fleet and equipment with replacement guidelines based on industry standards. City Manager Davis said this budget carries that a step forward, and if he were to highlight this budget in a couple of words, he thinks we are doing a good job in taking care of employees, and we are doing a good job in addressing Council goals, one of which is sustainability – the environmental issues. That is a big focus of our Capital Plan for this year. In FY 09 funding capital purchases will once again be a high priority in order to address vehicle maintenance costs and more importantly, to accomplish Council sustainability goals, and to save some money on fuel and energy costs.

City Manager Davis stated that funding for capital purchases that support sustainability initiatives is possible because of the litigation settlements with the wireless companies, which he mentioned earlier. As Council will recall, our annual revenues, were roughly \$473,000. We also received back payment to the tune of about \$1,100,000. That \$1,100,000, when combined with our capital equipment replacement fund that previously existed, gave us a substantial amount of a pool of money from which we can draw interest. We have found that drawing interest on that money, combined with what we will save in fuel costs and maintenance costs will

essentially allow us to replace our fleet with hybrid, and more fuel-efficient vehicles - the smaller trucks and things of that nature. This budget includes the replacement of approximately 25 vehicles, and do so at essentially no cost to the City; we will be using savings and interest earnings. It is a great opportunity to address the sustainability goal and frankly, and our fuel costs like everyone's are rising rapidly, and will far exceed our budget this year. City Manager Davis said these are two items that he is particularly pleased to present with this budget. The implementation of this replacement plan will significantly reduce our fleet's CFP, our carbon footprint, which is part of the sustainability goal. We will see a reduction in our fleet-maintenance as we will have practically new vehicles on the street. We look forward to making this change.

City Manager Davis reported that the General Fund budget requests, including capital, buildings, personnel, technology, and supplemental are detailed on pages 47-52 in the document. City Manager Davis said he would briefly run through the departmental requests. In Finance, there is about \$100,000, most of that is going for technology; \$72,000 of that is relative to the CAD (Computer Aided Dispatch) system in Public Safety, and there is \$24,000 budgeted for technology replacement and a couple of other minor software improvements. In Public Safety, \$121,000 was budgeted for funding to upgrade the salary range for Reserve Communication Officers and to fund an additional Police Officer position, contingent on a grant approval, to fund a 25 percent share, or \$10,000 for a Crime Analyst position with the balance of funding provided by a JAG grant that has been approved by the State of Missouri. In addition to that, we will be purchasing new pistols, holsters, and magazine pouches, a radar trailer, two motorcycles, a 360 degree camera, online Peace Officer Standards and Training (POST), as well as Lifepak 12.

City Manager Davis reported that in Public Works \$45,000 was recommended for capital purchases and an additional \$37,000 was recommended for additional job operations and improvements. The Budget Team recommended funding a part time administrative clerk in the amount of \$11,000. Other recommendations for funding include some small building projects, commodity increases and line items for rock, cement, salt and things of that nature. Some minor storm system repairs are budgeted, as are streetlights in the amount of about \$4,400 and an exhaust vent system for the garage, and some water quality education dues. In Parks and Recreation, \$50,000 is recommended for funding building requests, which includes an air conditioning unit for the computer room, painting the animal control kennels, a City Hall generator, and a flag for Happy Rock Park, and two 72 inch commercial mowers.

City Manager Davis continued by saying that as in any budget, we try to highlight the Council objectives and how this budget addresses those objectives. City Manager Davis said there are about three pages in this document regarding this, and he will not go into all the details, but suffice it to say that is a large focus and commitment in trying to address those various objectives, and he thinks this budget does a nice job in doing that. In summary, the General Fund budget was focused on Council goals

(neighborhood services, sustainability), capital equipment replacement, personnel maintenance and Gladstone on the Move objectives. Those objectives are outlined on pages 7, 8, and 9 in the document.

City Manager Davis said he would move to the Combined Waterworks and Sewerage System Fund. The total revenues are estimated to be \$7,060,000, and expenses are estimated at \$7,043,000, with a net income of approximately \$16,000. The proposed operating revenues for water and sewerage sales of \$6,870,000 for fiscal year FY 09, is an increase of \$494,000 from FY 08 expected operating revenues. This increase is based on production analysis, the KCMO sewer rate increase, a water rate increase that we are proposing, and financial trends. This is based on the sale of 817 million gallons of water, and reflects a 20-cent rate increase as of July 1, 2008. The proposed rate increase is expected to raise \$164,000 in FY 09. The rate increase is recommended to fund production cost increases in lime, and fuel, and also to plan a Master Plan sustainability review for the Water Plant, probably our biggest user of energy, and we want to look at ways to operate it more efficiently. This sustainability review will identify savings, and hopefully, help us to address the Council's goal for sustainability.

City Manager Davis reported that the FY 09 operating expenses for this fund increased \$504,000. This increase is mainly due to the 10 percent expected increase in sewer treatment charges that we are paying Kansas City, and an increase in the administrative transfer to the General Fund to pay for increased costs of the services we are providing to the Water Fund, increased costs for water treatment chemicals, vapor rooting, and the addition of a sewer maintenance worker. Since the last rate increase two years ago, fuel and electricity costs have increased by about \$40,000. City Manager Davis said the Council has a policy of every other year looking at rate increases and in the off year looking at administrative fee increases. This would be the year the Council would look at a rate increase; in other words, our rate increases come about every two years. This proposal is consistent with that.

City Manager Davis stated that a major portion of the capital outlay budget is dedicated to water line replacements. That is about \$300,000; obviously, there is about \$100,000 set aside for the Master Plan he just mentioned. We are also requesting money for three compact pick-up trucks, a compact four-wheel drive pick-up, a mini excavator, a skid loader, and a five-yard dump truck with a plow and spreader. Those costs are broken down in the document and in the supplemental and capital sheets in the back of the document.

City Manager Davis reported that relative to the Capital Improvement Program, not a lot has changed from a policy perspective. We are still trying to maintain 12 to 15 year maintenance cycles on roads. Street rehabilitation and reconstruction continues to be a high priority. Perhaps, one of the most recent visible additions has been the construction of sidewalks along many of the thoroughfares. The arterial sidewalk program is now in its eighth year of implementation and will be continued throughout

this capital program. Storm drainage projects continue to comprise a significant portion of the projected capital expenditures. We recognize that parks projects are important because of the increasing demand on our park system. The Five Year Capital Improvement Program, which is set out on page 35 of the document, maintains all of those policies and is consistent with what we have done in the past.

City Manager Davis said the unusual part of the budget this year is the Community Center and City Parks Fund. We have combined the Municipal Pool with the Community Center and Parks Tax Fund, which was adopted a couple of years ago. This is our first full year, 12-month budget, and this proposed budget is expected to provide for all operating costs and debt service requirements. Total revenues in this fund are estimated at \$2,804,000. Expenses are estimated at \$2,799,000. This is the fund that operates our Municipal Pool and our Community Center. We are limited in background and in our knowledge and information about trends, because this is the first 12-month budget.

City Manager Davis said we have a couple of smaller funds that he earlier addressed. The Capital Equipment Replacement Fund, which will have about \$2,400,000 in it, and the only thing that is recommended is the interest drawn on that fund will help us pay for our fleet, and you can see from the document that we are setting aside some money for the 5 yard dump truck, and for covering portions of the radar trailer and the commercial mowers. The Special Parks and Playground Fund does not suggest any expenditures this year. That fund has about \$5,000 in it. Traditionally, when it gets to be about \$15,000 to \$25,000, we may use funds to build a new playground or replace an old playground.

City Manager Davis concluded by saying with this budget, the City can realize rewards from past efforts and enhance the vision of the City's positive future. Through City Council leadership, a goal-oriented strategic budgeting process, and citizen input the City's long-range goals and objectives can be accomplished. This budget reflects an emphasis on planning, financial trend analysis, and the utilization of Council policies and realization of City Council goals. City Manager Davis said he would like to thank especially the Finance Department, Debra Dailly, Scott Wingerson, David Ramsay, and Beth Saluzzi, who were our budget team this year. They did a nice job and went through a lot of documentation and a lot of information, and worked very well together. City Manager Davis asked if Council had any questions or comments.

Councilmember Suter stated City Manager Davis did a nice job in explaining the budget, which is very helpful for a new Council person, and she appreciated the process.

Councilman Rudi asked with the denial of our disaster application, do we have emergency funds set aside that will cover those costs that will not affect this budget, or is that something we will have to look at mid-year?



City Manager Davis replied we are hopeful that we will not have to look at it mid-year. If one looks at the Financial Report that was approved earlier tonight, revenues are over expenditures substantially. That is not a true picture of what the year-end will look like. City Manager Davis stated we have some year-end expenditures that will be included that will reduce that slightly, but he is hopeful that the majority of the costs that we are incurring for the response to the tornados can be paid for with revenues over expenditures from FY 08. That said, there may be some FY 09 expenditures that are made – it is all in timing now, because we are at the end of the fiscal year, and it may result in a budget amendment, either in this year's budget or in our final document or at potentially reappropriation time for the FY 08 budget. If our numbers are correct, \$496,000 was the estimate, that included some things that will probably be covered under insurance for building improvements. City Manager Davis said to him the "glass is half full" in regard to the question, and he thinks we will be able to pay for it with revenues over expenditures, and jokingly said do not look at Finance Director Debra Daily as he mentions that, because she is probably cringing as he speaks.

Councilman Smith said the other part of the federal disaster assistance is that it would allow the communities that came to our aid to recover some of their costs, and unfortunately, this may prevent them from doing so as well, which is very unfortunate.

Mayor Revenaugh asked jokingly, if the merit increase discussed earlier does not include the Council?

City Manager Davis said that is absolutely correct.

Mayor Revenaugh asked if there was anyone in the audience who wished to comment on the budget. There being no comments from the audience, Mayor Revenaugh closed the Public Hearing.

Councilman Smith said he would like to commend City Manager Davis and his staff for preparing this budget. He is really excited about a couple of things. First and foremost, the budget continues to support not only Council objectives, but Gladstone on the Move objectives, and especially the creative way in financing the fleet replacement and the way that they are supporting our sustainability efforts is very commendable. It did not go unnoticed that there is a robo cop in the budget, and Council appreciates that very much, but also as most folks can tell, our streets need to continue to be a priority, because they have really taken a beating the last couple of years. Councilman Smith said, lastly, the bit of good news he saw in the budget was, as one who was concerned about being able to meet our obligations in funding the Community Center ongoing operations and maintenance, that our memberships have exceeded expectations, which is very good news as well. Good work!

Mayor Pro Tem Rudi said Robo Cop was the first thing she would have cut if we were in trouble with the money we are not getting back from FEMA.

Councilman Beer said he wished to say a little bit "tongue in cheek" that one of the things he has offered to do a number of times with our old Robo Cop was to use his pick-up truck to tow that thing around to wherever it needs to go and his offer is still out there.

**Item 10. on the Agenda.      OTHER BUSINESS.**

Mayor Revenaugh stated he heard while driving to work this morning, that there are several communities who have banned plastic grocery bags from stores, and he thinks it would be good if Staff would check with some of the local retailers to see if there would be any support and possibly we could work out a program to subsidize cloth bags or ecologically friendly bags. Mayor Revenaugh suggested to at least to start the preliminary ground work for this. It would be great if we could be one of the first cities in our metro area to go green and get rid of the plastic bags. Mayor Revenaugh said he believes it takes approximately a thousand years for the plastic bags to disintegrate.

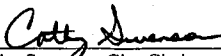
**Item 11. on the Agenda.      QUESTIONS FROM THE NEWS MEDIA.**


There were no questions from the News Media.

**Item 12. on the Agenda.      ADJOURNMENT.**

There being no further business to come before the May 27, 2008, Gladstone Regular City Council Meeting, Mayor Mark Revenaugh adjourned the regular meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

Approved as corrected/amended:

  
Mayor Mark S. Revenaugh



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JUNE 9, 2008**

**REGULAR MEETING: 7:30 PM**

**AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular May 27, 2008, City Council Meeting Minutes.
5. **PROCLAMATION:** of appreciation to the cities, public entities, and volunteers who provided invaluable assistance to the City of Gladstone in the aftermath of the tornadoes of May 2, 2008.

**6. CONSENT AGENDA**

**RESOLUTION R-08-31**, authorizing execution of a contract with Ideker, Inc., in the total amount not to exceed \$908,843.08, which includes Bid Alternate Number Two, for the 2008 Mill and Overlay Program, Project TP0901.

**RESOLUTION R-08-32**, accepting temporary Construction and Permanent Easements from certain property owners in conjunction with the NE 69<sup>th</sup> Terrace, East of Euclid Storm Sewer Improvements Project (CP0827).

**APPROVAL OF LIMITED ONE-DAY LIQUOR BY THE DRINK LICENSE** to St. Charles Borromeo Church, 804 Shady Lane Drive, for the Annual Auction on October 18, 2008. Hours: 6:00 PM - 12:00 Midnight. Managing Officer: Lori Creek.

**LIQUOR LICENSE RENEWAL** for Bubbles Wine and Spirits, 7407 N. Oak Trafficway, 7 day Package Liquor License.

## REGULAR AGENDA

7. **Communications from the Audience.**
8. **Communications from the City Council.**
9. **Communications from the City Manager.**
- 10. **FIRST READING BILL 08-18**, an annual Ordinance establishing a procedure for certain Gladstone Municipal Officials to disclose potential conflicts of interest and comply with the personal financial disclosure requirements pursuant to the State of Missouri "Ethics Law".
11. **RESOLUTION R-08-33**, authorizing the execution of a Cooperative Agreement with the Village of Oakview for resurfacing a portion of Shady Lane at an estimated cost of approximately \$118,000. of which 100% of the project costs will be reimbursed to the City of Gladstone 30 days after completion of the project.
12. **RESOLUTION R-08-34**, adopting the 2009 Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July 1, 2008 and ending June 30, 2009.
13. **Other Business.**
14. **Questions from the News Media.**
15. **Adjournment.**



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JUNE 9, 2008**

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Mark Revenaugh  
Mayor Pro Tem Carol Rudi  
Councilman Les Smith  
Councilman Wayne Beer  
Councilmember Carol Suter  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Mark Revenaugh opened the Regular June 9, 2008, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.      ROLL CALL**

Mayor Mark Revenaugh noted that all Council members were present.

**Item 3. on the Agenda.      PLEDGE OF ALLEGIANCE.**

Mayor Mark Revenaugh led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda.      APPROVAL OF THE MAY 27, 2008, CITY  
COUNCIL MEETING MINUTES.**

Councilmember Carol Suter moved to approve the Regular May 27, 2008, City Council Meeting Minutes as presented. Councilman Wayne Beer seconded. The vote:

All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Mayor Revenaugh stated to the audience that they might soon be hearing or reading about a trip that the City Council, Senior Staff, and approximately 20+ citizens took for the All-America City presentation. Our City was one of 16 finalists of all the cities who applied for the All-America City Award from throughout the country. Out of the 16 finalists, each city gave a 10-minute presentation before a panel of 10 to 12 judges, and then 10 minutes for a question and answer session that revolved around a rather lengthy application process that was spearheaded by Sergeant Richard King. Last Thursday our City was the first group to present after the lunch break. Our group was outside a large room, where all the city representatives were gathered in their groups and ready to give their presentations. As we began to march into the room, we got about halfway up the ramp to the stage, and former City Clerk Marilyn Ahnfeld tripped on the ramp and fell and broke her arm, which had the effect of stopping our performance early. After the doctor, paramedics and ambulance came to take Marilyn to the hospital, we were already 30 minutes late in the presentation, and we had the option of starting over again or wait until 4:00 PM to give our presentation. Unfortunately, Assistant City Manager Scott Wingerson and at least one other volunteer had to be on a plane around 4:00 PM that day, so there wasn't a lot of choice but to go ahead and give the presentation.

Mayor Revenaugh said that most everyone felt at the end of the presentation that it was our best one out of so many rehearsals. The last week we were here in town there were two rehearsals, three hours per night, two nights in a row, and there was at least four weeks of rehearsals. The City and all the volunteers gave a lot of their time and effort towards the All-America City Award presentation. Mayor Revenaugh said he gives a lot of credit to the volunteers who gave so much of their time towards this effort. We did not find out until Friday evening at the awards presentation that Gladstone was in fact not only awarded the All-America City Award, but we understand we were the unanimous first ballot, so there was not any consideration amongst the judges as to whether or not we would be in the running. We were there. Mayor Revenaugh displayed the framed certificate, saying it shows that Gladstone is in fact an All-America City, and they will be sending an engraved plaque in the near future. Mayor Revenaugh stated that in our acceptance speech we made sure we thanked all of the residents who were supporting the team that was there in Tampa for the presentation, and we do appreciate the support that the residents provided the City that allowed us the opportunity to compete for this award.

Mayor Revenaugh stated that he and City Council members had a Proclamation to present to the people who spearheaded the All-America City Award project. Mayor Revenaugh invited Richard King, Jean Moore, and Melinda Mehaffy to join him in front of the Council dais where he read and presented to them a **Proclamation from the City Council** thanking them for all their hard work and outstanding efforts in ensuring the City's success in receiving the All-America City Award.

Following applause from the audience, Ms. Moore thanked Mayor Revenaugh and City Council members and said she was so honored for the City to entrust her with the responsibility of being a Co-Chair of this event. Ms. Moore said it was an unbelievable experience, and she wouldn't take anything for the experience. One of the greatest joys was getting to know and work with Richard (King), day to day to day, and with Melinda (Mehaffy), Scott (Wingerson), Kirk (Davis), Sheila (Lillis), and Cathy (Swenson) and everyone. The staff of this City is amazing, and everyone should know that over and over again. The citizens of this City are truly amazing. To see the dedication and the spirit and the energy that these people put forth for many, many weeks to make this happen was just amazing. The story that we had to tell was not just a story for Tampa, but it is a story for every day for this City, and this City shows every day that it is an All-America City. Ms. Moore said she knows that we will continue to do that every day.

Ms. Mehaffy said we had wonderful volunteers in our community who they were very fortunate to work with on this project – very much so Richard and Jeanie as our Co-Chairs, but the volunteers who went with us stuck it out and worked very hard to make it successful. One of the comments from the judges was “most well-written application and best performance”. There is a lot to be said for the volunteers who worked very, very hard.

Mr. King stated to the very last person, they worked very hard and were dedicated to the cause and dedicated to the City. Mr. King thanked City Manager Davis for his support, and to the Mayor and City Council for their support. Mr. King said, most importantly, his thanks go to the people of Gladstone.

**Item 5. on the Agenda.**      **PROCLAMATION:** of appreciation to the cities, public entities, and volunteers who provided invaluable assistance to the City of Gladstone in the aftermath of the tornadoes of May 2, 2008.

Mayor Revenaugh read the Proclamation and presented it to City Manager Kirk Davis, who thanked the Mayor and City Council members.

**Item 6. 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 Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-31**, authorizing execution of a contract with Ideker, Inc., in the total amount not to exceed \$908,843.08, which includes Bid Alternate Number Two, for the 2008 Mill and Overlay Program, Project TP0901. Councilmember Carol Suter seconded. The vote:

All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-32**, accepting temporary Construction and Permanent Easements from certain property owners in conjunction with the NE 69<sup>th</sup> Terrace, East of Euclid Storm Sewer Improvements Project (CP0827). Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to approve a **LIMITED ONE-DAY LIQUOR BY THE DRINK LICENSE** to St. Charles Borromeo Church, 804 Shady Lane Drive, for the Annual Auction on October 18, 2008. Hours: 6:00 PM - 12:00 Midnight. Managing Officer: Lori Creek. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to approve a **LIQUOR LICENSE RENEWAL** for Bubbles Wine and Spirits, 7407 N. Oak Trafficway, 7 day Package Liquor License. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

## **REGULAR AGENDA**

### **Item 7. on the Agenda.**

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

**Kirk Forslund, 3515 NE 61 Terrace**, stated he is a non-smoker, but he is opposed to a smoking ban. Mr. Forslund says he knows there has been some discussion about this and he believes it will be up for further discussion, so he wants to let everyone know that there are non-smokers opposed to a smoking ban. Mr. Forslund said he believes the business owners kind of get forgotten in the whole discussion on this issue, and he believes if the business owners are left to decide, then ultimately the market will decide whether or not customers want smoking or non-smoking. There are restaurants and bars that he does not go to, because of the smoke, and he goes somewhere else, which is his choice. Mr. Forslund said there was a comment at the last meeting from a citizen who wanted to go so far as to ban smoking outside, and he does not feel that is necessary either. One of the concerns was that there are cigarette butts outside the Community Center. If that is the case, that is a littering issue not a second hand smoke issue, and there are already laws against that. Mr. Forslund said he feels we do not need another unnecessary Ordinance.

**John Garner, 111 Heatherton Court**, began by saying he is the President of the Stormy Acres Neighborhood Association. Mr. Garner presented to City Council, City Manager Davis, and Assistant City Manager Wingerson copies of information he had



brought to the meeting. Mr. Garner said they are trying to get a few projects done in his area and the major project was first discussed 125 days ago with a City Department Head, and since being promised to be fixed, it has been 70 days with no action being taken. Mr. Garner stated there were pictures of the project included in the information he distributed. The other two things that are mentioned in his letter have been discussed since last September, and he was assured by e-mails, copies of which were in his packet, that these would be taken care of, and so far, no action has been taken on any one of the three areas that are mentioned in his letter.

Mr. Garner asked that someone get back to him at their convenience on these issues. Yesterday, he and Mayor Pro Tem Carol Rudi toured a couple of the areas. They could not find one area, but he was assured today by the residents behind the area, that it had not been addressed. Mr. Garner suggested that if anyone had any questions, they were welcome to call him.

Mayor Revenaugh said he had not had the opportunity to read the information Mr. Garner provided, and asked that City Manager Davis follow up on the matter and get back to City Council members.

**Pete Hall, 5621 North Clinton Place**, began by saying he is once again present to ask Council for a motion to reconsider the May 12, 2008, second reading of the Bill for a Site Plan revision for Lot 1, Tower Plaza. Mr. Hall said he is very pleased to announce that there is substantially new information, very positive information about the aesthetic changes and screening and exterior finish of the roofline of this project. Mr. Hall said he would love to discuss this, and said if they were granted a reconsideration, he would be happy to wait until the Other Business item on the agenda, so as to not delay any of the regular agenda items. Mr. Hall said he could address most everything that has been asked thus far.

Mayor Revenaugh asked City Counselor Ramsay, if there were to be a reconsideration, when would be the appropriate time for someone to make that motion – now or under Other Business?

Counselor Ramsay replied a motion under Other Business would be appropriate.

Councilmember Carol Suter stated for clarification for the audience that the only Council member who can move for reconsideration are those who were in the prevailing side on the issue.

**Item 8, on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

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

**Councilman Les Smith** offered condolences to Counselor Ramsay who recently lost his mother, and to Marilyn Ahnfeld, who lost her Father-in-Law, and also to the family of former City Counselor John Dods. Councilman Smith said many of us have known Mr. Dods for many years, and Mr. Dods first tried to set him straight as a 20 something year old Council person and probably shared with him the greatest words of wisdom he has ever heard when he said "what you learn after you know it all is what counts, young man". Councilman Smith said he has tried to live with those words to the best of his ability. We are going to miss John Dods. He was a great servant to this community, and served his profession well.

Councilman Smith said Jeanie Moore and Richard King and others were present at this meeting who assisted with the All-America City Award initiative, and he thanked them for all of their hard work on behalf of the citizens. We did do good! Councilman Smith said what was so exciting to him was that if you think back to the Gladstone on the Move process, the passion for a community center that came out of that group, and then we moved on to trying to negotiate a partnership with the School District, and the passion from the swim community, which he had never seen before in this town. Then you move on to last Thursday afternoon; it was matched equally by the passion of the 25 people on that stage. We practiced and practiced, and didn't do all that well, and poor Jeanie yelled "stop" in the middle of the practices enough times to be hoarse. It all came together about 2:00 PM, last Thursday afternoon in Tampa, Florida. The passion of the group, which included a lot of new people never before involved in the process in this community, was just unbelievable. It validated what we know, and that is that Gladstone is an All-America City, has been an All-America City, and it's a community that has to identify their problems and develop a plan to correct their problems, which the National Civic League views as most prominent. We have done all the above. Councilman Smith said he had never been more proud to be a Gladstonian than he was at 2:00 PM on Thursday and again on Friday evening. Councilman Smith offered congratulations and thanks to everyone who was a part of this.

**Councilmember Carol Suter** stated there was not much left to say after Councilman Smith's remarks, except "amen". It was a great experience. It was inspiring to be in this whole group of cities from across the country. There are a lot of exciting things going on in city and county governments all across the country. Other areas have some really significant social issues to deal with that we may not have in Gladstone. What we have that really set us apart is our process for citizen engagement, and that is what makes us unique in Gladstone. The National Civic League is actually now touting to all the cities who were there that Gladstone should be a national model for citizen engagement. Councilmember Suter said she is excited about the impact that we will be able to have as a city not just here in our local region, but all across the country and beyond.

**Mayor Pro Tem Carol Rudi** stated the All-America City Award process was an amazing experience, and the number of people who were in Tampa representing other

cities just flooded her, because some of them had at least 50 people in their group. When we rehearsed, there was a group present who had won the award last year, who were assisting, and when we finished our rehearsal, they applauded. Mayor Pro Tem Rudi said she was told afterwards that they had not applauded for anyone, and that was just practice, and they kept repeating over and over again how good our presentation and projects were. The citizens talking with City staff and the Council, and everyone working together made this happen. Mayor Pro Tem Rudi said we owe you all a big thank you!

Mayor Pro Tem Rudi asked Parks and Recreation Director Sheila Lillis to discuss some events coming up at the Gladstone Amphitheatre.

Parks and Recreation Director Sheila Lillis reported that this coming Friday night we have the *Shrek the Third* Movie in the Park performance. The movie will be shown at 9:00 PM, and it is rated PG13. The Hershey Track and Field event is the following Saturday. Gladstone has had finalists from this event that have won national awards, and the event is for children from age 7 to 17, so it is a great event for our youth.

Mayor Pro Tem Rudi asked Assistant City Manager Wingerson to provide an update on Bluesfest, because Council was not able to attend.

Assistant City Manager Wingerson reported that Friday night was fantastic. The entertainment was great. There was a small announcement that was made at some point during the night about the things Council members have been talking about (the City of Gladstone receiving the All-America City Award). People actually "got it"; they know what All-America Cities is about, and even when they don't, they know it is "cool". Mr. Wingerson thanked City Manager Davis for the opportunity to be able to make that announcement to about 5,000 people who were at Bluesfest. In terms of Bluesfest itself, it was very well attended Friday night. Mr. Wingerson said he asked about the "take" from the event, and he received a big smile, so he is assuming it is a good thing. Saturday night was a little bit more mellow in terms of the entertainment. It was a little bit better attended early, and a little bit less attended late. Overall a great, successful Bluesfest, and he believes everyone had a good time, and no incidents of which he is aware.

**Mayor Mark Revenaugh** stated he was back in town in time for the Bluesfest Saturday night, as was Councilman Beer. It was a great crowd Saturday night, and a beautiful evening. Mayor Revenaugh said the crowd seemed to be enjoying the acts, and "his hat is off" to Assistant City Manager Wingerson, who is Chairman of the Gladstone Area Chamber of Commerce, and all the volunteers who put on another successful Bluesfest. The crowd Saturday night also got to hear about the All-America City Award. Mayor Revenaugh said in addition to what the other Council members have already said, it occurred to him that the take away for him from the All-America City Award event was that the hallmark of most successful organizations anywhere is their ability to identify new leadership and create leadership opportunities for people to

serve. When you do that, you unleash the creativity of not just a small group of people, but of an entire area of people; whether it is a microcosm in our City, in our region, in the United States, or globally. It's what has made America what it is today, and is why we are called the melting pot, because we had influences and creativity of people from all around the world. Mayor Revenaugh said he was on the KPA (Key Performance Area) that came up with the Citizens Leadership Academy, and he would encourage that folks let their neighbors know that there is such a thing. We take it seriously as was pointed out in the presentation. Councilmember Suter was one of the first graduates of the Leadership Academy. It does a tremendous job of making a person familiar with the different departments of the City, how they operate, and gives a person a great background. We hope by involving more citizens we will unleash more of that creativity, and continue to push Gladstone to even greater heights in the future.

**Item 9. on the Agenda.**  
**MANAGER.**

**COMMUNICATIONS FROM THE CITY**

City Manager Kirk Davis offered congratulations to the Gladstone Area Chamber of Commerce on the Bluesfest, and offered congratulations to everyone involved with the All-America City Award effort. They did an outstanding job.

**Item 10. on the Agenda.**

**FIRST READING BILL 08-18**, an annual Ordinance establishing a procedure for certain Gladstone Municipal Officials to disclose potential conflicts of interest and comply with the personal financial disclosure requirements pursuant to the State of Missouri "Ethics Law".

Councilman Les Smith moved to place Bill 08-18 on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 08-18, 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 Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 08-18 and enact the Bill as **Ordinance 4.075**. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0).

**Item 11. on the Agenda.**      **RESOLUTION R-08-33**, authorizing the execution of a Cooperative Agreement with the Village of Oakview for resurfacing a portion of Shady Lane at an estimated cost of approximately \$118,000. of which 100% of the project costs will be reimbursed to the City of Gladstone 30 days after completion of the project.

Councilman Carol Rudi moved to adopt **RESOLUTION R-08-33**, authorizing the execution of a Cooperative Agreement with the Village of Oakview for resurfacing a portion of Shady Lane at an estimated cost of approximately \$118,000. of which 100% of the project costs will be reimbursed to the City of Gladstone 30 days after completion of the project. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0)

**Item 12. on the Agenda.**      **RESOLUTION R-08-34**, adopting the 2009 Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July 1, 2008 and ending June 30, 2009.

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-34**, adopting the 2009 Annual Operating Budget for the City of Gladstone, Missouri, for the Fiscal Year beginning July 1, 2008 and ending June 30, 2009. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0)

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

Mayor Revenaugh asked Counselor Ramsay if it was proper for him to make the motion to reconsider the second reading of the Bill for a Site Plan revision for Lot 1, Tower Plaza.

Counselor Ramsay replied yes.

Mayor Mark Revenaugh moved to reconsider the second reading of the Bill for a Site Plan revision for Lot 1, Tower Plaza.

Councilmember Suter asked if the motion could be seconded by someone not in the prevailing party.

Counselor Ramsay replied it does not require a second by a prevailing party; it requires a motion by a prevailing party.

Councilmember Carol Suter seconded the motion.

Councilman Smith said he is not adverse to reconsidering portions of the proposal, and he believes Mayor Revenaugh's motion was in response to Mr. Hall's request to

reconsider the second reading of the Site Plan revision. Councilman Smith said the question he has from a point of order standpoint would be that particular reading deals with the Site Plan, and is there significant amount of new information regarding the Site Plan, which is different than the Building Permit. Councilman Smith said he is not opposed to reconsider this issue, but if they have significant new information, he would like to see what we are being asked to reconsider before we technically reconsider. Rather than just reopening a can of worms, if they have something that we can visit without going straight to the second reading of the Site Plan revision, that would be preferable, especially if it pertains to the Building Permit side. We don't want to reconsider a Site Plan revision if it is mostly a building issue. We might need a little direction on the most appropriate way to do this.

Mayor Revenaugh asked Counselor Ramsay for any guidance he might offer.

Counselor Ramsay replied that Mr. Hall could be invited to make a presentation this evening about reasons why this should be reconsidered or Council could table the motion until the next City Council meeting and formally place it on the agenda.

Councilman Beer said that would be the position that he would have to take. He would have to have much more time to consider than just a presentation this evening. Councilman Beer said he also is not necessarily opposed to reconsideration; he just believes that the method by which the reconsideration is being asked this evening probably needs to be changed a bit so that we have some time to look at the new significant proposals being brought to us, and that should be in the form of a package that should be a part of our agenda for our next City Council meeting.

Mayor Revenaugh stated he was not opposed to this suggestion, and tabled the motion until the next City Council meeting.

Councilman Smith asked if the reason for the reconsideration versus a re-submittal is a time issue, since a Site Plan revision requires a six-month wait period? The reason to reconsider versus them resubmitting is they have a six-month waiting period before they could actually resubmit a new application. Councilman Smith said he is not opposed to this, and would be willing to reconsider the issue of the use, although he still does not believe in it, but he would be willing to reconsider it, but he wants to be sure that there is new information, because we rejected a Site Plan, which had Site Plan issues, and we had not really gotten to the Building Permit. Councilman Smith said he would be looking for substantial changes in order to gain that reconsideration, but he would be willing to do so out of respect for the developer and representatives.

Councilman Beer said re-submittal might be asking for a pretty big sacrifice on the part of the developer, and he believes a reconsideration would be appropriate, but he cannot do that tonight.

Mayor Revenaugh asked Mr. Hall if he understood.

Mr. Hall asked for help in understanding, and said he would be more than happy to show what he brought with him this evening and what changes there are both aesthetically and in the Site Plan. If that is not going to be acted on tonight and needs to be part of the agenda, then he believes they have another issue, according to his understanding, in that a re-submittal requires a six-month waiting period. This has already gone almost that long.

Councilmember Suter explained to Mr. Hall that the motion to reconsider would be on the next City Council meeting agenda, and she assumes the parties of interest would be welcomed to submit any materials that the Council would need to see prior to that, so that means that if he submits what he brought tonight to City staff, Council can have it before they entertain a motion at our next meeting.

Councilman Beer said to Mr. Hall that re-submittal would mean to start the process all over again, and that is the six-month period, and Council does not want to subject you folks to another six months.

Mr. Hall stated as he understands it, he will submit the information that he has to City staff who will pass it on to City Council members, and in two weeks it will be reconsidered.

Councilman Smith said not necessarily, the motion to reconsider will be brought forward.

Councilmember Suter said if the motion to reconsider passes, then Council will reconsider it.

Mayor Revenaugh said if upon receiving the new information, if the Council feels that it wants to vote to reconsider, then that would happen in two weeks.

**Item 14. on the Agenda.**

**QUESTIONS FROM THE NEWS MEDIA.**

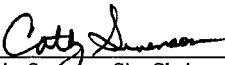
There were no questions from the News Media.


**Item 15. on the Agenda.**

**ADJOURNMENT.**


There being no further business to come before the June 9, 2008, Gladstone Regular City Council Meeting, Mayor Mark Revenaugh adjourned the regular meeting.

Respectfully submitted:

  
\_\_\_\_\_  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
\_\_\_\_\_  
Mayor Mark S. Revettaugh





**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JUNE 23, 2008**

The City Council will meet in Closed Executive Session on Monday, June 23, 2008, 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: 6:30 PM**

**REGULAR MEETING: 7:30 PM**

**AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.

4. **Approval of Regular June 9, 2008, City Council Meeting Minutes.**
5. **PROCLAMATION: Recognizing the 20<sup>th</sup> Anniversary of the North Star Community Band.**
6. **CONSENT AGENDA**

**RESOLUTION R-08-35**, authorizing execution of a contract with Mega Industries Corporation in the total amount not to exceed \$120,120.00 for the M-1 at Kendallwood Road Improvements Project.

**APPROVAL OF A NEW RESTAURANT/BAR LIQUOR BY THE DRINK LICENSE** for TNT Two, Incorporated, dba Tanner's Bar and Grill, 6024 North Antioch Road. Managing Officer: Penni Lea Hanebuth.

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:**

Senor Tequila, 6502 North Oak Trafficway, Class A&B Liquor by the Drink License.

Smokehouse BBQ, 6304 North Oak Trafficway, Class A&B Liquor by the Drink License.

Washai, LLC, 328 NE 72<sup>nd</sup> Street, Class A&B Liquor by the Drink License.

Quik Trip #237, 6309 NE Antioch Road, Seven-Day Package Liquor License.

Quik Trip #181, 2590 NE 72<sup>nd</sup> Street, Seven-Day Package Liquor License.

CVS Pharmacy, 7107 North Oak Trafficway, Seven-Day Package Liquor License.

CVS Pharmacy, 6129 North Antioch Road, Seven-Day Package Liquor License.

Aldi, Incorporated, 7604 North Oak Trafficway, Seven-Day Package Liquor License

Euromarket, 6942 North Oak Trafficway, Seven-Day Package Liquor License.

Kwik Shoppe, 7603 North Oak Trafficway, Package Liquor License

## **APPROVAL OF THE FINANCIAL REPORT FOR MAY 2008.**

### **REGULAR AGENDA**

- 7. Communications from the Audience.**
- 8. Communications from the City Council.**
- 8a. Board and Commissions Appointments.**
- 9. Communications from the City Manager.**
- 10. RESOLUTION 08-36**, 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, 2008 through June 30, 2009.
- 11. MOTION TO RECONSIDER BILL NO. 08-14**, approving a Site Plan Revision in a CP-1 Zone for property at 6450 North Prospect.
- 12. HEARING:** for reconsideration of a Site Plan Revision in a CP-1 Zone for property located at 6450 North Prospect. Applicant: Scott Proctor, Zone Equities, LLC. Owner: Northlander Properties, LLC. (File #1311).
- 12a. FIRST READING OF DRAFT AMENDED BILL NO. 08-14**, approving a Site Plan Revision in a CP-1 Zone for property at 6450 North Prospect.
- 13. BUILDING PERMIT:** for construction of a new 7,147 square foot commercial business for the sale of automotive parts on property located at 6450 North Prospect. Applicant/Owner: Zone Equities, LLC.

**14. PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions for operation of a Child Care center on property located at 7628 North Wabash. Owner: Jay B. and Tana S. Davis. Applicant: Tamara K. Hamill.

**14a. FIRST READING BILL 08-19,** approving a Special Use Permit subject to certain conditions for operation of a Child Care center on property located at 7628 North Wabash. Owner: Jay B. Davis. Applicant: Tamara K. Hamill.

**15. PUBLIC HEARING:** for consideration of a Site Plan Revision for property at 5800 North Oak Trafficway. Owner: Lighthouse Liquors. Applicant: Truman Road Properties.

**AUDIENCE NOTE:** This Public Hearing will be opened and immediately continued to the Monday, July 14, 2008, City Council meeting at the request of the applicant.

**16. FIRST READING BILL 08-20,** repealing Ordinance No. 4.042 (Section 6.110.100 of the City Code) and enacting in lieu thereof a new Section to provide for an increase in the Water Rate Charge to \$3.34 per 1,000 gallons of water usage, as a portion of the Water Service Rates for the City of Gladstone, Missouri.

**17. Other Business.**

**18. Questions from the News Media.**

**19. Adjournment.**



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JUNE 23, 2008**

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION  
6:00 PM**

Mayor Mark Revenaugh opened the City Council Meeting to adjourn to a Closed Executive Session on June 23, 2008, at 6:00 PM. Mayor Pro Tem 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. Councilman Les Smith seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh.  
(3-0).

Councilmember Carol Suter and Councilman Les Smith were also in attendance at the Closed Executive Session.

Mayor Mark Revenaugh recessed the Closed Executive Session to go into an Open Study Session at 6:30 PM.

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Mark Revenaugh  
Mayor Pro Tem Carol Rudi  
Councilman Les Smith  
Councilman Wayne Beer  
Councilmember Carol Suter

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Mark Revenaugh opened the Regular June 23, 2008, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.**      **ROLL CALL**

Mayor Mark Revenaugh noted that all Council members were present.

**Item 3. on the Agenda.**      **PLEDGE OF ALLEGIANCE.**

Mayor Mark Revenaugh led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda.**      **APPROVAL OF THE JUNE 9, 2008, CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Carol Rudi moved to approve the Regular June 9, 2008, City Council Meeting Minutes as presented. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

**Item 5. on the Agenda.**      **PROCLAMATION:**      Recognizing the 20<sup>th</sup> Anniversary of the North Star Community Band.

Mayor Revenaugh stated that as the North Star Community Band Director, Faye Rader, was not yet in attendance, this item would be moved to later in the Agenda.

**Item 6. 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 Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-35**, authorizing execution of a contract with Mega Industries Corporation in the total amount not to exceed \$120,120.00 for the M-1 at Kendallwood Road Improvements Project. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to approve a **NEW RESTAURANT/BAR LIQUOR BY THE DRINK LICENSE** for TNT Two, Incorporated, dba Tanner's Bar and Grill, 6024 North Antioch Road. Managing Officer: Penni Lea Hanebuth. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to approve the following **ANNUAL LIQUOR LICENSE RENEWALS:**

Senor Tequila, 6502 North Oak Trafficway, Class A&B Liquor by the Drink License.  
Smokehouse BBQ, 6304 North Oak Trafficway, Class A&B Liquor by the Drink License.

Washai, LLC, 328 NE 72<sup>nd</sup> Street, Class A&B Liquor by the Drink License.

Quik Trip #237, 6309 NE Antioch Road, Seven-Day Package Liquor License.

Quik Trip #181, 2590 NE 72<sup>nd</sup> Street, Seven-Day Package Liquor License.

CVS Pharmacy, 7107 North Oak Trafficway, Seven-Day Package Liquor License.

CVS Pharmacy, 6129 North Antioch Road, Seven-Day Package Liquor License.

Aldi, Incorporated, 7604 North Oak Trafficway, Seven-Day Package Liquor License

Euromarket, 6942 North Oak Trafficway, Seven-Day Package Liquor License.

Kwik Shoppe, 7603 North Oak Trafficway, Package Liquor License

Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to approve the **FINANCIAL REPORT FOR MAY 2008**. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

**REGULAR AGENDA**

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE AUDIENCE.**

**Frank Gabel, 1002 NE 67 Terrace**, began by saying he is the owner of the Home of the Blues North of the River, otherwise known as the Hide-Out Bar and Grill. Mr. Gabel stated he also teaches organizational leadership at a college. Mr. Gable asked if there will be a forum on the smoking ban issue, and stated he is not in favor of a smoking ban. It took him four and one half years to clean up that "rat hole", and he is very proud of it. He supports seven charities, works seven days per week, 365 days per year to turn over \$70,000 to the Missouri Department of Revenue. Most of it earmarked for education. Mr. Gabel said he realizes most of that is his Kenosha revenue, sales tax revenue, and personal income he makes off the \$5.00 he makes. Some of his money goes to the City of Gladstone. Mr. Gable said he is working to keep the City Council employed.

Mr. Gabel said he was at the last City Council meeting, and he does appreciate the Council members' intelligent comments on the smoking ban, and he is hoping the City uses prudence and involvement. Mr. Gabel said this no smoking situation does have a severe economic impact on those of us in the entertainment industry. It is tough – it is

just like a tornado went through. Mr. Gabel said it is a personal interest, and he does believe there should be no smoking in church, the grocery store, and so forth, and he does believe there should be reasonable accommodation. Mr. Gabel stated that three lifetimes ago he taught respiratory therapy at the University of Kansas, and he does understand that secondary smoke can be hazardous. People who are allergic to it can have a problem. Mr. Gabel said he also realizes from being an executive in the pharmaceutical industry that we pour 2001 things down the drain that are much more hazardous than secondary smoke. It is just whatever is in fad; right now, smoking is in fad. Mr. Gabel said he would save his comments for the smoking ban forum. Mr. Gabel said he has been in this community off and on since 1952. Mr. Gabel said he disappeared and came back, and it is fun living and doing business in Gladstone, and he is enjoying his involvement with the Chamber. Mr. Gabel continued by saying he feels that the long-term Council members are doing a fine job. As someone with two masters degrees, one in Public Administration, he is supposed to be qualified to evaluate people, and he feels that City Council members are doing a good job, and said "keep it up!"

**Sally Burgess, 104 NE 77 Street**, said she is the owner of the Lost Bar on 7632 North Oak (the End Zone). Ms. Burgess said she is a new bar owner, and she just wanted to work in bars; she did not want to own one. This just happened. A good 95 percent of her customers are smokers. Ms. Burgess said she had smoked for 32 years, and currently has quit smoking for over one year, but she sees so many businesses going under, and she hears people who are non-smokers saying, yes, we go in and we increase the business. Ms. Burgess stated they are not increasing the business. The businesses are going under; they are being sold and they are closing down, and where are all those non-smokers who voted for the non-smoking? They are not in her bar, and they are not going into her bar, whether it is non-smoking or not. Ms. Burgess said she is a small business owner, and she is going to go under if the no smoking-law passes, and that is revenue to Gladstone that is not going to happen.

**Larry Thrasher, 2379 NE 68 Street**, said he is a non-smoker, but it seems like Kansas City, Missouri still has some legal problems. Mr. Thrasher suggested, so we do not get into legal problems, he would like to see us in six months go to Kansas City, Missouri, and address the Westport Association, and the Restaurant and Bar Owners Association. If we do have an Ordinance, maybe we should require them to put in a smoke eater or a clean air situation back in the smoker area. Mr. Thrasher said he tended a bar for about 11 years in midtown. In the early 1990's there was a lot of smoking. He had to wash his clothes each night, but at the end, most of the people going to the bar were going outside. Mr. Thrasher said he would like for the City to go around to some of the bars and see just how bad the smoking is, and how many non-smokers there are by taking a small survey. This would be fair to owners, instead of just making a quick fix, because other people have. Mr. Thrasher said he would hate to see anyone lose their business.



Mr. Thrasher said he was involved with Gladstone On The Move, and he moved into a condominium complex, and found that codes in some places just don't apply to private property or condos. If we are going to have a lot of condos and apartment complexes, Public Works and the City need to get together. Mr. Thrasher said as an example, three inches of concrete with no rebar and an 80,000 pound trash truck going over it makes for a small time, so they have to come up with \$20,000 or \$30,000 to replace it. Mr. Thrasher said he believes our city needs to be ahead of the other people and start making the rules not just for Gladstone, but we need to get with the codes department or a builders association. Mr. Thrasher said he does not know who the exact person is to go to in order to make a change, but if we can have codes for electricity and plumbing, he cannot believe we cannot come up with other rules for condo owners and developers and for the people who live there to have redress against those people.

**Michelle Nardella, Mark & Michelle's Bar and Grill, 7102 North Oak Trafficway**, stated she agreed with Frank and Sally. Ms. Nardella said about 95 percent of her customers are smokers, and it will put her out of business, and that is all she has to say.

**Ed O'Neal, 6305 North Askew**, said he has been a Gladstone resident for over 40 years. Mr. O'Neal said he is not a smoker nor has he ever been a smoker, and he is not a business owner of any kind, and he never has been. Mr. O'Neal said he was present to oppose a smoking ban. A person has a choice as to whether or not he wishes to patronize a business, and a business owner has a choice as to how he runs his business. He must decide how to make his business successful. If that means making his business smoke free or not, that should be his choice. A citizen has a choice to work at or make use of that business. Mr. O'Neal said he knows there are health issues involved. The government has chosen to allow tobacco to be grown. The tobacco industry is allowed to manufacture this product and sell it to the public, with the only warnings being the health issue warning from the Surgeon General on the cigarettes. The government in this City should choose to let the business decide how it chooses to survive and how to handle this issue.

Mr. O'Neal said there is also the cost issue. Kansas City is involved in a legal squabble with a bar owner. As to how this will come out in the courts, the City Counselor says it may take up to two years for this to happen. Mr. O'Neal said he believes if our City goes ahead and passes a non-smoking Ordinance, most of the bar owners won't be here in two years when a decision is made. If that decision comes down in favor of the bar owners, we will have lost all of that tax revenue. Mr. O'Neal said it is his belief that this should be tabled until a decision is made by the courts of Missouri. Mr. O'Neal said he asked Mayor Pro Tem Rudi about the Bowling Centers in regard to this issue.

**John Garner, 111 Heatherton Court**, stated he is the President of the Stormy Acres Neighborhood Association. Mr. Garner said he would like to thank the City Council and the City Manager for addressing their concerns and taking care of them.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilmember Carol Suter** stated she appreciated hearing kudos when we do it right and when we respond, and thanked Mr. Garner on behalf of his neighborhood association. Councilmember Suter said coming off the high of being an All America City, she does not know what we have to do in the Northland to ever get in the general circulation of the Kansas City Star. If we were some suburb in Kansas, it would be all over the place. Councilmember Suter said she appreciates the coverage north of the river, but is just lamenting that we still cannot receive coverage in the general circulation, because we deserve it, and it was quite an accomplishment for us and this area, and she hopes folks in the rest of the area appreciate it.

**Councilman Wayne Beer** reported it was another successful Bluesfest this year. Councilman Beer said, unfortunately, he was not here for all of it, and only was able to work the last evening of the event. For the period he was there, it was a great crowd and great music, and everyone had a good time.

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

**Mayor Pro Tem Carol Rudi** invited everyone to the City's July 4<sup>th</sup> celebration in Oak Grove Park, which begins at 8:30 PM. There will be a wonderful performance by the North Star Community Band, and tremendous fireworks. Mayor Pro Tem Rudi said she hopes everyone brings a picnic, goes to the park, and has a great time. If anyone does not want to cook at home, frequent Gladstone businesses and bring a picnic!

**Mayor Mark Revenaugh** stated that the City received a letter from the Chief of Police of North Kansas City, thanking our Police Department, headed by new Director Mike Hasty, for their assistance. They had a problem at Harrah's Casino a couple of weeks ago with what could have been a dangerous situation, and apparently it was for the North Kansas City police, because they were outmanned. They put out a call for other jurisdictions to assist them, and from the letter Mayor Revenaugh saw, Gladstone Public Safety was quick to respond and help them restore order very quickly. Mayor Revenaugh commended Public Safety Director Hasty and his department on a great job in helping our neighbor to the south.

**Item 8a. on the Agenda.**

**BOARD AND COMMISSIONS APPOINTMENTS.**

Mayor Pro Tem Carol Rudi moved to appoint Brenda Lowe to the Telecommunications Advisory Board, with a term she believes expires in 2009, and move Dianne Smith from the Environmental Management Advisory Committee to the Planning Commission to complete Don Horton's term. Councilman Les Smith seconded.

Councilman Smith clarified that he is not related to Dianne Smith.

The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh.  
(5-0)

**Item 9. on the Agenda.**  
**MANAGER.**

**COMMUNICATIONS FROM THE CITY**

City Manager Kirk Davis invited everyone to attend the Theatre in the Park production of The King and I on July 11, 12 and 13. The City is hosting this week the Kansas City Corporate Challenge swimming events in the Community Center, and we are expecting 2,400 swimmers over four days. We are pleased to be able to use the facility for that many folks. City Manager Davis called attention to the banner on display at the Council dais, and said Richard King put it together, and we hope to utilize it in many places, along with other banners that we intend to utilize to promote our City. This banner will be displayed at the July 4<sup>th</sup> celebration.

Mayor Revenaugh stated at this time, he would like to present a Proclamation recognizing the 20<sup>th</sup> Anniversary of the North Star Community Band. Mayor Revenaugh said one of the jewels of the Northland has been the North Star Community Band. It is made up of students, professionals, and folks like him, who used to play an instrument many years ago. Mayor Revenaugh said everyone in the community is welcome to join the North Star Community Band, and to his knowledge, no one is turned away. They provide the music for all the musicals, and they also give concerts throughout the year, especially on the 4<sup>th</sup> of July, which really adds to the nice community event for everyone to enjoy the July 4<sup>th</sup> celebration. Mayor Revenaugh invited the North Star Community Band Director Faye Rader to join him as he read and presented the Proclamation to her.

Councilman Smith jokingly asked Ms. Rader if Mayor Revenaugh was a good musician.

Ms. Rader replied that Mayor Revenaugh was really a quite good musician.

Councilman Beer jokingly said that Council did not know whether to believe him or not!

Ms. Rader thanked the Mayor and Council for the Proclamation, and said this has been a wonderful place to have the home for the band. Sheila Lillis and she walked around the park on many occasions trying to figure out how to make it better, what we could do to improve it, and how we could include others. Ms. Rader said the Ibsens began the Theatre in the Park in the summer of 1988, one show before she could put the band together. She and the Ibsens met as a fluke at Antioch Shopping Center.

There are probably 75 to 80 musicians in the full band. At the time that Van Ibsen saw them for the very first time, the band fit on the little square fountain area at Antioch Shopping Center, and he handed Ms. Rader's mother-in-law a card, and said have her call me, I might have some possibilities for a theatre in the park. Ms. Rader said she looks at those instances as how odd it was for the things to start at the same time, unrelated, and to come together in a community that supported them. Ms. Rader said this means a whole lot, and again thanked the Mayor and Council.

Mayor Revenaugh jokingly said, for the record, he was the First Chair for most of the three years he played in the orchestra.

**Item 10. on the Agenda.** **RESOLUTION 08-36**, 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, 2008 through June 30, 2009.

Councilman Wayne Beer moved to adopt **RESOLUTION 08-36**, 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, 2008 through June 30, 2009. Mayor Pro Tem Carol Rudi seconded.

The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh.  
(5-0)

**Item 11. on the Agenda.** **MOTION TO RECONSIDER BILL NO. 08-14**, approving a Site Plan Revision in a CP-1 Zone for property at 6450 North Prospect.

Mayor Revenaugh stated that at the last City Council meeting a motion was made and seconded, and then the item was tabled.

As there was no discussion at this time, Mayor Revenaugh called for a vote.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh.  
(5-0).

**Item 12. on the Agenda.** **HEARING:** for reconsideration of a Site Plan Revision in a CP-1 Zone for property located at 6450 North Prospect. Applicant: Scott Proctor, Zone Equities, LLC. Owner: Northlander Properties, LLC. (File #1311).

Mayor Revenaugh said as the Motion to Reconsider has been approved, he would open the Hearing for reconsideration of a Site Plan Revision in a CP-1 Zone for

property located at 6450 North Prospect. Applicant: Scott Proctor, Zone Equities, LLC. Owner: Northlander Properties, LLC. (File #1311).

Mayor Revenaugh opened the Hearing.

**Comments from the Staff**

Assistant City Manager Scott Wingerson began by saying the applicant and the developer for this case was present. There was a Public Hearing several meetings ago, which resulted in us appearing here. There is some additional information that was not available before, and there have been some changes made in both the Site Plan and the building elevations that warrant further discussion of the issues. Mr. Wingerson said the applicant was present and ready to provide information to the City Council.

**Applicant**

Pete Hall, 5621 Clinton Place, said he was present at this meeting to speak about the Zone Equity property, for which he is the representative. Mr. Hall stated he has been married to Cheryl for 40 years this coming November; however, like many of us, this is his second marriage. When he married the first time, they pledged to each other, among other things, that they would always be together, and at that point in time, that was the correct thing to do. Three years later, they were divorced, because circumstances had changed, and being apart was then the correct thing to do. Mr. Hall said he does not share this to just tell about his personal life, but to make sure that Council understands that this is a parallel scenario to what happened with Tower Plaza. The circumstances have changed since the original Site Plan was approved. Now, three years later, change is needed, because it is the correct thing to do. There are several facts that should be considered prior to reviewing the narrative of this revisit to the second reading. First, it is important to understand that over 95 percent of commercial development that have multiple lots require Site Plan revisions or plat changes. This request is probably more common than uncommon. Not one area resident has spoken about the submitted Site Plan revision. One resident did speak favorably at the Planning Commission meeting. There has been a lot of concern about the neighbors, and perhaps, those concerns are not warranted.

Mr. Hall stated much has changed since the original Site Plan for this development was approved three years ago. No fast food retailers came forward, and it is likely there will not be a fast food restaurant at this development, even though the Site Plan revision for lot 1 is designed for a fast food restaurant. Both commercial and residential development has slowed over the past three years, and it is likely to remain soft for the next several years. The demographics of the area have changed, and will likely continue to change to older and more moderate-income residents. Housing stock continues to age, and will not increase in value over the next several years, at least at the same rate as it has over the past few years. City income from sales tax has not increased in the last several years, and is likely to decline over the next few years.

without more retail development. Quality, reusable retail building stock is a strong asset for any municipality. Specialty buildings, such as the current approved building on lot 1, on the existing Site Plan, can create quite a few problems later on, particularly, if the use changes. In response to the concerns that have been shared, changes to the Site Plan and the building are submitted for consideration to the City Council, in addition to the 19 or 20 items agreed to all along. The Ordinance submitted at the referenced City Council meeting has agreed to do the following:

To install a wall sufficient in height to hide vehicles in the parking area from the view of the residents and houses to the north of the property. Such a wall shall be a minimum of 36 inches tall from the top of the curb, at the northeast corner of the building, and generally follow and parallel to the existing retaining wall. Mr. Hall pointed out on displayed plans the proposed wall.

The east and the south exterior building elevations, as indicated in the Council's packet, shall be finished with a stucco material, and colored the same as the two existing buildings located in the development. Zone Equity has agreed to mirror those buildings.

A four-sided standing seamed metal roof is to be constructed above the entrance to the building that will be consistent with the roof that's above the entrance to the BankLiberty building.

The orange horizontal logo stripe shall appear only on two sides, east and south of the building. No such stripe or logo shall be on the west or north of the building, and will not be visible to area residents. Mr. Hall indicated on the rendering where the impression of columns would be added, with the material being a rough textured masonry to better mirror the other two buildings. The columns will face the south and come to the top of the parapet and have a similar degree angle at the top to cap it off to better represent the two other buildings. Mr. Hall indicated other aspects of the building on the rendering.

Mr. Hall said these changes may not seem like a lot, but they are a considerable financial commitment by the developer. This commitment is not only important, but it shows that the developer is trying very hard to work with the City in every way possible to help in any way it can with the architecture and design standards of the City, and also to help economically the City of Gladstone. Their commitment has increased by 25 to 35 percent with some of these changes, since they originally looked at the site, which is substantial.

Mr. Hall asked for Council's approval for all the items related to this project on the agenda. The developer has exercised four 30-day options because of some things discussed administratively with the City to get approval. They are on their 4<sup>th</sup> 30-day option, which will be over the end of this month. Mr. Hall stated, thereafter, they have

indicated they have expired all the opportunities they have, so he asks that Council address all of the issues tonight and hopefully get this accomplished.

Councilmember Suter stated she appreciated the movement in dealing with the numerous concerns or objections expressed by several members of Council.

Councilman Beer stated what has been seen this evening is significant movement, and he would have more comments in the discussion later.

Councilman Smith had no questions or comments at this time.

Mayor Pro Tem Rudi stated in regard to the 36-inch minimum wall – if a truck pulls up, are the lights hidden or does it need to be taller?

Mr. Hall replied the intent is to start there and then do the tests. That opportunity has not been presented yet. Once the elevations are done, and the asphalt is down, they will be able to better understand what exact height that has to be. The 36 inches is a minimum. The ground level there is substantially higher than the homes behind it. There are only two homes that can even see it. Those homes are down quite a ways, so the height of the wall won't have to be near as high. The intent is to alleviate any problem which may occur.

Councilman Beer said at worst, we would be illuminating the shingles.

Mayor Pro Tem Rudi asked if the columns would go all the way to the top of the building.

Mr. Hall said that was correct – to the top of the parapet, the same as the other buildings.

Mayor Pro Tem Rudi asked if the column would interfere with the stripe.

Mr. Hall replied the color of the column will be the color of the base, the darker color of the base. The stripe will be interrupted by the column.

Mayor Pro Tem Rudi said she noticed what is missing in the draft Ordinance is that in the past we have had no overnight parking of commercial vehicles of any kinds. Mayor Pro Tem Rudi said it talked about delivery trucks, but that was left out, and asked if it would be a problem to put that back in.

Mr. Hall agreed that would be fine; there is no intention of doing that.

Mayor Pro Tem Rudi said the final question she had was regarding the hours of operation, and her inclination is to cap it at 10:00 PM, and asked if that would create a huge problem?

Mr. Hall said this has been discussed more than once, and his feeling is strongly the same way it has been. It is very difficult to say to one retailer that they have to close at 10:00 PM, but your other retailers can close at midnight. Mr. Hall said he feels this is not fair or correct to do. Mr. Hall said there are no other Auto Zones that are open that late. They close at 9:00 PM and sometimes 9:30 PM, because they have customers. There is no intention of being open later than that. Mr. Hall said the developer has instructed him that they feel like that they have been controlled more than they have ever been controlled anywhere they have gone, and that they feel like they need to not do any more than they absolutely have to, and that's one of the areas they pointed to.

Councilman Smith stated Mr. Hall and the developer have made significant strides towards trying to work with the community, and he always wants to be appreciative of that, as is the entire Council and Staff. Councilman Smith asked that the roof pitch match that on BankLiberty so as to look as substantial as the one on BankLiberty.

Mr. Hall agreed, and said the standing seamed roof may not be the exact same dimensions, but that is a matter of engineering. The pitch will be the same. The intent is to mirror that the best we can, and there should not be an issue there.

Councilman Smith said in looking at the drawing submitted for reconsideration, what is the rationale in not doing the north and the west side at least in the color scheme that was shown on those, and doing just a blank wall. Is there any reason cost wise why they wouldn't want to do the three colors to give it some character?

Mr. Hall replied that is not an issue; they will be glad to. There was thought that it would blend better if it didn't have more than one color. Mr. Hall said he would submit that maybe the light tan color from the top to the bottom. Mr. Hall said he would be more than happy to have all three colors. There is no cost to that issue. Mr. Hall said they are happy to do it either way.

Mayor Revenaugh asked if there will be built columns or are they going to paint columns on the building.

Mr. Hall stated there will be a different material used. They will use a rough textured masonry to build the columns. It will be different material and a different elevation. It will either stick out or be recessed from the remainder of the building, so it will be very obvious - different color, different materials, and be recessed or extended out, so it will be obvious columns.

Mr. Smith said just to clarify, we did have one resident speak against the application, because he does not want that individual to read the minutes and see that we did not count him.



Mr. Hall said his comment was that no one spoke against the revision of the Site Plan. We did have an individual speak against the use.

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

Mayor Revenaugh closed the Hearing.

Councilman Beer stated that what we have seen tonight is significant movement on Zone Equity's part, and he would like to clarify that Council's objection was not that anyone really objected to the project itself, but that rather the project did not comply with conditions that were set forth by the developer three years ago, at least that was his objection. Councilman Beer said what we have seen tonight is that they have met the conditions that they set forth for themselves three years ago, and with that, he is happy with what he sees here tonight. This is a good project, and it will be good for the center and the City.

Councilman Smith said his objections are not as strong as they were, but there are some objections that cannot be overcome, and those objections would be the intended use that some of Council went to bat for three years ago. Councilman Smith said he has some philosophical differences with the project besides just the look of it, and he still does not feel it mirrors the objectives of various citizen visioning groups that have been engaged in the City; nonetheless, he is satisfied enough that he will not pontificate against it, and wishes Auto Zone and the Wheelers the best of luck from this point forward.

Mayor Revenaugh asked Counselor Ramsay if the hours of operation and the overnight parking should be included in the first reading of the draft Bill as an amendment?

Councilman Beer stated he hopes it is not an amendment, and he understands Mayor Pro Tem Rudi's concerns about operating hours, but he is in agreement that it would not be in everyone's best interest to try to have one business operating under different hours. We know already that maybe there is one Auto Zone in the area that operates until 11:00 PM, but otherwise everyone closes at 9:00 PM, and Auto Zone is not going to man a store where there is no customers after 9:00 PM. No one shops after 9:00 PM for those kinds of issues, and for us to spot zone is probably not in everyone's best interest to do. Councilman Beer said he could not support changing the hours.

Mayor Pro Tem Rudi said she is willing to leave it as it is for the hours, but does want to include the overnight parking issue.

**Item 12a. on the Agenda.**      **FIRST READING OF DRAFT AMENDED BILL NO. 08-14**, approving a Site Plan Revision in a CP-1 Zone for property at 6450 North Prospect.

Mayor Pro Tem Rudi moved to place **AMENDED BILL NO. 08-14**, approving a Site Plan Revision in a CP-1 Zone for property at 6450 North Prospect, on First Reading with the following change, which is to add item number 22., which says "any overnight vehicle parking is prohibited", and one other change, which is in item number 20., where it talks about the 36 inches for the wall, it should say "minimum" of 36 inches. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Mayor Pro Tem Carol Rudi moved to accept the First Reading of Amended Bill 08-14, 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 Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Mayor Pro Tem Carol Rudi moved to accept the Second and Final Reading of Amended Bill 08-14 and enact the Bill as **Ordinance 4.076**. Councilman Wayne Beer seconded.

Roll Call Vote: "Aye" – Councilmember Carol Suter, Councilman Wayne Beer, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. "No" – Councilman Les Smith. (4-1).

**Item 13. on the Agenda.** **BUILDING PERMIT:** for construction of a new 7,147 square foot commercial business for the sale of automotive parts on property located at 6450 North Prospect. Applicant/Owner: Zone Equities, LLC.

Councilman Les Smith moved to approve the **BUILDING PERMIT** for construction of a new 7,147 square foot commercial business for the sale of automotive parts on property located at 6450 North Prospect. Applicant/Owner: Zone Equities, LLC. Councilmember Carol Suter seconded.

Councilman Smith said just to be specific and clear, we talked about the standing split seam metal roof matching the pitch of the Bank Liberty, and for the color scheme to remain on the drawings that were submitted along with the discussion that Mr. Hall had with Council during the previous hearing.

Councilman Beer stated that he wanted to be certain that the conditions be included as listed in the Site Plan Ordinance that has been adopted as 4.076.

Mayor Pro Tem Rudi said she would like to emphasize the intent to eliminate the lights from vehicles with a 36 inch or higher wall, and that the columns will reach to the top of the building, and the stripes will stop, and the columns will be made of a different type of material and have a different elevation, whether they are recessed or stand out, and some type of parapet on top of the columns, as discussed.

The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0).

**Item 14. on the Agenda.** **PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions for operation of a Child Care center on property located at 7628 North Wabash. Owner: Jay B. and Tanà S. Davis. Applicant: Tamara K. Hamil.

Mayor Revenaugh opened the Public Hearing.

**Staff Presentation**

Planning Specialist Chris Helmer began by saying the applicant, Ms. Hamil, is currently operating a day care at 7628 North Wabash under State requirements of a total number of four children. Ms. Hamil is present this evening pursuant to State statute to increase her business operation for a total number of 10 children. Overall, Staff does not have a significant objection to this request. In the Ordinance, as well as in the Staff Report, Staff is recommending a one-year Special Use Permit request for this particular location. Staff feels it is in the best interest of the City to work under this shorter time frame, which is consistent with what Council has approved with previous Special Use Permit requests.

**Comments from the Applicant**

There were no comments from the applicant at this time.

**Comments from those in Favor of the Application**

Charles Weems, 7621 North Wabash, stated he lives across the street from the proposed Day Care Center, and said he is not against the Day Care Center, he just has some questions. Mr. Weems asked what the hours of operation would be, how many children there would be, and would the back yard be fenced, because those little children coming out of there are little bullets when they come out of a yard and into a street. That street now has more traffic than we have ever had. Mr. Weems said he does not want to come around a curve and pick up some little child or be in his yard and have to run someone down, because they have hit someone. Mr. Weems said he has lived in the neighborhood for 17 years, and it is a nice neighborhood. The neighbors have all been good.

Mr. Weems said he does not want to see at 6:30 AM on a Saturday or 9:30 at night a bunch of kids showing up. Mr. Weems said he knows there are working mothers and single mothers, but he wants to be sure there will be some kind of order in the neighborhood, and with school being out, he doesn't want to come home with 200

little kids over there. Mr. Weems said he would like to know the hours of operation, how many kids will be allowed, and will the back yard be fenced.

Mr. Helmer replied that as he stated earlier, that under State requirements and the Special Use Permit request, the maximum number of children is 10. Mr. Helmer said in the draft Ordinance, Number 5. under Section 1., it states the hours of operation shall be limited to 6:00 AM to 7:00 PM, Monday through Friday. This is consistent with what we have seen with other requests of this nature. The applicant has stated in a letter to the Planning Commission and City Council that there is the intention of installing a wooden fence in the back yard.

Mayor Revenaugh asked if there would be a fence before there are children staying there?

Mr. Helmer said there are currently four children at the operation and he has not seen the back yard, but the applicant is looking at putting a wooden type fence in the back yard.

Councilman Smith stated he believes the Mayor's question is when?

The applicant, **Tamara K. Hamill, 7628 North Wabash**, stated to be licensed in the State of Missouri, you have to have a 4.5 foot high fence, so she will do that. Right now she does watch four children and is outside all the time with them. She is very cautious. Ms. Hamill said she is awaiting a survey to find out where her property line is, and then will proceed with installing a fence. Ms. Hamill stated she cannot have more than four children without meeting the requirements of the State of Missouri, which are a lot of requirements, and one of them is a fence.

**There was no one who spoke in Opposition to the application.**

**Item 14a. on the Agenda.**      **FIRST READING BILL 08-19**, approving a Special Use Permit subject to certain conditions for operation of a Child Care center on property located at 7628 North Wabash. Owner: Jay B. Davis. Applicant: Tamara K. Hamill.

Councilman Wayne Beer moved to place Bill 08-19 on First Reading. Councilman Carol Rudi seconded. The vote: All "aye" - Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 08-19, 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 Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 08-19 and enact the Bill as **Ordinance 4.077**. Councilman Carol Rudi seconded.

Mayor Pro Tem Rudi stated for clarification for the audience that Ms. Hamill is required to have a State license by our Ordinance, and the State will not give her that license without the fence, so that is assurance that the fence will go up before those children arrive.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0).

**Item 15. on the Agenda.** **PUBLIC HEARING:** for consideration of a Site Plan Revision for property at 5800 North Oak Trafficway. Owner: Lighthouse Liquors. Applicant: Truman Road Properties.

Mayor Revenaugh opened the Public Hearing and stated the Public Hearing would be continued to the Monday, July 14, 2008, City Council meeting at the request of the applicant.

**Item 16. on the Agenda.** **FIRST READING BILL 08-20**, repealing Ordinance No. 4.042 (Section 6.110.100 of the City Code) and enacting in lieu thereof a new Section to provide for an increase in the Water Rate Charge to \$3.34 per 1,000 gallons of water usage, as a portion of the Water Service Rates for the City of Gladstone, Missouri.

Councilman Les Smith moved to place Bill 08-20 on First Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 08-20, 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 Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 08-20 and enact the Bill as **Ordinance 4.078**. Councilmember Carol Suter seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0).

**Item 17. on the Agenda.** **OTHER BUSINESS.**

There was no other business.

**Item 18. on the Agenda.**

**QUESTIONS FROM THE NEWS MEDIA.**

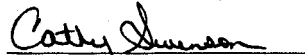
There were no questions from the News Media.


**Item 19. on the Agenda.**

**ADJOURNMENT.**

There being no further business to come before the June 23, 2008, Gladstone Regular City Council Meeting, Mayor Mark Revenaugh adjourned the regular meeting to reconvene to Closed Executive Session.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Mark S. Revenaugh



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JULY 14, 2008**

The City Council will meet in Closed Executive Session on Monday, July 14, 2008, 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: 7:15 PM**

**REGULAR MEETING: 7:30 PM**

**AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular June 23, 2008, City Council Meeting Minutes.

5. **PROCLAMATION:** designating the month of July 2008, as "**NATIONAL PARKS AND RECREATION MONTH**".

6. **CONSENT AGENDA**

**RESOLUTION R-08-37**, authorizing acceptance of proposals from Vellar Consulting in the amount of \$26,000.00 for Neighborhood Development Consulting Services and \$5,000.00 for preparation of Neighborhood Strategic Plans and Action Plans for Neighborhood Improvement for the Linden and Northridge subdivisions within the City of Gladstone, Missouri.

**RESOLUTION R-08-38**, accepting Temporary Construction and Permanent Easements from certain property owners in conjunction with the Northeast 69<sup>th</sup> Terrace, East of Euclid Stormsewer Improvement Project.

**RESOLUTION R-08-39**, accepting title to the parking lot at the Rock Creek Meadow Storm Water Detention area from the Missouri Department of Transportation.

**BUILDING PERMIT:** for construction of an accessory building, similar to an existing building on White Chapel Memorial Gardens property located at 6600 North Antioch Road. Applicant/Owner: D.W. Newcomers, Inc.

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:**

Big Stones dba Stone Canyon Pizza, 6433 North Prospect, Class A&B Liquor by the Drink License.

RNB LLC dba Red, 316 NE 72<sup>nd</sup> Street, Class A Liquor by the Drink License.

WSE Investment LLC. dba Wal-Mart, 7207 Missouri Route 1 Highway, Seven-Day Package Liquor License.

Archa LLC. dba Gladstone Mart and Liquor, 7020 North Oak, Seven-Day Package Liquor License.

Gasmart dba Phillips 66, 7303 North Oak, Seven-Day Package Liquor License.



Trex Mart, 5810 NE Antioch Road, Seven-Day Package Liquor License.

Mark & Michelle's Bar & Grill, 7102 North Oak, Class A Liquor by the Drink License.

Tortilla Flats, 5716 Northeast Antioch Road, Class A Liquor by the Drink License.

End Zone, 7632 North Oak, Class A Liquor by the Drink License.

Hy-Vee Food and Drug Store, 7117 North Prospect, Seven-Day Liquor by the Drink License.

Hy-Vee Gas, 7121 North Prospect, Seven-Day Package Liquor License.

The Hide Out Bar & Grill, 6948 North Oak, Class A&B Liquor by the Drink License.

Applebee's Neighborhood Grill & Bar, 6069 North Antioch Road, Seven-Day Liquor by the Drink License.

## 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 R-08-40**, authorizing acceptance of proposals from Thoroughbred Ford, Odessa Dodge, Busch and Associates, Shawnee Mission Ford, and Victor L. Phillips for the purchase of various vehicles and equipment in order to enhance the City's sustainability for a total purchase price of \$817,782.23.
12. **PUBLIC HEARING:** for consideration of a Site Plan Revision for property at 5800 North Oak Trafficway. Owner: Lighthouse Liquors. Applicant: Truman Road Properties.

**AUDIENCE NOTE:** This application has been withdrawn by Staff with the support and agreement of the applicant.

13. Other Business.
14. Questions from the News Media.
15. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JULY 14, 2008**

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION  
6:30 PM**

Mayor Mark Revenaugh opened the City Council Meeting to adjourn to a Closed Executive Session on July 14, 2008, at 6:30 PM. Councilmember Carol Suter 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 Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (4-0).

Councilman Les Smith was also in attendance at the Closed Executive Session.

Mayor Mark Revenaugh adjourned the Closed Executive Session to go into an Open Study Session at 7:15 PM.

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Mark Revenaugh  
Mayor Pro Tem Carol Rudi  
Councilman Les Smith  
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 Mark Revenaugh opened the Regular July 14, 2008, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.**      **ROLL CALL**

Mayor Mark Revenaugh noted that all Council members were present.

**Item 3. on the Agenda.**      **PLEDGE OF ALLEGIANCE.**

Mayor Mark Revenaugh led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda.**      **APPROVAL OF THE JUNE 23, 2008, CITY COUNCIL MEETING MINUTES.**

Councilman Wayne Beer moved to approve the Regular June 23, 2008, City Council Meeting Minutes as presented. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

**Item 5. on the Agenda.**      **PROCLAMATION: designating the month of July 2008, as "NATIONAL PARKS AND RECREATION MONTH".**

Mayor Revenaugh read and presented the Proclamation designating the month of July 2008, as "NATIONAL PARKS AND RECREATION MONTH" to Parks and Recreation Director Sheila Lillis, who thanked the Mayor and City Council.

Mayor Revenaugh said the parks are looking great.

**Item 6. on the Agenda.**      **CONSENT AGENDA.**

Following the Clerk's reading, a member of the audience, Lisa Saint, 7608 North Kansas Avenue, inquired into the Liquor by the Drink license for Hy-Vee.

City Clerk Cathy Swenson replied that Hy-Vee utilizes the Liquor by the Drink license through their catering business.

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 Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-37**, authorizing acceptance of proposals from Vellar Consulting in the amount of \$26,000.00 for Neighborhood Development Consulting Services and \$5,000.00 for preparation of Neighborhood Strategic Plans and Action Plans for Neighborhood Improvement for

the Linden and Northridge subdivisions within the City of Gladstone, Missouri. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-38**, accepting Temporary Construction and Permanent Easements from certain property owners in conjunction with the Northeast 69<sup>th</sup> Terrace, East of Euclid Stormsewer Improvement Project. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-39**, accepting title to the parking lot at the Rock Creek Meadow Storm Water Detention area from the Missouri Department of Transportation. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to approve a **BUILDING PERMIT** for construction of an accessory building, similar to an existing building on White Chapel Memorial Gardens property located at 6600 North Antioch Road. Applicant/Owner: D.W. Newcomers, Inc. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to approve the following **ANNUAL LIQUOR LICENSE RENEWALS**:

Big Stones dba Stone Canyon Pizza, 6433 North Prospect, Class A&B Liquor by the Drink License.

RNB LLC dba Red, 316 NE 72<sup>nd</sup> Street, Class A Liquor by the Drink License.

WSE Investment LLC. dba Wal-Mart, 7207 Missouri Route 1 Highway, Seven-Day Package Liquor License.

Archa LLC. dba Gladstone Mart and Liquor, 7020 North Oak, Seven-Day Package Liquor License.

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End Zone, 7632 North Oak, Class A Liquor by the Drink License.

Hy-Vee Food and Drug Store, 7117 North Prospect, Seven-Day Liquor by the Drink License.

Hy-Vee Gas, 7121 North Prospect, Seven-Day Package Liquor License.

The Hide Out Bar & Grill, 6948 North Oak, Class A&B Liquor by the Drink License.

Applebee's Neighborhood Grill & Bar, 6069 North Antioch Road, Seven-Day Liquor by the Drink License.

Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

## **REGULAR AGENDA**

### **Item 7. on the Agenda.      COMMUNICATIONS FROM THE AUDIENCE.**

There were no communications from the audience.

### **Item 8. on the Agenda.      COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilmember Carol Suter** stated she had a good time at the July 4<sup>th</sup> celebration, although there were more fireworks going on outside of the official fireworks, and she believes our attempts at monitoring illegal fireworks is pretty much spectacularly unsuccessful. It was interesting that while sitting in the park, one could look all around in a complete circle, 360 degrees, and see fireworks going off all the way around. Councilmember Suter said she is curious as to why we bother to have this on the books, when we do not seem to have much ability to enforce it. The event, however, was very nice.

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

**Mayor Pro Tem Carol Rudi** invited Parks and Recreation Director Sheila Lillis to provide an overview of upcoming events in the park.

Director Lillis reported that the King & I performance ended this past weekend, with great attendance all three nights. The best attendance was Sunday night, with an estimated crowd of 13,000 for the three-day event. This coming weekend is the Cancer Walk on Friday night, beginning at 5:00 PM, and it will be an overnight event until 7:00 AM. The next movie, which will be shown in the park is on July 25, and it is called Surf's Up, and will be shown at 9:00 PM. The previous movie shown approximately three weeks to a month ago, was the first one where there was over 500 in attendance. The movies are beginning to catch on and Staff is very excited about that.

Mayor Revenaugh asked who stars in Surf's Up, and asked if it is animated.

Director Lillis said she did not know, but did plan to attend, and asked City Clerk Swenson if she knew the answer.

City Clerk Swenson replied she believed it is an animated movie with surfing penguins.

Director Lillis stated she planned to attend the movie and report back to the Mayor.

**Councilman Les Smith** stated there a lot of good reasons as to why we have a fireworks Ordinance on the books, and we do have the ability to enforce it; we do not seem to have the will to enforce it. Councilman Smith said he would like to ask the City Manager why we lack the will to enforce the fireworks Ordinance. It has progressively gotten worse year after year, and we need to find out if there is some language in the Ordinance that does not allow us to enforce it, or if we have a department that is not willing to enforce it. Councilman Smith said he does not know what it is, and does not care what it is, but it is a huge public safety issue, and he would like to find out why we do not do a better job.

**Mayor Mark Revenaugh** stated that the City Council, on behalf of the residents of Gladstone, received a proclamation from the Clay County Commissioners today, congratulating us as recipients of the 2008 All America City Award. There were two people from the public, and many people from the staff, and the City Council there to accept the proclamation. It was a nice gesture on behalf of the government of Clay County.

**Item 9. on the Agenda.**  
**MANAGER.**

**COMMUNICATIONS FROM THE CITY**

Acting City Manager/Assistant City Manager Scott Wingerson stated Bill Ledford, an employee of the City for 25 years, worked in the Public Works Department on the traffic crew helping with street lights and making sure everything was safe. Mr. Ledford passed away yesterday morning after a long battle with a horrible illness. Mr. Wingerson said he wanted to make the City Council and the public aware of this, and wanted to let his family know, as well as his co-workers in Public Works, that all of our thoughts and prayers are with them as they deal with this.

**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 Wayne Beer moved to approve a **LIQUOR LICENSE RENEWAL** for Gladstone Bowl, Inc., 300 NW 72<sup>nd</sup> Street, Class A&B Liquor by the Drink License. Councilmember Carol Suter seconded.

Councilman Les Smith stated he would be abstaining from the vote, as he owns the business.

The vote: "Aye" – Councilmember Carol Suter, Councilman Wayne Beer, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. "Abstain" – Councilman Les Smith. (4-1-0)

**Item 11. on the Agenda.**      **RESOLUTION R-08-40**, authorizing acceptance of proposals from Thoroughbred Ford, Odessa Dodge, Busch and Associates, Shawnee Mission Ford, and Victor L. Phillips for the purchase of various vehicles and equipment in order to enhance the City's sustainability for a total purchase price of \$817,782.23.

Tony Rhinehart, said he was present on behalf of Ford Motor Company, and with him were Chris Wallingford and Andy Marinaro, who were present on behalf of Thoroughbred Ford. Mr. Rhinehart said they were present to say thank you for considering American made and thank you for considering vehicles built here in Kansas City. Mr. Rhinehart said on behalf of their nearly 5,000 employees, we greatly appreciate it. These are some challenging times and we know it is not easy for the City in terms of the budget, and there are always budget constraints. Mr. Rhinehart stated they believe their product is good, the quality is good, and with the hybrid Escape, they think the City is getting a top-notch vehicle. That is a vehicle that is the most fuel-efficient and the lowest emission SUV in the world, and there are 17 of them on the list if they are approved this evening. Mr. Rhinehart said they greatly appreciate this, because he believes the City will be very proud of the vehicles, and if the Council is not happy with the vehicles, they now know who he is and suggested they give him a call and he would take care of any problems.

Mayor Revenaugh asked if the vehicles are made at the Claycomo plant.

Mr. Rhinehart replied the vehicles are made at the Claycomo plant. There are two lines at that facility; one does the F-150 and the other side does the small SUVs (Sport Utility Vehicles), and all of the hybrid vehicles are built there at this time. In the fall the company will build the Fusion and Milan sedan hybrids, but those will be built somewhere else. These are full hybrids, not mild hybrids. They are very fuel-efficient and basically next to zero emissions.

Mayor Revenaugh asked for clarification between a full hybrid and a mild hybrid vehicle.

Mr. Rhinehart replied both vehicles run part of the time on electricity and part of the time on gasoline. A full hybrid traveling from 0-25 miles per hour, is running on electricity. Basic physics talks about how to get a mass moving, and that is where the vehicles are least efficient. All of our vehicles are very efficient once you get the mass moving. A vehicle that runs on electricity and has a regenerative braking process; is a full hybrid, because anytime you are in stop and go traffic, those types of things, you are just running on electricity. With a mild hybrid, the only time the vehicle is using electricity is when it is idling, not while the vehicle is moving. There is a 10 to 15



percent efficiency benefit on a mild hybrid, and depending on the driving conditions, one might get as much as a 70 to 80 percent efficiency benefit on a full hybrid.

Mayor Revenaugh said we are glad to lower our carbon footprint and we are glad that a homemade product is going to help us do that.

Mr. Rhinehart thanked the Mayor and Council and said he and the Ford Motor Company are glad to be a part of this, and if assistance is ever needed, please just let him know.

Councilman Les Smith moved to adopt **RESOLUTION R-08-40**, authorizing acceptance of proposals from Thoroughbred Ford, Odessa Dodge, Busch and Associates, Shawnee Mission Ford, and Victor L. Phillips for the purchase of various vehicles and equipment in order to enhance the City's sustainability for a total purchase price of \$817,782.23. Councilman Wayne Beer seconded.

Councilman Smith stated he is very excited about the ability to do this, and it speaks very well of the Council members who are being the leaders in the area in "greening" the City's fleet and what is being done for the environment, but we also need to give Staff credit for finding a way to basically not impact our budget as a way of re-greening our fleet. With our settlement with the telecom legislation, we are being able to leverage nearly 75 percent of our leasing costs for this fleet. It is very commendable. Councilman Smith said he commends Staff for supporting the Council's goal of sustainable practices and commends the Council as well. Council should be proud of this action.

Mayor Revenaugh stated he agreed with Councilman Smith's comments.

Councilmember Suter stated that being an exceptionally responsive government is why we are an All America City, and this is one of the evidences of that very thing.

The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh.  
(5-0)

**Item 12. on the Agenda.**      **PUBLIC HEARING:** for consideration of a Site Plan Revision for property at 5800 North Oak Trafficway. Owner: Lighthouse Liquors. Applicant: Truman Road Properties.

Mayor Revenaugh announced this application had been withdrawn by Staff with the support and agreement 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.**

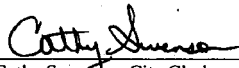
There were no questions from the News Media.


**Item 15. on the Agenda.**

**ADJOURNMENT.**

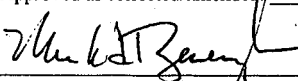
There being no further business to come before the July 14, 2008, Gladstone Regular City Council Meeting, Mayor Mark Revenaugh adjourned the regular meeting.

Respectfully submitted:

  
\_\_\_\_\_  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
\_\_\_\_\_  
Mayor Mark S. Revenaugh



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JULY 28, 2008**

**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.

**AMENDED AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular July 14, 2008, City Council Meeting Minutes.
5. SPECIAL RECOGNITION OF BILL LEDFORD.
6. PROCLAMATION: in recognition of Old Pike Country Club's 50<sup>th</sup> Anniversary.

7. **PROCLAMATION:** recognizing **Nancy Thompson and Christine Treat Bushyhead**, recipients of the Missouri Municipal Attorneys Association's Lou Czech Award.

**8. CONSENT AGENDA**

**RESOLUTION R-08-41**, 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-08-42**, accepting a Temporary Construction Easement from a property owner in conjunction with the Shoal Creek Bicycle/Pedestrian Trail Project.

**RESOLUTION R-08-43**, authorizing acceptance of proposals from Diamond International for the purchase of a five-yard Dump Truck with Heil body, and from Knapheide Truck Equipment for the purchase of a Salt Spreader and Snow Plow for the combined net purchase amount of \$99,076.

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:**

Margarita's North Incorporated, dba Margarita's, 7013 North Oak Trafficway, Class A&B Liquor by the Drink License.

Price Chopper, 6745 North Prospect, Seven-Day Package Liquor and Wine Tasting License.

**APPROVAL OF THE FINANCIAL REPORT FOR JUNE 2008.**

**REGULAR AGENDA**

9. **Communications from the Audience.**

10. **Communications from the City Council.**
11. **Communications from the City Manager.**
12. **PUBLIC HEARING:** for a Site Plan Revision for property legally described as Lot 2, Tingler Properties, or commonly known as 6850 North Oak Trafficway. Applicant/Owner: Quality Vending. (File #1318)
13. **FIRST READING BILL 08-21,** approving a Site Plan Revision for property legally described as Lot 2, Tingler Properties or commonly known as 6850 North Oak Trafficway. Applicant/Owner: Quality Vending.
14. **Other Business.**
15. **Questions from the News Media.**
16. **Adjournment.**



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JULY 28, 2008**

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Mark Revenaugh  
Mayor Pro Tem Carol Rudi  
Councilman Les Smith  
Councilman Wayne Beer  
Councilmember Carol Suter

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Mark Revenaugh opened the Regular July 28, 2008, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.      ROLL CALL**

Mayor Mark Revenaugh noted that all Council members were present.

**Item 3. on the Agenda.      PLEDGE OF ALLEGIANCE.**

Mayor Revenaugh recognized Boy Scouts from Troop 155, sponsored by Fairview Christian Church, who served as the Honor Guard and led the Pledge of Allegiance. Following the Pledge of Allegiance, Mayor Revenaugh asked the Scouts and the Merit Badge Counselor to introduce themselves, and provide their school and Scouting rank as follows:

Matt Carson, Senior Patrol Leader, sophomore at Oak Park High School, Life Scout.  
Cody Allen, sophomore at Winnetonka High School, Life Scout.  
Cole Stevens, 6<sup>th</sup> grade student at Antioch Middle School, Second Class.  
Colin Kipper, 8<sup>th</sup> grade student at Antioch Middle School, Life Scout.

Alex Olson, 8<sup>th</sup> grade student at Antioch Middle School, Star Scout.  
Jake Bell, 8<sup>th</sup> grade student at Antioch Middle School, Star Scout.  
Darian Mink, 7<sup>th</sup> grade student at Antioch Middle School, First Class.  
Alex Iniguer, freshman at Oak Park High School, Star Scout.  
Aaron Brown, junior at Oak Park High School, Life Scout.  
Dyelan Mink, freshman at Oak Park High School, Life Scout.  
Zack Stevens, junior at St. Pius X High School, Life Scout.  
Shelly Allen, Merit Badge Counselor.

Ms. Allen stated the Scouts are working on their Citizenship in the Community Merit Badge.

Following applause from the audience, Mayor Revenaugh thanked the Scouts, and said he was a member of Troop 155, when he attended Antioch Middle School. Mayor Revenaugh said it is nice to see the troop doing so well and with so many Scouts participating in the Troop.

**Item 4. on the Agenda.**      **APPROVAL OF THE JULY 14, 2008, CITY COUNCIL MEETING MINUTES.**

Councilmember Carol Suter moved to approve the Regular July 14, 2008, City Council Meeting Minutes as presented. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

**Item 5. on the Agenda.**      **SPECIAL RECOGNITION OF BILL LEDFORD.**

Mayor Revenaugh stated that tonight we have a special recognition of an employee, Bill Ledford, who was a long time member of the Public Works Department, and who has passed away recently.

Mayor Revenaugh read and presented a Proclamation recognizing Bill Ledford's nearly 25 years of service in the Public Works Department to his wife, Sandy and his son, Charles, who thanked the Mayor and City Council, which was followed by a standing ovation.

**Item 6. on the Agenda.**      **PROCLAMATION: in recognition of Old Pike Country Club's 50<sup>th</sup> Anniversary.**

Mayor Revenaugh read and presented a Proclamation in recognition of Old Pike Country Club's 50<sup>th</sup> Anniversary to Old Pike Country Club President Joseph Parnacott. Mr. Parnacott thanked the Mayor and Council and introduced Jan Burn, Swim Team Coordinator for the Country Club, who he said grew up in the Club, her two sons are lifeguards at the Club, and her husband is the Club Manager. Mr. Parnacott also introduced his wife, Debra and his daughter, Nancy.

Councilman Les Smith said Mr. Parnacott lives within throwing distance of the former Hamilton Heights Country Club.

Mr. Parnacott replied he was the President of Hamilton Heights Country Club, and now that it is closed, he is the President of Old Pike Country Club. Mr. Parnacott said he did not go very far.

Councilman Smith said Hamilton Heights Country Club had a swimming pool when he was a kid, and Old Pike Swim Team used to "just beat the pants off" the Hamilton Heights Swim Team.

Mayor Revenaugh stated he used to be a member of Old Pike Country Club.

Councilman Smith jokingly said he could top that; Mr. Parnacott lives in the house where Councilman Smith was born.

**Item 7. on the Agenda.**      **PROCLAMATION:** recognizing **Nancy Thompson and Christine Treat Bushyhead**, recipients of the Missouri Municipal Attorneys Association's Lou Czech Award.

Mayor Revenaugh invited Ms. Thompson and Ms. Bushyhead to join him as he read and presented to each of them a copy of the Proclamation.

Ms. Thompson thanked the Mayor and Council and said it was her pleasure to serve as Gladstone's City Attorney. She was very fortunate when she came to Gladstone, because there was a fantastic management team in place, and there was a very supportive City Council. Gladstone has always had a professional government in the City Manager form of government. Ms. Thompson said she was fortunate because she got to follow Ms. Bushyhead, and she was able to pull out her files, and take her lead on a lot of topics, which made her job a whole lot easier. Ms. Thompson said both she and Ms. Bushyhead had the rare opportunity to follow someone who is not here any longer, and that is John Dods. For those who knew Mr. Dods and worked with him, he was a preeminent City Attorney in the State of Missouri, and was one of the first attorneys for the City of Gladstone. Ms. Thompson said that Mr. Dods was very deserving, because he made what they do easier.

Ms. Bushyhead stated that the City of Gladstone was her first City Attorney position, and she, too, had the advantage of working with a highly professional staff and great elected officials who taught her how to do some of the things she does, and gave her a foundation to go by. Ms. Bushyhead thanked the City for the opportunity almost 20 years ago now. Ms. Bushyhead acknowledged former City Clerk Marilyn Ahnefeld, (now retired) who was in the audience, saying she was their mentor, and Ms. Thompson said she taught them everything they know!



**Item 8. on the Agenda.**

**CONSENT AGENDA.**

Following the Clerk's reading, Councilman Wayne Beer moved to approve the Consent Agenda as presented. Councilmember Carol Suter seconded. The vote: All "aye" - Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-41**, 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. Councilmember Carol Suter seconded. The vote: All "aye" - Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-42**, accepting a Temporary Construction Easement from a property owner in conjunction with the Shoal Creek Bicycle/Pedestrian Trail Project. Councilmember Carol Suter seconded. The vote: All "aye" - Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-43**, authorizing acceptance of proposals from Diamond International for the purchase of a five-yard Dump Truck with Heil body, and from Knapheide Truck Equipment for the purchase of a Salt Spreader and Snow Plow for the combined net purchase amount of \$99,076. Councilmember Carol Suter seconded. The vote: All "aye" - Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

**Councilman Wayne Beer moved to approve the following ANNUAL LIQUOR LICENSE RENEWALS:**

Margarita's North Incorporated, dba Margarita's, 7013 North Oak Trafficway, Class A&B Liquor by the Drink License.

Price Chopper, 6745 North Prospect, Seven-Day Package Liquor and Wine Tasting License.

Councilmember Carol Suter seconded. The vote: All "aye" - Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to approve the **Financial Report** for June 2008. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

## **REGULAR AGENDA**

### **Item 9. on the Agenda.**

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

**David Peironnet, 6204 North Park**, began by saying that last Friday, Gladstone hosted a regional meeting on mass transportation and its future, and members of the City staff and elected office holders who were involved in that deserve a word of recognition. It really came off nicely and was a nice job. Mr. Peironnet said the second item he wished to address was the standard thing that he likes to complain about and that is illegally placed advertising signs in public right of ways. Mr. Peironnet said he would like to say something nice, and that is that City staff got out letters to candidates a couple of weeks ago, and he believes it has really cut down the number of illegally placed signs. Mr. Peironnet said he would like for the City Council to express at least a word of support in public that laws will be enforced thoroughly, equally, fairly and equitably, but thoroughly. Mr. Peironnet said he believes that by sending out a very clear message this early in the game, we will not have the kinds of problems we have seen in the past. The letters and efforts in the past have cut down on this problem, and by expressing strong support for doing something vigorously, and equitably and fairly will diminish the problem as we move forward into the November general election in addition to the primaries coming up shortly.

Mayor Revenaugh thanked Mr. Peironnet and stated Council would like to go on record as saying that they endorse all the Ordinances in Gladstone and hope that folks follow them.

**JoAnn Whitlock, 607 NE 67 Place**, began by saying that she had provided packets with photographs to Council members. Ms. Whitlock said she represents the residents of western Bolling Heights who have storm water run-off problems. Ms. Whitlock read a narrative as follows:

*Shannon Aller moved into our neighborhood just last year, but it took her concerns and energetic investigations for us to realize that the water problems weren't isolated to our own property. She discovered residents spread over many blocks shared the same stories, and she got us organized.*

*She has spoken to Scott Wingerson and other city representatives and received a letter indicating the city will begin a process of evaluating possible solutions. We are very pleased to learn this.*

*We decided to address you this evening to ensure the Council knows how serious our problems are. We have circulated a short petition in the area and I would like to share it with you.*

*It says: We all, as neighbors and property owners in Bolling Heights, have had problems caused by storm water run-off. Some of our concerns are, but not limited to:*

- Damage from water entering our homes*
- Damage to retaining walls and fences*
- The need to install sump pumps in slab garage floors and home crawl spaces*
- Damage to our yards and landscaping*
- Not having use of our yards because of marshy areas*
- Increase in mosquitoes and the danger from the diseases they carry*
- Compromised health for those sensitive to mold*

*I have personally experienced ALL of these. This petition, to date, has been signed by 23 property owners. I have made copies for you. Some of the people have included letters and photos to explain their personal experiences and frustrations. The original photos are in folders I have handed to you and I would like you to glance at them.*

*We realize this is a large, complex project but we need the city to correct the storm water run-off problems. The letter Shannon received addressed the issues, but property owners want to know exactly what (I will quote) "the consistent work that will be occurring over the next year" entails.*

*We are watching our property values decline with this unresolved problem. We have pride in our homes, our neighborhood, and our city. We want to be a part of "Gladstone on the Move" but we can't move forward until this is resolved. Residents want more detailed information and a timeline on the process of evaluating possible solutions.*

Ms. Whitlock thanked the Council for their time and the opportunity to address them.

Mayor Revenaugh asked Assistant City Manager Scott Wingerson if he had a chance to look into this.

Mr. Wingerson replied he had, and thanked Ms. Whitlock and Ms. Aller for providing such comprehensive information. It helps to better understand the issues. Mr. Wingerson stated that back in June, as Ms. Whitlock expressed, he wrote a letter to Ms. Aller explaining a three-step process. The first step is to notch a curb to allow some backyard storm water to reach the public street. Step two is to install a curb inlet on the very western edge of Bolling Heights to catch some of the water running from downhill and curving around in the street to access the storm system and expel that downstream. The third step, and maybe where the confusion lies, is the statement that

says, "consistent work over the next year will occur". Mr. Wingerson said that basically the solution to this concern is very complicated. There are groundwater concerns, topography concerns, original development concerns, and age of the single-family home concerns. There are about six issues all in play in this one area. Mr. Wingerson said what Staff would like is the opportunity to study the issue, which then leads to finding how much a solution will cost, which then leaves funding through the Capital Improvement Plan, which will lead to ultimately solving the concern. To that end, Staff has already scheduled two things that may be of interest to the residents of Bolling Heights. The first thing is the curb inlet that we committed to install will be ordered this week, and installed this summer, so we are following the commitment in the letter in that regard. The second thing is to invite the Council, as well as the residents from Bolling Heights to the Capital Improvements Committee meeting that is scheduled for this next Monday, August 4<sup>th</sup>, at 5:30 PM, here in this building. They have agreed to hear this concern, understand it, and hopefully they will provide direction to Staff to begin the initial steps to move this project forward.

Mayor Revenaugh asked Mr. Wingerson if this process has been explained to the residents.

Mr. Wingerson replied he explained the process this evening to Ms. Whitlock and the other residents probably heard it for the first time just now.

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

**Councilmember Carol Suter** thanked everyone for being in attendance at the Council meeting this evening. One of the things that makes Gladstone an All America City is the active participation of the citizens; from the young people conducting the flag ceremony to those present to be honored, as well as those with complaints. This reflects what our city is all about. Councilmember Suter thanked everyone for the time that they gave to participate this evening.

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

**Councilman Les Smith** stated Mr. Ledford was a very valuable employee, and a very good person as well. We do things well in this city in serving the public, and he is one of the reasons why we have such a rich tradition in doing so. Councilman Smith stated that Lou Oesterle is going to be retiring later this week, and he is another fine example of what a true public servant is all about. He will be missed equally as much by our administration. Councilman Smith offered congratulations to Mr. Oesterle, who he believes is really looking forward to retirement.

**Mayor Pro Tem Carol Rudi** stated that Mr. Peironnet covered what she was going to ask. Mayor Pro Tem Rudi said she knew that Staff had sent out letters regarding

political signs, and she was wondering if we are at the point where we will now be enforcing an Ordinance.

Mr. Wingerson replied yes.

Mayor Pro Tem Rudi invited Parks and Recreation Director Sheila Lillis to provide an overview of upcoming events in the park.

Director Lillis reported that the second production of Theatre in the Park is August 8, 9, and 10, at 8:30 PM, and the production is "Crazy for You". It will be a new production for our city, and one not done here before.

**Mayor Mark Revenaugh** stated that about two weeks ago Gladstone hosted the West Gate Division of the Missouri Municipal League's leadership award banquet. There were 220 elected officials from Jackson, Clay and Platte Counties all set up to meet at the Community Center, in our new meeting rooms. Mayor Revenaugh said it was amazing how many Mayors came up to him and said that they had Community Center envy, and they wished they had structures such as ours in their own communities, and he told them that it was a source of pride for all the Gladstone residents.

Mayor Revenaugh said last Friday we hosted the Kansas City Mayor's Initiative on Mass Transit, where again we had Mayors from all those different cities coming into Gladstone. Many of them have never been here before. Mayor Revenaugh offered thanks to the staff on both occasions, and said he especially wanted to extend thanks to City Clerk Cathy Swenson, who on the night of the Missouri Municipal League meeting, really worked closely with the caterer to be sure that we could put on 220 dinners all at the same time, and have them taste good. Mayor Revenaugh said for a person who eats a lot of chicken at luncheons and dinners, the chicken that was served that evening far surpassed anything he has had in recent memory. Mayor Revenaugh said he and Council members appreciate City Clerk Swenson working with that whole program to make sure that it went off as well as it did. On top of the Community Center itself, and then being able to brag about Gladstone becoming an All America City, it was obvious that we are second to no one in this region. Mayor Revenaugh said Gladstone is obviously a city on the move, and he could not begin to say exciting it was to be able to host all those folks in our Community Center, and then brag about becoming an All America City on top of that. It was just wonderful. Mayor Revenaugh said he wished to thank the citizens and the City staff, and his fellow Council members for that opportunity.

Mayor Pro Tem Rudi said since there were so many people in attendance this evening, she wanted to make mention that our City offers a Leadership Academy, and if anyone has not participated in that, it is a wonderful opportunity to get in depth information about how the City operates and why we have to do the things the way we do them. Mayor Pro Tem Rudi suggested that if anyone is interested, please see Public Information Officer Richard King for information on the next Academy.

**Item 11. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis said there would be high school kids in the Community Center this week for swim camps, which the City is excited to host. On August 11, the fall swim season for boys begins, and the City is excited to work with the School District in providing that facility. From 5:00 PM to 8:30 PM, on August 2, at Oak Grove Park, there will be the Night Out Against Crime event. Council members are invited to attend. There will be a brief program. Staff does not know all the details as of yet, but will pass that information on as it becomes available. City Manager Davis encouraged everyone to attend this event. There will be quite a display of Public Safety vehicles and information about the City that night.

**Item 12. on the Agenda.** **PUBLIC HEARING:** for a Site Plan Revision for property legally described as Lot 2, Tingle Properties, or commonly known as 6850 North Oak Trafficway. Applicant/Owner: Quality Vending. (File #1318)

Mayor Revenaugh stated comments will first be heard from Staff and then from the Applicant, followed by those in Favor and then those Opposed to the application. Mayor Revenaugh opened the Public Hearing.

**Staff Comments**

Chris Helmer, Planning Specialist, stated the applicant has been at this site for a little over ten years, and came through the city process for a Site Revision back in 1996. The operation is for vending type services. The applicant does have some deliveries from soda vending machines, as well as other dry good items. The request is for an addition of 3,000 square feet to the existing 5,000 square foot building. One item in particular that has changed since the Planning Commission Public Hearing, and as a result of Staff's request, is to increase the parking that is on site. Council members have that revised plan in front of them. Specifically, that parking has been increased to the west of the proposed new addition, which is an additional 11 parking spaces, with a total of 16 parking spaces on site. The applicant can confirm that he has roughly 10 or 11 employees. That is the main concerns or changes from the Staff's perspective, as well as from discussion from the Planning Commission. There has been one added condition, with that being the hours of operation.

Mayor Pro Tem Rudi asked if the hours of operation of 5:00 AM to 5:00 PM are the same as in the past.

Mr. Helmer replied yes, the applicant has said that 5:00 PM is the absolute latest he is open. They usually close around 4:00 PM or 4:30 PM.

Mayor Pro Tem Rudi asked if there have been any complaints about this use.

Mr. Helmer replied no, and he did look into this after the Planning Commission Public Hearing. Mr. Helmer said to his knowledge, there is nothing in the system as far as code violations, complaints, and things of that nature. Mr. Helmer said he has not heard any member of Staff say that there has been a problem in the past.

**Applicant Comments**

**Jeff Schrader, Herman Scharhag Architects, 310 Armour Road**, stated he was representing the applicant. Mr. Schrader stated he had no further comments to add, but would be happy to answer any questions Council members might have.

**Comments from those in Favor or Opposed to the application.**

There was no one to speak in favor or opposition to the application.

Mayor Revenaugh closed the Public Hearing.

**Item 13. on the Agenda.**      **FIRST READING BILL 08-21**, approving a Site Plan Revision for property legally described as Lot 2, Tingler Properties or commonly known as 6850 North Oak Trafficway. Applicant/Owner: Quality Vending.

Councilman Wayne Beer moved to place Bill 08-21 on First Reading. Councilman Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 08-21, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 08-21 and enact the Bill as **Ordinance 4.079**. Councilman Carol Suter seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (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.**

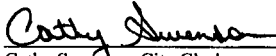
**ADJOURNMENT.**


There being no further business to come before the July 28, 2008, Gladstone Regular City Council Meeting, Mayor Mark Revenaugh adjourned the regular meeting.

Councilman Les Smith 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 Wayne Beer seconded.

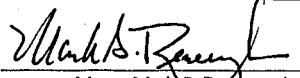
Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0).

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Mark S. Revenaugh





**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, AUGUST 11, 2008**

The City Council will meet in Closed Executive Session on Monday, August 11, 2008, 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**

**AMENDED AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.

**4. Approval of the Regular July 28, 2008, City Council Meeting Minutes.**

**5. CONSENT AGENDA**

**RESOLUTION R-08-44**, authorizing Change Order No. 1 in the amount of \$88,929.47 to the contract with Ideker, Incorporated, for the 2008 Mill and Overlay Program.

**RESOLUTION R-08-45**, authorizing Change Order No. 2 in the amount of \$210,622.50 to the contract with Miller Paving and Construction, Limited Liability Corporation, for the 2008 Residential Curb and Sidewalk Program.

**RESOLUTION R-08-46**, authorizing the City Manager to execute a Maintenance Agreement for eight copy machines with Datamax.

**RESOLUTION R-08-47**, authorizing the City Manager to execute a Lease Purchase Agreement with First Bank of Missouri for \$713,733.00 for the acquisition of equipment and for fleet replacement.

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:**

Kansas City (Northland) Elks Lodge #2376, 7010 North Cherry, Class A&B Liquor by the Drink License with a Change in Managing Officer to: Jerry Newman, 115 NW Harlem; Kansas City, MO 64116.

Multiple Investments, LLC, dba Show-Me's, 6300 North Oak Trafficway, Class A&B Liquor by the Drink License.

**APPROVAL OF LIMITED ONE-DAY LIQUOR BY THE DRINK LICENSE** to St. Andrews Parish and School, 6415 Northeast Antioch Road, for the Annual Auction on November 15, 2008. Hours: 5:00 PM – 11:30 PM; and for the St. Joseph's Table on March 15, 2009. Hours: 12:00 PM – 6:00 PM. Managing Officer: Denise Rathmann.

**REGULAR AGENDA**

- 6. Communications from the Audience.**
- 7. Communications from the City Council.**
- 8. Communications from the City Manager.**
- 9. RESOLUTION R-08-48**, supporting a new Comprehensive Plan in accordance with Missouri Revised Statutes, Section 89.310, and replacing the existing Comprehensive Plan and its amendments.
- 10. BUILDING PERMIT:** for a new 3,000 square feet addition to an already existing structure at the Quality Vending Company, located at 6850 North Oak Trafficway. Owner: Don Miceli. Applicant: Teague Construction, Inc.
- 11. Other Business.**
- 12. Questions from the News Media.**
- 13. Adjournment.**



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, AUGUST 11, 2008**

Mayor Mark Revenaugh opened the City Council Meeting to adjourn to a Closed Executive Session on August 11, 2008, at 6:00 PM. Mayor Pro Tem 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. Councilman Les Smith seconded.

Roll Call Vote: All "aye" – Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (3-0).

Councilman Carol Suter and Councilman Wayne Beer were also in attendance at the Closed Executive Session.

Mayor Mark Revenaugh recessed the Closed Executive Session to go into an Open Study Session at 6:45 PM, and said the Closed Executive Session would reconvene after the Regular City Council meeting.

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Mark Revenaugh  
Mayor Pro Tem Carol Rudi  
Councilman Les Smith  
Councilman Wayne Beer  
Councilmember Carol Suter  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Clerk Cathy Swenson

**ABSENT:** City Counselor David Ramsay

Mayor Mark Revenaugh opened the Regular August 11, 2008, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.**      **ROLL CALL**

Mayor Mark Revenaugh noted that all Council members were present.

**Item 3. on the Agenda.**      **PLEDGE OF ALLEGIANCE.**

Mayor Revenaugh led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda.**      **APPROVAL OF THE JULY 28, 2008, CITY COUNCIL MEETING MINUTES.**

Councilmember Carol Suter moved to approve the Regular July 28, 2008, City Council Meeting Minutes as presented. Councilman Les Smith seconded. The vote: All "aye" -- Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

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

Following the Clerk's reading, Mayor Pro Tem Carol Rudi moved to approve the Consent Agenda as presented. Councilmember Wayne Beer seconded. The vote: All "aye" -- Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Mayor Pro Tem Carol Rudi moved to adopt **RESOLUTION R-08-44**, authorizing Change Order No. 1 in the amount of \$88,929.47 to the contract with Ideker, Incorporated, for the 2008 Mill and Overlay Program. Councilman Wayne Beer seconded. The vote: All "aye" -- Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Mayor Pro Tem Carol Rudi moved to adopt **RESOLUTION R-08-45**, authorizing Change Order No. 2 in the amount of \$210,622.50 to the contract with Miller Paving and Construction, Limited Liability Corporation, for the 2008 Residential Curb and Sidewalk Program. Councilman Wayne Beer seconded. The vote: All "aye" -- Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Mayor Pro Tem Carol Rudi moved to adopt **RESOLUTION R-08-46**, authorizing the City Manager to execute a Maintenance Agreement for eight copy machines with Datamax. Councilman Wayne Beer seconded. The vote: All "aye" -- Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Mayor Pro Tem Carol Rudi moved to adopt **RESOLUTION R-08-47**, authorizing the City Manager to execute a Lease Purchase Agreement with First Bank of Missouri for \$713,733.00 for the acquisition of equipment and for fleet replacement. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Mayor Pro Tem Carol Rudi moved to approve the **ANNUAL LIQUOR LICENSE RENEWALS** as follows:

- Kansas City (Northland) Elks Lodge #2376, 7010 North Cherry, Class A&B Liquor by the Drink License with a Change in Managing Officer to: Jerry Newman, 115 NW Harlem; Kansas City, MO 64116.
- Multiple Investments, LLC, dba Show-Me's, 6300 North Oak Trafficway, Class A&B Liquor by the Drink License.

Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Mayor Pro Tem Carol Rudi moved to approve a **LIMITED ONE-DAY LIQUOR BY THE DRINK LICENSE** for St. Andrews Parish and School, 6415 Northeast Antioch Road, for the Annual Auction on November 15, 2008. Hours: 5:00 PM – 11:30 PM; and for the St. Joseph's Table on March 15, 2009. Hours: 12:00 PM – 6:00 PM. Managing Officer: Denise Rathmann. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (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.**

**Councilmember Carol Suter** stated it is both a joy and a displeasure to put up with all of the paving projects going on in the City of Gladstone. It seems every street is under construction, which is a good thing. There is some nice work being done, except for the paint job on 72<sup>nd</sup> Street.

**Councilman Wayne Beer** stated he wished to make public commendation to Officer Ken Buck, who recently was recognized as the Traffic Officer of the Year in the State of Missouri, which is a great commendation, and he is glad that we have him!

Mayor Revenaugh said he agreed.

**Councilman Les Smith** agreed with Councilman Beer, and asked that Council's congratulations be passed on to Officer Buck. Councilman Smith said he has known him for 30 years and he knew him as a teenager. Councilman Smith, referencing an item on the Consent Agenda, said we have a business called the Copier Shop in Gladstone, and although we publish and meet our legal requirements for bids, he believes it would be good public policy to make direct contacts with businesses in Gladstone, whether they be businesses in Gladstone, or owned by Gladstone residents that we know of, and be sure they know there is an opportunity.

**Mayor Pro Tem Carol Rudi** stated she was asked about the Wal-Mart fountain. Mayor Pro Tem Rudi said she suggested to the person to attend a City Council meeting and ask us, we would ask the City Manager to check into it, and let us know, unless City Manager Davis has an immediate response.

City Manager Davis replied he would like the opportunity to check into this issue and report back to the City Council.

Mayor Pro Tem Rudi asked Parks and Recreation Director Sheila Lillis for a report on summer activities.

Director Lillis reported that the first evenings of swim practices at the Natatorium have been going very smoothly with the students and the members. This coming Friday at the Amphitheatre there is scheduled a Back to School Night featuring a magic show and some dancers. The event will be from 7:00 PM to 9:00 PM, and will be a very simple format. On September 6<sup>th</sup>, at 12:00 noon, the Kansas City Ballet will be performing at the Ballet in the Park event at the Gladstone Amphitheatre. The Theatre in the Park season ended this past weekend, and the production was "Crazy for You". Director Lillis said she has seen every show, and this is without a doubt one of our top five shows. It was an excellent production. Director Lillis said she was very pleased and there were some nice crowds on Saturday and Sunday.

Mayor Pro Tem Rudi said she had seen the ballet date listed somewhere as being September 1<sup>st</sup>, and she wanted to be sure to point out that our date is September 6<sup>th</sup>.

Director Lillis replied Mayor Pro Tem Rudi is correct. They will be performing in our city on September 6<sup>th</sup>.

**Mayor Mark Revenaugh** offered congratulations to Director Lillis on another successful season. Mayor Revenaugh thanked City Manager Davis and Public Works

Director Chuck Williams for patching the area of street between Quik Trip and Price Chopper. Mayor Revenaugh said he rolled over that area many times before it was patched, and he noticed work had been done on it, and he appreciates that.

Mayor Revenaugh said last Friday, at the invitation of Mayor Funkhouser, he attended a forum where the goal is to form a coalition of area Mayors to see if there are some areas of joint cooperation where they can speak as one voice to try and get something done with the Missouri State Legislature. Mayor Revenaugh said he has been acting for the last couple of years as the Council liaison to the Missouri State Legislature, and they have had meetings with representatives from North Kansas City and from Liberty, but this will be an effort just with the area Mayors to press home those issues that we all agree will be in the best interest of our cities, and hopefully, get some attention from the State Legislature that we may not be able to get in a more fragmented version. Mayor Revenaugh stated he wanted to report that this is the effort that is being moved towards on this front.

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

City Manager Kirk Davis reported that school starts next week, and he hopes everyone is careful as they drive to work, with the children in the streets. The outdoor pool will be open weekends only this weekend coming up through the balance of the year, because of the start of school.

**Item 9. on the Agenda.**      **RESOLUTION R-08-48,** supporting a new Comprehensive Plan in accordance with Missouri Revised Statutes, Section 89.310, and replacing the existing Comprehensive Plan and its amendments.

Councilman Les Smith moved to adopt **RESOLUTION R-08-48**, supporting a new Comprehensive Plan in accordance with Missouri Revised Statutes, Section 89.310, and replacing the existing Comprehensive Plan and its amendments. Councilmember Carol Suter seconded. The vote: All "aye" - Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

**Item 10. on the Agenda.** **BUILDING PERMIT:** for a new 3,000 square feet addition to an already existing structure at the Quality Vending Company, located at 6850 North Oak Trafficway. Owner: Don Miceli. Applicant: Teague Construction, Inc.

Councilman Wayne Beer moved to approve a **BUILDING PERMIT** for a new 3,000 square feet addition to an already existing structure at the Quality Vending Company, located at 6850 North Oak Trafficway. Owner: Don Miceli. Applicant: Teague Construction, Inc. Councilman Les Smith seconded. The vote: All "aye" -



Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (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.

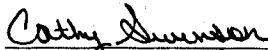
**Item 13. on the Agenda.**      **ADJOURNMENT.**

There being no further business to come before the August 11, 2008, Gladstone Regular City Council Meeting, Mayor Mark Revenaugh adjourned the regular meeting to reconvene to Closed Executive Session.


Councilman Les Smith made a motion to reconvene to the Closed Executive Session. Councilman Carol Rudi seconded.

The Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0).

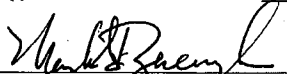
Respectfully submitted:



Cathy Swenson, City Clerk

Approved as submitted: 

Approved as corrected/amended:

  
Mayor Mark S. Revenaugh



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, AUGUST 25, 2008**

**OPEN STUDY SESSION: 5:30 PM**

**REGULAR MEETING: 7:30 PM**

The City Council will adjourn to a 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.

**AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of the Regular August 11, 2008, City Council Meeting Minutes.
5. **PROCLAMATION** Designating September 17-23, 2008, as "CONSTITUTION WEEK" in Gladstone, Missouri. Sponsor: William Boydston Chapter of the Daughters of the American Revolution. Donna McCann will accept on behalf of the Boydston Chapter.

## 6. CONSENT AGENDA

**RESOLUTION R-08-49**, authorizing the City Manager to provide a two-year notice to companies engaged in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of Gladstone, Missouri, of the City's intent to provide Solid Waste Collection Services to Gladstone residents, pursuant to RsMo 260.247.

**RESOLUTION R-08-50**, authorizing execution of a contract with Wiedenmann and Godfrey Construction, Inc. in the total amount not to exceed \$117,080.00 for the 69<sup>th</sup> Terrace east of Euclid Drainage Improvements. Project CP0827.

**RESOLUTION R-08-51**, authorizing acceptance of work under contract with William White and sons Construction Company for the 2008 Curb and Sidewalk Program, Phase I; and authorizing final payment in the amount of \$16,239.12.

**RESOLUTION R-08-52**, authorizing acceptance of work under contract with Insituform Technologies, Inc. for the Mill Creek Cured in Place Pipe Phase 2 Project; and authorizing final payment in the amount of \$4,272.22.

**RESOLUTION R-08-53**, accepting a Temporary Construction and Permanent Easement from a property owner in conjunction with the NE 69<sup>th</sup> Terrace, East of Euclid Stormsewer Improvement Project (CP0827).

**RESOLUTION R-08-54**, authorizing acceptance of a proposal from Express Police Supply for the purchase of emergency lighting for eleven (11) new fleet vehicles for the net purchase amount of \$39,672.02.

**RESOLUTION R-08-55**, authorizing acceptance of work under contracts with Trio Masonry and Athco for the Gladstone Community Center-Natatorium; and authorizing final payment for these two contracts in the total amount of \$115,223.51.

**RESOLUTION R-08-56**, supporting the Light Rail Starter Line Project and the November Ballot initiative proposed by the City of Kansas City, Missouri.

**RESOLUTION R-08-57**, supporting the Light Rail Transportation Line Project and the November Ballot initiative proposed by the City of North Kansas City, Missouri.

**APPROVAL OF A NEW SEVEN DAY PACKAGE LIQUOR LICENSE** for Rawal Rock Corporation, dba Snappy Store #4901, Managing Officer: Parvez I. Yousaf.

**REGULAR AGENDA**

- 7. Communications from the Audience.**
- 8. Communications from the City Council.**
- 9. Communications from the City Manager.**
- 10. PUBLIC HEARING** for a Rezoning and Site Plan revision at 2412 NE 72<sup>nd</sup> Street. Applicant: Quik Trip. Owner: Harriet Chesterton. File # 1320  
**Audience Note:** This Public Hearing will be opened and immediately closed to be rescheduled to the Monday, September 22<sup>nd</sup> City Council meeting pending Planning Commission recommendation.
- 11. PUBLIC HEARING:** on setting the annual rate of levy for the 2008 Real Estate and Personal Property Taxes within the corporate limits of the City of Gladstone, Missouri.
- 12. FIRST READING BILL 08-22**, setting the annual rate of levy for the 2008 Real Estate and Personal Property Taxes within the corporate limits of Gladstone, Missouri.
- 13. Other Business.**
- 14. Questions from the News Media.**
- 15. Adjournment.**



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, AUGUST 25, 2008**

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Mark Revenaugh  
Mayor Pro Tem Carol Rudi  
Councilman Les Smith  
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 Mark Revenaugh opened the Regular August 25, 2008, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.      ROLL CALL**

Mayor Mark Revenaugh noted that all Council members were present, except for Councilman Wayne Beer, who is on vacation.

**Item 3. on the Agenda.      PLEDGE OF ALLEGIANCE.**

Mayor Revenaugh led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda.**      **APPROVAL OF THE AUGUST 11, 2008, CITY COUNCIL MEETING MINUTES.**

Councilmember Carol Suter moved to approve the Regular August 11, 2008, City Council Meeting Minutes as presented. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (4-0)

**Item 5. on the Agenda.**      **PROCLAMATION** Designating September 17-23, 2008, as "CONSTITUTION WEEK" in Gladstone, Missouri. Sponsor: William Boydston Chapter of the Daughters of the American Revolution.

Donna McCann, Constitution Chairman of the William Boydston Chapter of the Daughters of the American Revolution, accepted the Proclamation and thanked the Mayor and City Council for the Proclamation.

**Item 6. on the Agenda.**      **CONSENT AGENDA.**

Following the Clerk's reading, Councilmember Carol Suter moved to approve the Consent Agenda as presented. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (4-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-49**, authorizing the City Manager to provide a two-year notice to companies engaged in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of Gladstone, Missouri, of the City's intent to provide Solid Waste Collection Services to Gladstone residents, pursuant to RsMo 260.247. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (4-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-50**, authorizing execution of a contract with Wiedenmann and Godfrey Construction, Inc. in the total amount not to exceed \$117,080.00 for the 69<sup>th</sup> Terrace east of Euclid Drainage Improvements. Project CP0827. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (4-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-51**, authorizing acceptance of work under contract with William White and Sons Construction Company for the 2008 Curb and Sidewalk Program, Phase I; and authorizing final payment in the amount of \$16,239.12. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (4-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-52**, authorizing acceptance of work under contract with Insituform Technologies, Inc. for the Mill Creek Cured in Place Pipe Phase 2 Project; and authorizing final payment in the amount of \$4,272.22. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (4-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-53**, accepting a Temporary Construction and Permanent Easement from a property owner in conjunction with the NE 69<sup>th</sup> Terrace, East of Euclid Stormsewer Improvement Project (CP0827). Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (4-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-54**, authorizing acceptance of a proposal from Express Police Supply for the purchase of emergency lighting for eleven (11) new fleet vehicles for the net purchase amount of \$39,672.02. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (4-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-55**, authorizing acceptance of work under contracts with Trio Masonry and Athco for the Gladstone Community Center-Natorium; and authorizing final payment for these two contracts in the total amount of \$115,223.51. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (4-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-56**, supporting the Light Rail Starter Line Project and the November Ballot initiative proposed by the City of Kansas City, Missouri. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (4-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-57**, supporting the Light Rail Transportation Line Project and the November Ballot initiative proposed by the City of North Kansas City, Missouri. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (4-0)

Councilmember Carol Suter moved to approve a **NEW SEVEN DAY PACKAGE LIQUOR LICENSE** for Rawal Rock Corporation, dba Snappy Store #4901, Managing Officer: Parvez I. Yousaf. Mayor Pro Tem Carol Rudi seconded. The

vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (4-0)

## **REGULAR AGENDA**

### **Item 7. on the Agenda.**

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

There were no communications from the audience.

### **Item 8. on the Agenda.** **COUNCIL.**

### **COMMUNICATIONS FROM THE CITY**

**Councilmember Carol Suter** said she had been following with interest some of the amazing debacles of the City of Kansas City, Missouri, which raised the question of volunteers and the use of volunteers and whether our City has liability insurance that covers volunteers and also policies and procedures that govern volunteer services.

Human Resources Administrator Charlene Leslie responded by saying the City does have a process for volunteers. Department Heads may ask volunteers to complete a general form, available through Human Resources. These forms have been used for specific events such as work days at Atkins Johnson Farm. The completion of the form notifies Human Resources, so that there is some medical coverage through our Workers Comp policy.

There are also volunteers who do not go through the formal notification procedure, and if they were injured on City property, there would be some coverage under the general liability policy - just as in one's home insurance. There is a provision for providing medical care to someone injured on the homeowner's property without a discussion between the injured person and the homeowner as to who was wrong or at fault. This provision, through the general liability policy, is called medical only coverage; it provides for emergency medical care for the injury on the City property.

Councilmember Suter stated that it is nice to know when it is done right. It is amazing that major cities in America could be run in such a manner that leaves them open to liability, and not think about it in advance.

**Councilman Les Smith** welcomed back City Clerk Cathy Swenson, who he said was out of the office with a little surgery. Councilman Smith said he was glad to see her back and that she made it through fine.

Councilman Smith said Jeff Salem, who is no longer covering our City, received a promotion to News Editor with the Sun Tribune Newspaper. Councilman Smith said he has been around here for about 30 years, and we have had some "not so good" reporters, and Mr. Salem, along with Mike Rice of The Kansas City Star, who covers our City, are probably two of the finest reporters we have ever had. Councilman Smith



said he believed he could speak for the entire Council and staff and say that we appreciate their professionalism, their thoroughness and they have done a really good job in covering our City. Councilman Smith congratulated Mr. Salem on his promotion, and asked him to introduce the new reporter who will be covering Gladstone.

Mr. Salem introduced Meagan O'Donnell who will be attending future City Council meetings; however, Mr. Salem said he would still be around asking questions!

City Manager Kirk Davis stated that Mr. Salem has some real authority with his new position as News Editor with the Sun Tribune.

Mr. Salem jokingly said any complaints could now be sent to him!

Councilman Smith stated that Mr. Salem said earlier that now he will get all the complaints, and Councilman Smith told him that he is qualified to be a Councilperson!

Councilman Smith stated that at the last City Council meeting he suggested a Resolution in support of the Kansas City Light Rail Starter Line ballot initiative, and he still thinks it is an appropriate action for Council to take. Councilman Smith said he is, however, extremely disappointed with the eleventh hour proposal for an aquarium in Kansas City that came out of City Manager Cauthen's office. Councilman Smith said Mayor Pro Tem Rudi is the Co-Chair of the First Tier Suburbs Coalition, and we are active in those efforts. As a First Tier community, we have another First Tier community who found a way to reinvent itself and sustain itself financially well into the future. A big part of their project was an aquarium, and at the eleventh hour Kansas City comes out with what appears to be an intent to "pull the rug out" from under another First Tier community. Councilman Smith said he feels it is a shame, and he hopes we do not get into a position in the metropolitan area where Kansas City boasts of their willingness to be cooperative in regional affairs, but really only when they want us to help them pay for something. Councilman Smith said he was very disappointed in the City Manager's office in Kansas City, and hopes their proposal goes nowhere, because he knows we would not want them to "pull the rug out" from under us for something we might have to sustain our community.

**Mayor Pro Tem Carol Rudi** invited Parks and Recreation Director Sheila Lillis give a report on upcoming park events.

Director Lillis jokingly noted that the new Sun Tribune reporter is an Irishman, which is a step in the right direction! Director Lillis stated she provided Council members with information about a national men's fast pitch tournament that our City will be hosting this weekend. There are teams coming from Washington to Michigan. The event will be at Happy Rock Park, which is a great opportunity to showcase our community as well as our facilities. This is the sixth national tournament our city has hosted, and Staff is very proud of that. Recreation Supervisor Tina Spallo has done a

terrific job in coordinating this event. Director Lillis stated the opening ceremonies will be at 5:30 PM on Friday, and she invited everyone to attend. The tournament will conclude on Sunday afternoon.

Director Lillis reported that 108 people are playing in the Theatre in the Park Golf Tournament, which is the biggest tournament we have had to date. This is the 15<sup>th</sup> annual event. At noon on Saturday, September 6<sup>th</sup>, the city will be hosting the Kansas City Ballet in Oak Grove Park. The outdoor pool closes on Monday at 4:00 PM.

Director Lillis jokingly said she might have concluded all of City Manager Kirk Davis's announcements.

City Manager Davis suggested Director Lillis add that City Hall will be closed on Labor Day.

**Mayor Mark Revenaugh** began by saying he hoped everyone had noticed the All America City banners that are in place outside, and he thinks they look great, and offered congratulations to those who installed them.

City Manager Davis reported the Public Works Department was responsible for the banner installation.

Mayor Revenaugh told Public Works Director Chuck Williams that the banners look great. Mayor Revenaugh said to add on to what Councilman Smith was saying about Kansas City, it reminded him of when our city was forming our partnership with the North Kansas City School District, and we had the plan in place to partner with them for the Natatorium and the Community Center, when Kansas City Parks and Recreation got wind of it at the 12<sup>th</sup> hour, and came up with their own proposal that they presented to the School Board, which Mayor Revenaugh attended. They tried to pull the North Kansas City School District's partnership away from our city, and they were ultimately unsuccessful.

Mayor Revenaugh said when he was at the Clay County Economic Development Council meeting last Friday, Councilmember Deb Hermann was talking about how Kansas City wanted to work with the suburbs, and especially Gladstone, and he reminded her of Kansas City Parks and Recreation's effort to try to pull away our partnership. Mayor Revenaugh said he also told her that after reading in the newspaper that Mission, Kansas announced that they were trying to build an aquarium, all of a sudden Kansas City decided they also needed one. Mayor Revenaugh informed Councilmember Hermann that cooperation goes both ways, and Kansas City may be the 800-pound gorilla, but they cannot act like it if they expect cooperation from the suburbs.

**Item 9. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis jokingly said that "City Manager" (Parks and Recreation Director) Lillis covered his remarks.

**Item 10. on the Agenda.**

**PUBLIC HEARING** for a Rezoning and Site Plan revision at 2412 NE 72<sup>nd</sup> Street. Applicant: Quik Trip. Owner: Harriet Chesterton. File # 1320.

Mayor Revenaugh opened and immediately closed the Public Hearing, and stated that this Public Hearing would be rescheduled to the Monday, September 22<sup>nd</sup> City Council meeting pending a Planning Commission recommendation.

**Item 11. on the Agenda.**

**PUBLIC HEARING:** on setting the annual rate of levy for the 2008 Real Estate and Personal Property Taxes within the corporate limits of the City of Gladstone, Missouri.

Mayor Revenaugh opened the Public Hearing.

Finance Director Debra Daily began by saying this Public Hearing is for the public comment on the 2008 Tax Levy. The required notice for a Public Hearing was completed in compliance with the provisions of RSMo 67.110, and is a tax levy for all Real Estate and Personal Property Taxes within the corporate limits of the City of Gladstone for the taxable year of 2008. The rates proposed are .9290 for Residential and Commercial Real Estate, and Personal Property, and .4360 for Agricultural Real Estate. This Levy is required to be certified with the County before September 1<sup>st</sup> by State Statute.

Councilman Smith asked Director Daily to explain the Agricultural rate change that was earlier discussed.

Director Daily stated she always requests any changes in any of the assessed valuations. When she called the County and was told about the Agricultural rate, she found it had doubled. It is about \$511,000; however, that is what affected the rates, so it gets rolled back all the way to the .4360. Director Daily said when she asked to receive parcels that had been reclassified, she was told they would provide that information, but what had happened was there are commercial developers who have found out about a provision within the State Statutes that would allow them to keep a commercial property rating, but pay at the reduced agricultural rate until development is complete.

Councilman Smith asked if we know of any attempts at the State level to clean up this issue.

Director Daily replied she did not know; she just received this information, and has not had an opportunity to research the issue. It does have an impact on our City; although, we do not have a large agricultural amount. Director Daily said we just had some property that had been temporarily reclassified (to agricultural rates) from which we received affidavits before this assessed valuation was given to us, so there is a move toward that. That affect was about \$800.00 for that particular parcel that was being temporarily reclassified. Director Daily said we get the rollback on that to make it revenue neutral, but it is a revenue loss for us.

**There were no comments from the public in Favor or in Opposition to the issue.**

Mayor Revenaugh closed the Public Hearing.

**Item 12. on the Agenda. FIRST READING BILL 08-22**, setting the annual rate of levy for the 2008 Real Estate and Personal Property Taxes within the corporate limits of Gladstone, Missouri.

Councilman Les Smith moved to place Bill 08-22 on First Reading to include the language "at .9290", making it now read: **FIRST READING BILL 08-22**, setting the annual rate of levy for the 2008 Real Estate and Personal Property Taxes within the corporate limits of Gladstone, Missouri at .9290.

Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (4-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 08-22, Waive the Rule and place the Bill on Second and Final Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (4-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 08-22 and enact the Bill as **Ordinance 4.080**. Councilman Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (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 August 25, 2008, Gladstone Regular City Council Meeting, Mayor Mark Revenaugh adjourned the regular meeting.


Councilmember Carol Suter 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 Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (4-0).

Respectfully submitted:



Cathy Swenson, City Clerk

Approved as submitted: 

Approved as corrected/amended:



Mayor Mark S. Revenaugh



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, SEPTEMBER 22, 2008**

The City Council will meet in Closed Executive Session on Monday, September 22, 2008, 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**

**AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.

4. **Approval of the Regular August 25, 2008, City Council Meeting Minutes.**
5. **PROCLAMATION:** Recognizing National Codes Enforcement Month and the important role Code Compliance Officers play in our Community.
6. **PROCLAMATION:** recognizing October 2008, as **WHO NAMED AMERICA YOUTH EDUCATION MONTH** in recognition of the America 500 Birthday Extravaganza 5-year global education initiative.
7. **CONSENT AGENDA**

**RESOLUTION R-08-58**, authorizing acceptance of a proposal from Independent Salt Company for the purchase of snow removal salt.

**RESOLUTION R-08-59**, authorizing acceptance of work under the contracts with Acme Flooring, Otis Elevator and, National Fire Suppression for the Gladstone Community Center-Natatorium; and authorizing final payment in the total amount of \$23,915.70.

**RESOLUTION R-08-60**, authorizing execution of a contract with Cornell Roofing and Sheet Metal Company in the total amount not to exceed \$62,171.00 for the Roof Replacement at Public Works Upper and Lower Storage Project.

**RESOLUTION R-08-61**, authorizing acceptance of work under contract with Calvert's Paving, Incorporated, for the Oak Grove Park Trail Reconstruction Project, and authorizing final payment in the amount of \$10,576.22.

**RESOLUTION R-08-62**, 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; and further authorizing the transfer of certain surplus items to the Missouri Department of Public Safety; and authorizing the donation of surplus items to the Missouri

Department of Public Safety, The Surplus Exchange, and the Secure the Call Foundation.

**RESOLUTION R-08-63**, granting an Electric Energy Utility Easement to Kansas City Power and Light Company over, across and upon City-owned property known as Flora East, and located at 5900 North Flora.

**RESOLUTION R-08-64**, authorizing the execution of a long-term lease with Atkins Johnson Farm LP, a Missouri Limited Partnership, for the Historical Grounds and Structures owned by the City and known as the Atkins Johnson Farm.

**APPROVAL OF AN ANNUAL LIQUOR LICENSE RENEWAL** for Tommy's, 6221 North Chestnut, Class A&B Liquor by the Drink License.

## **APPROVAL OF THE JULY 2008 FINANCIAL REPORT.**

### **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 Rezoning and a Site Plan Revision subject to certain conditions for property located at 2412 and 2590 Northeast 72<sup>nd</sup> Street. Applicant: QuikTrip Corporation. Owner: Harriet Chesterton. File Number 1320.
- 11a. FIRST READING BILL 08-23**, 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, for property located at 2412 and 2590 Northeast 72<sup>nd</sup> Street. Applicant: QuikTrip Corporation. Owner: Harriet Chesterton. File Number 1320.



- 11b. **FIRST READING BILL 08-24**, approving a Site Plan Revision for property located at 2412 and 2590 Northeast 72<sup>nd</sup> Street. Applicant: QuikTrip Corporation. Owner: Harriet Chesterton. File Number 1320.
12. **PUBLIC HEARING** for consideration of a Sign Variance to allow construction of a pole sign at SS Auto Sales, located at 6889 North Oak Trafficway. Applicant/Owner: Stephen "Brent" Shaw.
13. Other Business.
14. Questions from the News Media.
15. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, SEPTEMBER 22, 2008**

Mayor Mark Revenaugh opened the City Council Meeting to adjourn to a Closed Executive Session on September 22, 2008, 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 Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (3-0).

Councilmember Carol Suter and Councilman Les Smith were also in attendance at the Closed Executive Session.

Mayor Mark Revenaugh adjourned the Closed Executive Session to go into an Open Study Session at 6:45 PM.

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Mark Revenaugh  
Mayor Pro Tem Carol Rudi  
Councilman Les Smith  
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 Mark Revenaugh opened the Regular September 22, 2008, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.**      **ROLL CALL**

Mayor Mark Revenaugh noted that all Council members were present.

**Item 3. on the Agenda.**      **PLEDGE OF ALLEGIANCE.**

Mayor Revenaugh led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda.**      **APPROVAL OF THE AUGUST 25, 2008, CITY COUNCIL MEETING MINUTES.**

Councilmember Carol Suter moved to approve the Regular August 25, 2008, City Council Meeting Minutes as presented. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

**Item 5. on the Agenda.**      **PROCLAMATION:** Recognizing NATIONAL CODES ENFORCEMENT MONTH and the important role Code Compliance Officers play in our Community.

Mayor Revenaugh read and presented the Proclamation to Building Official Alan Napoli. Mr. Napoli thanked the Mayor and City Council members.

**Item 6. on the Agenda.**      **PROCLAMATION:** recognizing October 2008, as WHO NAMED AMERICA YOUTH EDUCATION MONTH in recognition of the America 500 Birthday Extravaganza 5-year global education initiative.

As there was no one present to accept the Proclamation, Mayor Revenaugh asked City Clerk Cathy Swenson to mail the Proclamation to the appropriate party.

**Item 7. on the Agenda.**      **CONSENT AGENDA.**

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

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-58**, authorizing acceptance of a proposal from Independent Salt Company for the purchase of snow removal salt. Councilman Wayne Beer seconded. The vote: All "aye" –

Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-59**, authorizing acceptance of work under the contracts with Acme Flooring, Otis Elevator and, National Fire Suppression for the Gladstone Community Center-Natatorium; and authorizing final payment in the total amount of \$23,915.70. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-60**, authorizing execution of a contract with Cornell Roofing and Sheet Metal Company in the total amount not to exceed \$62,171.00 for the Roof Replacement at Public Works Upper and Lower Storage Project. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-61**, authorizing acceptance of work under contract with Calvert's Paving, Incorporated, for the Oak Grove Park Trail Reconstruction Project, and authorizing final payment in the amount of \$10,576.22. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-62**, 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; and further authorizing the transfer of certain surplus items to the Missouri Department of Public Safety; and authorizing the donation of surplus items to the Missouri Department of Public Safety, The Surplus Exchange, and the Secure the Call Foundation. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-63**, granting an Electric Energy Utility Easement to Kansas City Power and Light Company over, across and upon City-owned property known as Flora East, and located at 5900 North Flora. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-64**, authorizing the execution of a long-term lease with Atkins Johnson Farm LP, a Missouri Limited Partnership, for the Historical Grounds and Structures owned by the City and known

as the Atkins Johnson Farm. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to approve the **ANNUAL LIQUOR LICENSE RENEWAL** for Tommy's, 6221 North Chestnut, Class A&B Liquor by the Drink License. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to approve the **JULY 2008 FINANCIAL REPORT**. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

## **REGULAR AGENDA**

### **Item 8. on the Agenda.**

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

**Joann Whitlock, 607 NE 67 Place**, stated she wished to thank the City for installing the street inlet on 67<sup>th</sup> Place, in front of Sharon Aller's house. It is pulling some water off of the street, and it really helps. Ms. Whitlock continued by saying that on August 4<sup>th</sup>, she met with the Capital Improvements Committee and they passed a motion to give the City 30 days to find out how much it would cost to do a study on the other drainage problems. Ms. Whitlock said the 30 days are long past, and she hasn't heard anything. Ms. Whitlock said she checked the City's calendar for October and did not see a meeting scheduled. Ms. Whitlock inquired into the status of this issue.

Assistant City Manager Scott Wingerson thanked Ms. Whitlock for her nice comments, and said we don't often hear them. The study itself has been approved by the Capital Improvements Committee. It was very much below the budgeted amount, so it was approved via e-mail. Public Works is currently interviewing consultants to perform those studies, and it should be moving forward as a contract approval in four to five weeks.

Mayor Revenaugh asked for clarification on the stages of the process for this project.

Mr. Wingerson replied first the City will be interviewing consultants and negotiating a contract, and then preparing the contract for the City Council's consideration to award the contract. Currently, the City is in the contract negotiation stage.

Ms. Whitlock offered her thanks.

**Item 9. on the Agenda.**  
**COUNCIL.**

**COMMUNICATIONS FROM THE CITY**

**Councilmember Carol Suter** said she has been on vacation and is glad to be home. It is always fun to go see other parts of the universe, and it makes you appreciate the place you call home, and Gladstone is a good place to call home.

**Councilman Wayne Beer** stated he has also been gone for some time, and it is good to be home.

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

**Mayor Pro Tem Carol Rudi** asked Parks and Recreation Director Sheila Lillis for a report on activities in the parks.

Director Lillis reported that on Friday, an advocacy group that is trying to purchase the seven acres adjacent to the Nature Preserve are doing a benefit concert starting at 5:30 PM at Oak Grove Park. The concert will have four different bands performing. Currently this is the big event for this weekend.

Mayor Pro Tem Carol Rudi reminded the audience that October 3, 4 and 5 are the dates for Gladfest and she hopes all can attend.

**Mayor Mark Revenaugh** pointed out that the City Council, in response to several citizen requests, has held two out of three smoking meetings, to get input from the citizenry on their feelings about a potential smoking ban. Mayor Revenaugh added that the third meeting in that series is October 9, at 6:00 PM, at the Community Center and encouraged all to attend and participate. Mayor Revenaugh stated that One KC Voice, the company hired by the City as consultants to direct the survey from the citizenry, will be presenting their findings and, at that same time, they will be presenting them to the Council and then the public will have the chance to let Council know how they personally feel about the particular subject. Mayor Revenaugh stated that there was an article in the *KC Star's Northland* section last Saturday, which blasted the City of Liberty for lack of leadership on their Council for not passing a strict enough Resolution for the smoking ban. Mayor Revenaugh continued by saying that it is a delicate issue and it goes to personal freedoms, it goes to public health, and there are several important issues that are tied into this, and it is one that City Council is not taking lightly. Mayor Revenaugh again encouraged all to attend the smoking ban meeting and stated that it is by giving input, that Council is able to make an informed decision.

**Item 10. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

Assistant City Manager Scott Wingerson reported that City Manager Kirk Davis is out of town on business, and said he sends his regrets, and thanks Council for his time away. Mr. Wingerson stated our community, as well as our Council Chambers, are infinitely safer today, because Public Safety Director Mike Hasty is back from the FBI Academy. Mr. Wingerson welcomed Director Hasty back and said he was sure Director Hasty would work to implement some of the things he learned at great personal sacrifice, having been away from home for ten to eleven weeks, and he thanked Director Hasty. Mr. Wingerson reported that as Gladfest is the weekend of October 3<sup>rd</sup>, City Hall will close at noon because the street will be closed. Staff will be in the office, as this day will serve as a clean-up day.

Councilman Wayne Beer stated that as was mentioned, Director Hasty has just returned from ten weeks at the FBI Academy in Quantico, Virginia and the fact that he was chosen to go is quite an accomplishment, because there are very, very, very few police officers who have the opportunity to go to the FBI Academy; and we feel very fortunate that our new Director of Public Safety was chosen to go. It's an accomplishment for Director Hasty and a very good accomplishment for the City of Gladstone.

Mayor Revenaugh also thanked Director Hasty.

**Item 11. on the Agenda.**

**PUBLIC HEARING:** for consideration of Rezoning and a Site Plan Revision subject to certain conditions for property located at 2412 and 2590 Northeast 72<sup>nd</sup> Street. Applicant: QuikTrip Corporation. Owner: Harriet Chesterton. File Number 1320.

**Mayor Revenaugh** opened the Public Hearing.

**Staff Presentation**

Planning Specialist Chris Helmer began by saying he would like to present a recap of the process of the application with the Planning Commission. The Planning Commission had considered this application at the August 18, 2008 Planning Commission Public Hearing, as well as September 2, 2008. At the August 18, 2008, Public Hearing, the Planning Commission recommended that the application be tabled so that staff and the applicant could further address what came from the Planning Commission, and what was heard through the public hearing process from area residents. Mr. Helmer said that he was going to talk about the application in general terms of how it was presented in Council's memorandums, as well as what was presented before the Planning Commission, that being a Phase One development proposal, as well as a Phase Two. Phase One can be associated with the application of the rezoning, which would be the current residential property immediately to the west

of the current store for the purpose of construction of a proposed drive that would connect to the existing store. Mr. Helmer said there would also be the "right-in", "right-out" of the current drive. There would be the two separate actions, or proposals, that come with the Phase One development.

Mr. Helmer said at the initial stages of this application, the Phase Two development plan was for the overall construction of a larger building at a future date. The Planning Commission, at the September 2, 2008, meeting, unanimously voted in favor of the rezoning with the associated or proposed drive; however, they also voted unanimously against approval, of the Phase Two development. After the August 18, 2008, Planning Commission Public Hearing, staff drafted a Site Plan Ordinance, which was preliminary in nature. Mr. Helmer stated that the Planning Commission did not recommend that move forward at that particular time. Mr. Helmer stated this evening Council has been presented with a Site Plan Revision Ordinance, as well as rezoning, that specifically focuses on the Phase One proposal, being the rezoning proposal, as well as the Site Plan amendment, which would be for the new drive as well as the "right-in", "right-out" for the existing drive.

Councilman Smith questioned the rationale for leaving the existing drive. Councilman Smith stated in regard to creating a "right-in", "right-out" drive, that he had concerns regarding the ability to get off of 72<sup>nd</sup> Street. Councilman Smith asked if there were concerns of there being some conflict with the traffic from the new drive crossing paths with traffic entering and exiting the old drives.

Mr. Helmer explained staff had been working with the Missouri Department of Transportation (MoDOT) for several years on access to this property from M-1 Highway. Staff continues to work on this application for M-1 access. In the event MoDOT approves an M-1 access, staff would recommend the current drive on 72<sup>nd</sup> Street be closed. As a compromise, pending action by MoDOT, staff recommends the "right-in" "right-out" drive to allow additional access to the site. The new drive, which will be approximately 150 feet west of the proposed "right-in" "right-out" drive, should provide more efficient traffic flow by allowing vehicles to turn westbound on 72<sup>nd</sup> Street from two drives exiting the site. In reviewing the traffic study, it appears that the "right in", "right out" drive will help alleviate traffic congestion caused by vehicles exiting the site and turning left to go eastbound on 72<sup>nd</sup> Street. Traffic within the site will have two alternative exits from the site to turn westbound on 72<sup>nd</sup> Street.

Councilman Beer stated that he hadn't heard the answer to the eastern "right-in", "right-out" entrance, for traffic exiting at the eastern entrance, and traffic exiting left out of the western entrance. Councilman Beer asked how much conflict of traffic there would be and what the likelihood for conflict was - is the distance 100 feet or 150 feet between drives?

Mr. Helmer responded approximately 150 feet.



Councilman Beer said given the four lanes of traffic and the proximity to the intersection of 72<sup>nd</sup> and Prospect, that he was a little bit nervous about the possibility of conflict at that point.

Mr. Helmer replied that there are still a lot off challenges at the site, being a very unique site, and that it will continue to pose some challenges. In regards to the direction of the proposed drive, there is some possibility and intent that it would alleviate some of the overall congestion. There are some very peak times and the study states that there will be some challenges in that the drive is located so very close to the intersection.

Councilman Beer stated that the "left-out" traffic now is horrible and that the proposed drive should provide some relief of that issue. Councilman Beer added that he was still a little bit nervous about the conflict of "right-out", "left-out" at the new intersection.

Councilman Smith said his concern is internal congestion and asked what would happen with cars on 72<sup>nd</sup> Street westbound. The problems occur when there is congestion at the drive. If you envision traffic turning into the "right-in" cgress, the existing drive, with traffic coming from the new drive, there seems to be a point of congestion there. Councilman Smith asked that if there is congestion, and there is confusion, do we not run a greater risk of cars stacking up into 72<sup>nd</sup> Street and the old drive?

Mr. Helmer replied that he was providing the recommendation of the study and as far as overall internal circulation, there did not appear to be a substantial amount of concern on that particular type of congestion.

Councilman Smith asked if the primary reason for not closing the existing drive was because the City did not want to cut off that particular property.

Mr. Helmer responded that it was of primary concern.

Councilman Smith then asked if there was some mechanism that could be used to alleviate that "land-locking" if circumstances should change.

Mr. Helmer responded that he believed that there was. Mr. Helmer stated that it had not been looked into in great detail and asked that Mr. Wingerson provide a brief summary on the matter. Mr. Helmer added that there could potentially be some sort of an easement agreement; however, it had not been explored in great detail.

Mr. Wingerson stated that it is important to understand that QuikTrip does not own the property that the building is currently on. Closing what is proposed as the "right-in", "right-out" driveway would eliminate all access to that property and that was an unacceptable condition to the property owner, which was communicated by QuikTrip.

Staff discussed shared ingress/egress easements to eliminate that driveway and that condition was unacceptable to the current property owner. The ultimate solution to that intersection is for MoDOT to allow a curb cut on M-1, and so far, they have not allowed those improvements. The solution is something that we cannot solve, and the second best action is to place the driveway west of its current location and severely limit the number of cars in and out of that "right-in", "right-out" driveway. Most people are going to want to go to 72<sup>nd</sup> and M-1. The other thing that impacts inside the property where the two drives kind of cross each other, is that the queuing gets longer to 72<sup>nd</sup> Street because the conflict is further into the property, instead of right at the curb line of 72<sup>nd</sup> Street, and the visibility is very, very good there, so as long as the cars traveling eastbound on the new driveway pay attention, it should be pretty good.

Councilman Smith added that he doesn't disagree that the property owner should be concerned about losing access, but that his question was is there some mechanism that could be used, so that if the property owner does lose access via the new drive, we could allow them to open that back up. If that is not do-able and the concern is stacking on 72<sup>nd</sup> Street, what if that became a "right-out" only, and no entrance to the property at that point.

Mr. Wingerson replied that representatives were present and that he was sure they would be glad to address all of those various options. Mr. Wingerson also stated that staff had asked all those questions.

Councilman Beer pointed out that the only way in and out right now is at the east entrance and asked how long it would take for people to change their habits of trying to go in the "right-out". Councilman Beer expressed concerns that there is only one lane and stated he could see pretty serious issues happening here.

Mr. Wingerson responded that hopefully the design of the island in the existing driveway would largely prohibit that, and that it wouldn't be impossible, but it would be difficult, and Mr. Wingerson agreed that there would be some training necessary for the users of QuikTrip.

Councilman Beer suggested islands on 72<sup>nd</sup> Street to prevent that.

Mr. Wingerson concurred that islands would prevent it.

Mayor Revenaugh said he had read the Planning Commission Minutes and that he did not recall the Planning Commission having a lot of "heartburn" over the inverse-egress.

Mr. Wingerson and Mr. Helmer agreed with Mayor Revenaugh.

Councilman Smith responded by saying it does not mean that we can't.

Mayor Revenaugh stated that he was wondering if ten people had overlooked something.

**Applicant Presentation:**

**Jeremy Crosby, 5725 Fox Ridge Drive, Mission, Kansas** identified himself as a representative for the QuikTrip Corporation. Mr. Crosby thanked the city staff for their willingness to hear about the project. In regards to the drives being discussed, the concerns are first that the access to the property owner would be lost if closed. QuikTrip looked at a median in front of the "right-in", "right-out", and it is cheaper to build the "right-in", "right-out" the way it is today. QuikTrip had agreed with staff that when access on M-1 is gained then they would close that access. Mr. Crosby stated that was QuikTrip's agreement with them. Mr. Crosby said that helps explain why QuikTrip chose to go the route that it did. QuikTrip would like to purchase the house, demolish it, and install a new driveway to the west and they are hopeful that would help alleviate the existing problems. QuikTrip is aware that it is not going to fix everything, but it would improve the current situation. QuikTrip hopes to work with staff in the future to gain access on M-1. Mr. Crosby stated that it has been a very challenging ordeal for QuikTrip, it is very expensive, it will cost between \$400,000 to \$500,000 to meet the request from MoDOT to gain the access that QuikTrip needs. That is why QuikTrip has not done that, but they are hopeful that staff will help to put some pressure on MoDOT and help them obtain a more reasonable way to rebuild and gain access from them. Mr. Crosby requested approval of the rezoning and the Phase One Plan.

Councilman Beer stated that in past proposals, access was denied by MoDOT, and asked if MoDOT would permit access, given the right design and construction?

Mr. Crosby responded that given the right design, construction, and a payment of about \$75,000, MoDOT would grant access to M-1. Initially, it's a \$75,000 check to get that access, and then the remainder of the \$400,000 to \$500,000 for improvements to a deceleration lane with a right turn in and improvements at the intersection, such as new signal heads. Mr. Crosby stated that he had not worked on that project himself, but that there were a lot of new things that MoDOT wanted them to construct to get that access, and it would have cost QuikTrip a lot of money, and that did not make good economical sense for QuikTrip. QuikTrip hopes that with City staff's support, there can be a better response to their request. QuikTrip is moving forward with trying to work with staff to gain that access from MoDOT so that it is more economically feasible.

Councilman Beer responded that he understood that, and that the intent of his question was had MoDOT made some movement in that regard?

Mr. Crosby replied yes.

Councilman Beers stated that was promising and encouraging.

**Comments from Members of the Audience in Favor of the Application:**

There was no one to speak in Favor of the Application.

**Comments from Members of the Audience in Opposition of the Application:**

**Cheryl Delong, 2308 NE 73<sup>rd</sup> Street**, stated that when traveling east on 72<sup>nd</sup> to turn onto North Park, it is already very, very busy with traffic going westbound and that if the drive is right there, really close to that street, it will be really hard. The busy time for QuikTrip is between 5:00 PM and 7:00 PM when people are coming home from work, and stopping to get gas. Ms. Delong stated that she thinks it is going to be almost impossible to turn there. The other thing is bringing it up closer to the neighborhood as the kids' bus stop is only a block up from there, so you have kids that might be going back and forth there, where at least right now, where that drive is, it's down in that busy intersection where kids are not crossing the street. Ms. Delong stated that is another issue that bothers her, because kids are getting off the bus and possibly walking home. Ms. Delong said that the street there and neighborhoods on the other side are her two main concerns.

**Gail Kerns, 2308 NE 72<sup>nd</sup> Terrace**, said that she had the same concerns with the driveway being moved. Ms. Kerns stated that she lives close and can hear almost every time there is a wreck at the intersection. Ms. Kerns said she does not think there have been many incidents with traffic going in and out of QuikTrip, and it is a "neighborhood thing" so people know that at 5:00 PM they are not going to be able to turn left, they are going to have to go right, and either turn on North Park, turn right and go back and through the neighborhood; and people will do that. In the busy times, you know you are not going to be able to turn left out of her neighborhood, so she goes back behind their home and comes out at the intersection at M-1 across from Wal-Mart. Ms. Kerns continued by saying that by moving the driveway 150 feet back to the west, people would never be able to turn left exiting off of North Park. Ms. Kerns said that she understood that when the Planning Commission approved the rezoning, the Planning Commission agreed that if they gained the M-1 access, they would reconsider enlarging QuikTrip. Ms. Kerns stated that she was definitely against that and does not think the store needs to be any bigger. QuikTrip is in a neighborhood and has ten gas pumps, and there has been talk of adding more. This is a neighborhood, it is not on Vivion Road, where a QuikTrip is being built that appears to be a truck stop. Ms. Kerns said it is very convenient to go to QuikTrip in her neighborhood, but she does not want to walk out her front door and have it too close.

**George Wages, 7201 N. Park** stated that QuikTrip is right behind him. Mr. Wages said in regard to the QuikTrip issue, he knows the traffic situation, and when he backs out of his driveway on a busy day, he can't turn left on 72<sup>nd</sup> Street. He has to go right or he goes out by Wal-Mart to M-1, and he thinks the only thing that will take care of

this "right-in", "right-out" issue is the exit on M-1. Mr. Wages said that everybody in Gladstone, that lives around there and goes in the QuikTrip, knows the traffic situation. If it moves down, you've got that kind of a hill that comes up and there are only so many lanes to turn right going south on M-1. If nobody's making a right-hand turn and everybody is going straight on 72<sup>nd</sup> to go up to Hy-Vee, they're not going to be able to turn right, it just keeps backing them up. Many times, it's backed up to the top of the hill, so how will someone turn left? Mr. Wages said another issue is, if this application is approved, there are a lot of big trees on that property. The developer said he was going to put in a fence, and there's vacant land next to that fence, and if they just put up an ugly yellow-brown fence, everybody is going to see that and the big QuikTrip. Mr. Wages said right now, a lot of the neighbors can't see the QuikTrip, because there is a lot of big brush, and nice trees. In the fall you can see the QuikTrip, in the summertime you can't see it because of the leaves. Mr. Wages said the traffic issue is the big issue, and he lives right behind it, and sees the traffic go out and in, and he knows it might be cost feasible for the M-1 access, if the City could get something worked out. Mr. Wages said he knows Gladstone has a base for taxes, and he pays taxes. There is money coming in for Gladstone. The City has made improvements, and we need to work together on this and find a solution on both ends.

**Denise Nance, 7233 North Olive Street** began by saying that when she steps out on her porch she sees this property that QuikTrip is wanting to purchase and rezone. Ms. Nance said she agrees with the previous comments, that when it is all nice and lush with trees, you can't see it. Ms. Nance said there are lots of small children on her street, and she worries about walking out and having that eyesore, and it won't feel like a neighborhood, and she will feel like she is in a commercial area. Ms. Nance said she has a five-year old who gets on the bus at 73<sup>rd</sup> and North Park, and has been absolutely floored since school started in August, while sitting on the corner with him, at the speed and volume of traffic that cuts down North Park from 72<sup>nd</sup>, then down 73<sup>rd</sup> and tries to go out to 73<sup>rd</sup> Terrace, right there at Wal-Mart. Ms. Nance said she believes a lot of that is due to the traffic constraints, probably from QuikTrip because they are trying to hurry and get around because they weren't able to turn left getting out of QuikTrip, and she really does not see where this is a solution. You're just moving that left-handed congestion down, so people will continue to speed through that neighborhood, and that is a great concern with all the small children.

**Edward Jones, 7224 North Park** stated his concern was the traffic signals. The signals from 72<sup>nd</sup> and Antioch back the traffic all the way up to North Park now. So what would it do if you open the other gate up down there? It's just going to back it up further, you wouldn't be able to get out on North Park at all, so then we are all going to be circle jerking, more or less, because we'll all have to go around, and come back around to go to the QuikTrip. QuikTrip moved from down on 72<sup>nd</sup> Street, where they were in the beginning, why haven't they done something before now?

Mark Revenaugh responded by saying that he could not speak for QuikTrip.

Mr. Jones continued by saying that QuikTrip has been there for years; if it costs \$400,000, well they're a company, we are people that just live there in the neighborhood, that just want to be left alone. That's the reason we moved out in the cow pasture in the first place, was to be left alone, and it's just coming closer and closer, and they're talking about putting in more pumps, when we've got Hy-Vee across the street that has plenty of gas pumps for us. We've got plenty of gas; we don't need any more discs around. Mr. Jones stated that was his concern, that it would wreck his neighborhood, totally. There would be more trash on the street every morning. Every morning, when he comes out of his house, there are always more beer bottles and cans, and he is kind of tired of it.

There being no more communications, Mayor Revenaugh closed the Public Hearing.

**Item 11a. on the Agenda.**      **FIRST READING BILL 08-23**, 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, for property located at 2412 and 2590 Northeast 72<sup>nd</sup> Street. Applicant: QuikTrip Corporation. Owner: Harriet Chesterton. File Number 1320.

Councilman Les Smith moved to place Bill 08-23 on First Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" - Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 08-23, Waive the Rule and place the Bill on Second and Final Reading. Mayor Pro Tem Carol Rudi seconded.

Councilman Smith stated one of the conditions of this Bill includes "No vegetation shall be disturbed beyond 110 feet of the south property line..." Councilman Smith asked if that is intended to be between 72<sup>nd</sup> Street and the new drive.

Mr. Wingerson replied the intent is to allow the driveway to be installed, but leave the rest of the property in the current, natural state.

Councilman Smith inquired into how far back the new drive would be.

Mr. Wingerson replied it is about 75 to 85 feet, and then grading needs to occur for actual construction, and they have some screening requirements they would like to do.

Councilman Beer said the plan that Council has before them is to scale in regards to the positioning of the house, and it looks like it is nearly to the rear of the existing house.

Councilman Smith asked Mr. Crosby if eliminating the "right in" from the existing approach would be completely unacceptable?

Mr. Crosby said that is something they would have to ask the property owner. His stance is that he does not want to lose the only ingress/egress point to this property.

Councilman Smith suggested what if it was left as a "right out" only and not a "right in".

Mr. Crosby said that is something they looked at, but the plan right now is not to do that. It is something for which he would have to gain corporate approval. Mr. Crosby said they do plan to close that, working with the City to gain the M-1 access. If we close the "right in", then the owner has no ingress to his property. If we close the "right out", he has no way out of this property, which is why we have the "right in and right out", so the owner still has an ingress/egress point to his property.

Councilman Smith said he could support the new drive for only one reason, and the reason for that is to make the project overall safer. Councilman Smith said he was not totally convinced that by still allowing a "right in", that stacking could still be forced down 72<sup>nd</sup> Street. If the "right in" could be closed, it is a "no brainer".

Mr. Crosby said he would have to contact the owner of the property to see if he would allow for that.

Councilman Smith said Mr. Crosby complimented staff, and he believes that staff would be likewise complimentary of the QuikTrip folks, who have worked through the process very well. One of the issues about QuikTrip is they are a very good operator. Councilman Smith said what we have to remember is that if QuikTrip should choose to go away because they cannot improve the situation, there is still a convenience store that could be operated by others, and so far the track record with QuikTrips has been pretty good.

Councilmember Suter asked for clarification that the ingress/egress is not an issue for this Bill, as this Bill is just the rezoning.

Mayor Revenaugh agreed that was correct.

The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Smith said he agreed wholeheartedly with Councilmember Suter's observation; however, there will be no need to rezone the property if we are not willing to move forward with the Site Plan revision. We don't want to give a blanket zoning change if it's not going to apply to the issue at hand. Councilman Smith asked

if any other Council member had that concern, and suggested Council may not want to take the next step, and allow QuikTrip, City staff and the property owner to discuss the "right in" issue.

Mayor Pro Tem Rudi said she would be in favor of waiting until we can get an answer on the "right in and right out".

Councilman Beer said he thinks Council needs to know what the QuikTrip's position would be in this regard, and we should have some sort of a answer from the property owner before we continue with this Ordinance.

Mayor Revenaugh asked that this Bill be put on the City Council agenda for the next regularly scheduled meeting.

Mr. Wingerson replied the next regularly scheduled City Council meeting would be October 13, 2008.

**Item 11b. on the Agenda.**      **FIRST READING BILL 08-24**, approving a Site Plan Revision for property located at 2412 and 2590 Northeast 72<sup>nd</sup> Street. Applicant: QuikTrip Corporation. Owner: Harriet Chesterton. File Number 1320.

Councilman Les Smith moved to place Bill 08-24 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 08-24, 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 Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Mayor Revenaugh stated that this Bill would be put on the City Council agenda for the next regularly scheduled meeting.

**Item 12. on the Agenda.**      **PUBLIC HEARING** for consideration of a Sign Variance to allow construction of a pole sign at SS Auto Sales, located at 6889 North Oak Trafficway. Applicant/Owner: Stephen "Brent" Shaw.

Mayor Revenaugh opened the Public Hearing.

#### **Staff Presentation**

Building Official Alan Napoli began by saying this matter comes before the City Council because of the May 2, 2008, tornado. SS Auto Sales, who has been located on



North Oak Trafficway for several years, had an existing pole sign, which met all the requirements of the existing Sign Ordinance when the building was constructed. In the last few years, the Sign Ordinance has changed, which no longer allows for the installation of pole signs. The sign at SS Auto Sales became an existing/non-conforming sign, which means it could be there, but if anything happened, a monument sign would need to be installed. The tornado completely blew down the sign, pole and all. This brought his existing/non conforming sign into a situation where it can no longer be legally used, based on the current Ordinance, and because of that the applicant has requested a sign variance.

**Applicant Presentation.**

**Stephen Shaw, 6889 North Oak Trafficway**, said part of the sign use is for the lighting and security for the property. The sign was there when he bought the property. The pole broke off on the bottom shaft, and to put it back to its original state would cost \$1,000. To replace the sign with a monument sign would cost around \$10,000. Mr. Shaw said his request is to put the sign right back up exactly as it has been for the last ten years.

Mayor Revenaugh inquired into the height of the sign.

Mr. Shaw replied the sign would be basically the height it was before, but it will be six inches shorter. The pole inside of the pole broke loose from the very bottom, so when it fell down, he cut it off, and another pole may be put in, and the sign reinstalled.

Mr. Wingerson stated the height of the sign is 21 feet.

**Comments from Members of the Audience in Favor of the Application:**

There was no one to speak in Favor or in Opposition of the Application.

Mayor Revenaugh closed the Public Hearing.

Mayor Pro Tem Rudi asked if there was not a business on North Oak Trafficway that was damaged by the tornado that was granted a variance for rebuilding by the Board of Zoning Adjustment (BZA).

Mr. Wingerson replied yes, for the building itself.

Mayor Pro Tem Rudi asked for clarification if that was a variance to go back to what they had before.

Mr. Wingerson replied that was correct.

Mayor Pro Tem Carol Rudi moved to approve the Sign Variance to allow construction of a pole sign at SS Auto Sales, located at 6889 North Oak Trafficway. Applicant/Owner: Stephen "Brent" Shaw. Councilmember Carol Suter seconded.

Councilmember Suter said this is hard for her, because the City has worked so hard at upgrading in Gladstone, and one of our biggest issues as a First Tier Suburb is that we are out of date. North Oak Trafficway and some of our major thoroughfares are out of date, and we look old fashioned and run-down. Councilmember Suter said she is loathed to maintain the things that need to be improved, but she is torn because she understands the issues of a business person and the cost difference in complying with a new look. Councilmember Suter said she has sat through enough meetings where the community has said that they are concerned, and want us to upgrade. Council is harassed about North Oak Trafficway and are asked what they are going to do to upgrade it. Councilmember Suter says this runs counter to what we have heard so much of the community say through the Gladstone on the Move process, the Long Range Planning Process, and the Comprehensive Plan Process, so it makes it hard for her; although, she is completely sympathetic with the business owner's issue with this.

Mayor Pro Tem Rudi said she agreed with Councilmember Suter, and said this has been really hard for her to agree to, and she hopes if this is approved, that Mr. Shaw would consider lowering the sign, if possible. Mayor Pro Tem Rudi said that because we had a business come in to BZA and request a variance to rebuild, and the variance was granted, she does not feel she can deny this particular request for a variance; however, monument signs are what we want. Mayor Pro Tem Rudi suggested Mr. Shaw begin putting his money away, because if it blows down again, she does not believe she could approve it again.

Councilmember Suter stated that we need to be clear as we move forward, that we are intending to improve the look of Gladstone and we are expecting business owners to make plans for that. We, as a City, cannot do that for a business owner, except to encourage business owners to plan ahead, and anticipate upgrading, since that is what the community wants to have happen.

Councilman Beer said a compromise that has been granted in some cases was one that perhaps one would call a modified pole sign or modified monument sign. In this particular case it might fit well with that possibility of providing a much shorter pole. This may work to make this a pole sign that complics with monument sign heights and clearances, and with the landscaping that is normally required around a monument sign. Perhaps this is a compromise that could be reached.

Councilman Smith asked Mr. Wingerson if that would be a possibility.

Mr. Wingerson replied with the grades on North Oak, and with SS Auto being one of the lowest elevations, in order to come up to site level, it would require some height to do that.

Councilman Beer suggested that if the elevation of the site is such that a monument sign would not be visible from the street, then a compromise could be an elevation change of the pole itself, on a modified level, such has been granted previously.

Councilman Smith asked Mr. Shaw if this application were approved, would he work with City staff, and see if there is a way to compromise a bit on the height where it doesn't affect the visibility of the sign, but yet it meets some of the goals of the community. Councilman Smith said he is talking about a matter of a few feet or so.

Mr. Shaw commented that his property is low lying, and the property next to him has trees and no one maintains that property, and by lowering the sign, and due to the trees, his sign would not be visible at all. With the height of 21 feet, it would not be as if he were located on a hill and had a high sign. Mr. Shaw said he is in a valley, and it is about 100 yards on North Oak before anyone can see the sign. Mr. Shaw said he has been at this location for ten years, and has done a lot with the appearance of his building and the landscaping to make it look nice, but he does know that someday he will need to put up a new sign. Mr. Shaw said right now, he is dealing with everything the insurance did not pay for, and with putting up that same sign, although it would be a foot shorter than it was, it still has lights, which is a safety feature for his cars.

Councilman Smith said he was the Council liaison for the Sign Focus group, and they have run the gamut from all signs have to be changed overnight to various trigger mechanisms that we have had throughout the years. Councilman Smith said he agreed with Councilmember Suter in that we have to start somewhere. We have here a small business owner, who, through no fault of his own, had a sign come down. That is different from saying to a business owner, if you remodel or expand, then you need to factor into your budget the new sign. This is an expense that this business owner is being thrown at midstream, by no cause of his own, and for that reason, it makes some sense to allow him to put his sign back.

Mayor Revenaugh said Council does understand the applicant's plight, so the recommendation is to keep the sign as low as humanly possible and it would be nice if at some point in the not too distant future, if the applicant would replace the sign with an up-to-date sign that meets the signage codes that would be more in keeping with all the other businesses that the City is working with on North Oak.

The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0).

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

There was no other business.

**Item 14. on the Agenda.**

**QUESTIONS FROM THE NEWS MEDIA.**

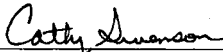
There were no questions from the News Media.

**Item 15. on the Agenda.**

**ADJOURNMENT.**

There being no further business to come before the September 22, 2008, Gladstone Regular City Council Meeting, Mayor Mark Revenaugh adjourned the regular meeting.

Respectfully submitted:



Cathy Swenson, City Clerk

Approved as submitted: X

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



Mayor Mark S. Revenaugh



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, OCTOBER 13, 2008**

**OPEN STUDY SESSION: 6:30 PM**

**REGULAR MEETING: 7:30 PM**

**AMENDED AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of the Regular September 22, 2008, City Council Meeting Minutes.
5. **CONSENT AGENDA**

**RESOLUTION R-08-65**, authorizing acceptance of work under contract with Musselman & Hall Contractors, LLC, for the 2008 Intermediate Maintenance Program; and authorizing final payment in the amount of \$28,968.47.

**RESOLUTION R-08-66**, authorizing acceptance of work under contract with Brandy Electric, Incorporated for the 72<sup>nd</sup> Street Tennis Court Lights; and authorizing final payment in the amount of \$6,703.00.

**RESOLUTION R-08-67**, authorizing acceptance of work under contract with Dennis Johnson Construction, Incorporated, for the 2200 block Northeast 67<sup>th</sup> Street Drainage Extension Project; and authorizing final payment in the amount of \$11,298.81.

**RESOLUTION R-08-68**, authorizing acceptance of work under contract with SMI-CO Construction, Incorporated, for the 2006-2007-2008 Water Main Replacements; and authorizing final payment in the amount of \$25,937.30.

**RESOLUTION R-08-69**, authorizing acceptance of work under the contract with PCI Dahmer for the Gladstone Community Center-Natatorium; and authorizing final payment in the total amount of \$5,550.20.

**RESOLUTION R-08-70**, authorizing execution of a contract with J and N Utilities, Incorporated, in the total amount not to exceed \$302,266.80 for the 56<sup>th</sup> Terrace Water Main Replacement-Antioch to Indiana project.

**RESOLUTION R-08-71**, authorizing execution of a Professional Services Agreement with Black and Veatch, in the total amount not to exceed \$32,141.00 for Consultant Services relative to updating the existing Mill Creek Post-Rehabilitation Sanitary Sewer Study.

**RESOLUTION R-08-72**, authorizing execution of a Professional Services Agreement with Wallace Engineering, in the total amount not to exceed \$31,000.00 for Consultant Services relative to the Northeast 67<sup>th</sup> Place and Northeast 76<sup>th</sup> Terrace Stormwater Studies.

**APPROVAL OF TEMPORARY CATERING LICENSE** for Cascone's Italian Restaurant, 3737 North Oak Trafficway, Kansas City, Missouri, for a wedding reception event to be held November 1, 2008, from 6:00 PM to 11:00 PM, in the Gladstone Community Center. Managing Officer: George Cascone.

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **SECOND READING OF BILL 08-23**, 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, for property located at 2412 and 2590 Northeast 72<sup>nd</sup> Street. Applicant: QuikTrip Corporation. Owner: Harriet Chesterton. File Number 1320.
10. **SECOND READING OF BILL 08-24**, approving a Site Plan Revision for property located at 2412 and 2590 Northeast 72<sup>nd</sup> Street. Applicant: QuikTrip Corporation. Owner: Harriet Chesterton. File Number 1320.
11. **FIRST READING BILL 08-25**, approving the Final Plat of Walton's Addition, Lot 2, Gladstone, Clay County, Missouri, and directing the appropriate officials to affix their signatures to said Plat for recording. Applicant/Owner: Shannon Letts/Walmart Real Estate Business Trust. File Number: 1324/1325
12. **PUBLIC HEARING**: for consideration of Rezoning and a Site Plan Revision for property legally described as Lot 1 and 2, Walton's Addition, on property commonly known as Walmart. Applicant/Owner: Shannon Letts/Walmart Real Estate Business Trust. File Number: 1324/1325
- 12a. **FIRST READING BILL 08-26**, 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: Shannon

Letts/Walmart Real Estate Business Trust. File Number:  
1324/1325

- 12b. **FIRST READING BILL 08-27**, approving a Site Plan Revision for property legally described as; lot 1 and 2, Walton's Addition, on property commonly known as Walmart. Applicant/Owner: Shannon Letts/Walmart Real Estate Business Trust File Number: 1324/1325
13. **FIRST READING BILL 08-28**, providing for the assessment of additional court costs by the Gladstone Municipal Court for the Inmate Security Fund pursuant to Section 488.5026 of the Revised Statutes of Missouri.
14. Other Business.
15. Questions from the News Media.
16. Adjournment.





**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, OCTOBER 13, 2008**

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Mark Revenaugh  
Mayor Pro Carol Rudi  
Councilman Les Smith  
Councilman Wayne Beer  
Councilmember Carol Suter

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Mark Revenaugh opened the Regular October 13, 2008, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.      ROLL CALL**

Mayor Mark Revenaugh noted that all Council members were present.

**Item 3. on the Agenda.      PLEDGE OF ALLEGIANCE.**

Mayor Mark Revenaugh led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda.      APPROVAL OF THE SEPTEMBER 22, 2008,  
CITY COUNCIL MEETING MINUTES.**

Councilmember Carol Suter moved to approve the Regular September 22, 2008, City Council Meeting Minutes as presented. Councilman Les Smith seconded. The vote: "Aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

**Item 5. on the Agenda.**

**CONSENT AGENDA.**

Following the Clerk's reading, Councilmember Carol Suter moved to accept the Consent Agenda as presented. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-65**, authorizing acceptance of work under contract with Musselman & Hall Contractors, LLC, for the 2008 Intermediate Maintenance Program; and authorizing final payment in the amount of \$28,968.47. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-66**, authorizing acceptance of work under contract with Brandy Electric, Incorporated for the 72<sup>nd</sup> Street Tennis Court Lights; and authorizing final payment in the amount of \$6,703.00. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-67**, authorizing acceptance of work under contract with Dennis Johnson Construction, Incorporated, for the 2200 block Northeast 67<sup>th</sup> Street Drainage Extension Project; and authorizing final payment in the amount of \$11,298.81. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-68**, authorizing acceptance of work under contract with SMI-CO Construction, Incorporated, for the 2006-2007-2008 Water Main Replacements; and authorizing final payment in the amount of \$25,937.30. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-69**, authorizing acceptance of work under the contract with PCI Dahmer for the Gladstone Community Center-Natatorium; and authorizing final payment in the total amount of \$5,550.20. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-70**, authorizing execution of a contract with J and N Utilities, Incorporated, in the total amount not to exceed \$302,266.80 for the 56<sup>th</sup> Terrace Water Main Replacement-Antioch to Indiana project. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-71**, authorizing execution of a Professional Services Agreement with Black and Veatch, in the total amount not to exceed \$32,141.00 for Consultant Services relative to updating the existing Mill Creek Post-Rehabilitation Sanitary Sewer Study. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-72**, authorizing execution of a Professional Services Agreement with Wallace Engineering, in the total amount not to exceed \$31,000.00 for Consultant Services relative to the Northeast 67<sup>th</sup> Place and Northeast 76<sup>th</sup> Terrace Stormwater Studies. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to **APPROVE A TEMPORARY CATERING LICENSE** for Cascone's Italian Restaurant, 3737 North Oak Trafficway, Kansas City, Missouri, for a wedding reception event to be held November 1, 2008, from 6:00 PM to 11:00 PM, in the Gladstone Community Center. Managing Officer: George Cascone. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

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

**Anita Newsom, 7401 North Wabash**, stated she was representing the Gladstone Area Chamber of Commerce, and stated on behalf of the Chamber and her Co-Chair Larry Janacaro, she wished to thank the City for their participation and support in Gladfest this year. It could not happen without the technical expertise of the City, whether it is Melinda pulling together a team in Community Development to decorate the stage, to any number of people who made this happen. The Parks and Recreation crews were super, and the Public Works crews were wonderful. There was 100 percent effort from everyone, who had very positive and professional attitudes. They made it happen! Ms. Newsom said Richard King is on a well-deserved vacation after Gladfest. Richard was the liaison this year and he did a superb job; it could not have

happened without Richard. Ms. Newsom thanked Bob Baer and his team from the Public Safety Traffic Department. The parade has been a challenge at times, and sometimes during staging, one wonders if it is ever going to happen, and somehow it all works out. It could not have been done without the support of the traffic officers. They did a lot of strategic planning to make it successful. Ms. Newsom said it took a lot of volunteers to make it happen. Councilman Beer and Councilman Rudi spent long hours and days of volunteering during Gladfest. Councilman Smith was in charge of the carnival again this year, and it went very well. Ms. Newsom, on behalf of the Chamber, expressed appreciation for all those who helped make Gladfest a success, whether they worked a shift in the beer tent, or if they just came by to say hello. Ms. Newsom concluded by saying thank you for a great Gladfest "29", and she looks forward to Gladfest "30".

Mayor Revenaugh thanked Ms. Newsom, and said the City owes Ms. Newsom appreciation as she was one of the Co-Chairs for Gladfest, and she put in a lot of work and effort, and that should not go unrecognized by this body. Mayor Revenaugh congratulated Ms. Newsom on another job well done.

**Item 7. on the Agenda.**      **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilmember Carol Suter** stated she wished to add her kudos to everyone at the Chamber, Mr. Wingerson, as President, and all the Chamber members for Gladfest. The weather was beautiful, and it was a well-organized and well-run event. Everyone did a great job. Councilmember Suter offered kudos to the Parks and Recreation Department for the new parking lot at the Maple Woods Nature Preserve. It is a wonderful conservation area, and the new parking area is really nice. Councilmember Suter said she had the opportunity to walk there after the parking lot was completed, and noticed there was a lot of damage from tornadoes, and there is still some clean up to do with some trees across the walking path.

Parks and Recreation Director Sheila Lillis thanked Councilmember Suter, and commented that although the Maple Woods Nature Preserve is owned by the Department of Conservation, the City does a couple of custodial pieces in the parking lot. The Department of Conservation paid for the recent parking lot improvements. If a tree falls down, our Parks staff, with the permission of the Department of Conservation, will cut the tree and move it to the side, leaving the area in a natural state.

Councilmember Carol Suter remarked that there are some trees that are still on the trail and have to be climbed over.

Director Lillis replied that she would report that right away to the Department of Conservation. Director Lillis reported the Nature Preserve was on the news this

evening as one of the four top places to look for foliage and that within the next week it should be at its prime.

**Mayor Pro Tem Rudi** asked if the next event at Oak Grove Park was going to be Friday Fright Night.

Director Lillis, confirmed that Friday Fright Night would be held October 24, 2008, at 6:00 PM, and the Gladstone Area Chamber of Commerce is bringing some of their vendors as well as some of the City's, and storytellers will be there.

Mayor Pro Tem Rudi stated that it was a Trick-or-Treat night for kids, and it is a great event, and she wanted to be sure everyone knew about it. Mayor Pro Tem Rudi stated that Gladfest was a great success and that she was proud to be part of it and that she is looking forward to next year.

**Councilman Wayne Beer** stated that Gladfest certainly was a success and that he had a great time and that many in the room, likewise, had a great time.

**Councilman Les Smith** congratulated Anita Newsom, Larry Janacaro, and all of the volunteers for a job well done and requested that City Manager Davis pass Council's gratitude along to staff that participated. Councilman Smith said that Council has a letter from David Peironnet, concerning persons who are not abiding by City Ordinances regarding political signs and said that notices should have been sent, and that the signs should have been removed, and if the signs had not been removed, then they should be removed by tomorrow. Councilman Smith stated that he appreciates Mr. Peironnet following up on that.

**Mayor Mark Revenaugh** stated that he wanted to add kudos for a great Gladfest, and that he thought the entire community benefited and enjoyed the collective efforts of everyone in the City and the staff that contributed.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

**City Manager Kirk Davis** stated that the City had a rather large swim meet at the Community Center last Friday and Saturday, October 10, and 11, 2008. This coming Friday and Saturday, October 17, and 18, 2008 there is a bigger meet, involving 31 teams, and the City is looking forward to hosting that activity, as well as many others in the future with our North Kansas City School District partnership.

City Manager Davis stated that the City had a very nice All-American Celebration on Sunday and that staff appreciates everything the City Council did to help with that event. The North Star Community Band performed, and the event was enjoyed by many. Mr. Davis stated that it recognized the status that the City earned earlier this year.

Mr. Davis stated that the rotating exhibit of art is up and on display at the Community Center and invited all to visit. The display will be up for five more weeks and then another artist will be rotating in. Kudos to the Arts Commission for getting this started.

Mayor Pro Tem Rudi added that this is going to be the first Tuesday of every other month. It began in October, and on the first Tuesday of each new exhibit, we will have an opening reception at 6:00 PM at the Community Center. In the spring we will have a high school art show, rather than an individual art show. The Art Springs in Gladstone show will be April 24 and 25, 2009.

Mayor Pro Tem Rudi reminded the audience that tomorrow night, October 14, 2008, at 6:00 PM, would be the initial meeting for Friends of the Atkins-Johnson Farm at City Hall and invited anyone interested to attend.

**Item 9. on the Agenda. SECOND READING OF BILL 08-23,** 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, for property located at 2412 and 2590 Northeast 72<sup>nd</sup> Street. Applicant: QuikTrip Corporation. Owner: Harriet Chesterton. File Number 1320.

Councilman Wayne Beer moved to place Bill 08-23 on its Second and Final reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 08-23 and enact the Bill as **Ordinance #4.081**. Mayor Pro Tem Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0).

**Item 10. on the Agenda. SECOND READING OF BILL 08-24,** approving a Site Plan Revision for property located at 2412 and 2590 Northeast 72<sup>nd</sup> Street. Applicant: QuikTrip Corporation. Owner: Harriet Chesterton. File Number 1320.

Councilman Wayne Beer moved to place Bill 08-24 on its Second and Final reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final reading of Bill 08-24 and to enact the bill as **Ordinance #4.082**. Mayor Pro Tem Carol Rudi seconded.

Councilman Smith asked Mr. Crosby about the current point of ingress and egress, which would be the new east drive, and the east bound egress. He stated that Council had asked Quiktrip to consider not allowing the left turn out of Quiktrip if Council approves the new drive. Councilman Smith asked for the results of the discussions.

Mr. Crosby responded that he believed that he was asked to close the "right-in" from the last meeting, and that the reason that was discussed was because there was going to be congestion inside of Quiktrip's lot. Quiktrip has spoken with staff and with a traffic engineer and has proposed a yield sign that would direct right-of-way to traffic traveling into Quiktrip's site, so that there would be less congestion.

Councilman Smith said that he wished Quiktrip better luck in getting folks to obey their yield sign than the City has getting them to obey the City's yield signs. Councilman Smith asked Mr. Crosby for a suggestion of what to do if there is still a problem with that intersection. Councilman Smith stated that he could be a proponent of Quiktrip building a store in the future and increasing the size of the store. In no way shape or form, would they convince him to consider the store that has been proposed to this point. Councilman Smith said that his concern is what Quiktrip is trying to accomplish with the new Site Plan. He asked if Quiktrip was trying to open a drive for a future venue or trying to mitigate a traffic concern. He continued by saying that if Quiktrip is trying to mitigate a traffic concern, and the only way that Quiktrip wishes to address that question is with a yield sign, what will happen if that doesn't work in the interim.

Mr. Crosby asked if Councilman Smith was referring to the internal congestion of the lot and if the yield sign doesn't work.

Councilman Smith responded that is correct and the issue is that we still have a hazard at that intersection, whether it be stacking out onto 72<sup>nd</sup> Street or if the east bound turns continue to be a problem.

Mr. Crosby said that Quiktrip would need to address that issue if it were to arise, and that Quiktrip would be more than willing to work with the City to make it right.

Councilman Smith said that he appreciated that.

Councilman Wayne Beer said that the overriding factor in his mind on this issue is that traffic congestion is moved away from the intersection of 72<sup>nd</sup> Street and M-1 Highway. That intersection is very dangerous as it exists now, and if there is anything that can be done to pull some of the congestion away from that intersection, it is incumbent upon Council to do so.

Mayor Revenaugh asked if Quiktrip is still working with MODOT in trying to get access from M-1, which would considerably alleviate the ingress and egress from that property.

Mr. Crosby responded that Quiktrip agrees with staff that they would close the right in right out at the time they are able to reasonably gain access to M-1 Highway.

Councilman Smith said that Quiktrip is a good operator and a good corporate citizen, and looking further down the road, should Quiktrip go away, we have a convenient store site sitting there, fully zoned and operable, and it is to the community's benefit to have Quiktrip as an operator in that location. If Quiktrip can expand with protecting the neighborhood, that is great, but that he agreed with Councilman Beer, that there is a dangerous intersection there, and that hopefully what Quiktrip plans to do will alleviate some of those traffic hazards, but not as great as some would like to see, but it should help some.

Council member Suter said that she has listened with interest to the neighbors during the last hearing and that she is sensitive to the issues raised, being that she lives off of the corner and travels through the intersection every day, multiple times. The intersection eventually needs to be reworked and the best shot of doing that well is if there are successful businesses on those corners that collaborate with the City in getting the funding and clout that will be needed in Jefferson City to get it done. Councilmember Suter stated that she was interested in making sure that we have successful businesses at those corners. Quiktrip is an excellent corporate citizen in Gladstone and staff wants to make sure that Quiktrip stays successful at that corner.

Mayor Pro Tem Rudi said that she agreed with Councilman Beer in that to move some traffic away from 72<sup>nd</sup> and M-1 will be a slight improvement and that she feels very strongly about the importance of access from M-1 Highway. Quiktrip needs to work extremely hard to make that happen.

Roll call vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

**Item 11. on the Agenda.**

**FIRST READING BILL 08-25**, approving the Final Plat of Walton's Addition, Lot 2, Gladstone, Clay County, Missouri, and directing the appropriate officials to affix their signatures to said Plat for recording. Applicant/Owner: Shannon Letts/Walmart Real Estate Business Trust. File Number: 1324/1325

Councilman Les Smith moved to place Bill 08-25 on its First Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.



Councilman Les Smith moved to accept the First Reading of Bill 08-25, waive the rule and place the bill on its Second and Final reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final reading of Bill 08-25 and enact as **Ordinance #4.083**. Councilmember Carol Suter seconded.

Roll call vote: All "aye" Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0).

**Item 12. on the Agenda.** **PUBLIC HEARING:** for consideration of Rezoning and a Site Plan Revision for property legally described as Lot 1 and 2, Walton's Addition, on property commonly known as Walmart. Applicant/Owner: Shannon Letts/Walmart Real Estate Business Trust. File Number: 1324/1325

Mayor Revenaugh opened the Public Hearing.

#### **Staff Presentation**

Assistant City Manager Scott Wingerson stated in the Council's packet were minutes from the Planning Commission, which include nearly a full page of thanks to people who have worked on this project. Mr. Wingerson said tonight he simply wished to thank Economic Development Administrator Melinda McHaffy, who has been the one who has tracked down every Walmart rumor over the years, and has cultivated a relationship in Bentonville and in this region that allows us to have this discussion tonight.

Mr. Wingerson said we started this process with four applications, the first being a Preliminary Plat, which was approved by the Planning Commission last week. The Final Plat is the second item that was approved earlier this evening by the City Council. The topic of this Public Hearing is a zoning change from R-1 to CP-3, and a Site Plan Revision to allow the expansion of Walmart at 72<sup>nd</sup> and M-1 Highway. In the beginning there were some neighborhood issues, and staff spent time visiting with the neighbors who live east of the proposed expansion, and Walmart has been very receptive to the desires of the neighborhood in almost every instance. Mr. Wingerson discussed the PowerPoint presentation, pointing out that what was shown was a proposed rendering of the store itself and the Final Plat. Mr. Wingerson indicated the area where the zoning change is proposed.

Mr. Wingerson continued to refer to the PowerPoint presentation by indicating the additions to the building totaling approximately 25,000 square feet, and an additional

employee parking lot on the east side of the existing store. Mr. Wingerson stated he wished to draw attention to proposed Bill 08-27, which has a total of 14 proposed conditions, and he would like to highlight four of those conditions for the City Council as follows:

11. Undisturbed area east of the grading limits of the employee parking lot will be protected. A pre-construction meeting with the General Contractor will be required outlining the importance of maintaining existing vegetation outside the grading limits.
12. Screen wall on the north and east of the employee lot shall be increased from 6 ft. to 8 ft.
13. Natural area bordering employee lot shall be treated for noxious weeds. Upon completion of the project, treatment of this area shall be discussed with the Walmart Store Manager.
14. Employee lot shall be monitored with security cameras consistent with the existing customer parking lot.

Mr. Wingerson said there were two additional issues raised during the two hour Public Hearing with the Planning Commission. There was an issue concerning the existing berm at 72<sup>nd</sup> and M-1 Highway. There was a staff recommended condition that suggested that berm be lowered to the extent possible. The view from staff was that it would open up visibility to the store itself from 72<sup>nd</sup> Street and M-1 Highway. The neighborhood and the Planning Commission said they did not like that, and they did like the berm being the height it was. Walmart has agreed to maintain the berm at its current elevation, and replace the fountain with a monument sign, examples of which are in Council's packets. Walmart has agreed, based on public input, to add evergreen landscaping on the east side. There was a general discussion about when the trees lose their leaves this time of year, what will the neighbors actually see looking west. Walmart's has agreed to add some evergreen planting.

Mr. Wingerson said the neighbors and the Planning Commission raised an issue about lighting in the employee parking lot, and its intensity. There is a photometric study exhibit in Council's packet, and it shows that light extends not very far beyond the boundary of the employee parking lot, which is between 70 and 90 feet from the closest property line. Mr. Wingerson stated this is a land use decision, and it is also an economic decision. As we are in an economic downturn, we are very lucky to be having this conversation with one of the biggest companies in the world. Mr. Wingerson thanked Walmart and all their representatives for working with us in moving this forward. Mr. Wingerson introduced Patrick Joyce who was representing the Walmart Corporation.

### **Applicant Presentation**

**Patrick Joyce**, Continental Consulting Engineers, Incorporated, 9000 State Line Road, Leawood, Kansas, began by saying he was here this evening with David Lotz, who is the lead Civil Engineer on this project, and he is also here with Jim Gallagher, from PB2 Architects out of Rogers, Arkansas. Mr. Joyce said he would be presenting the Walmart Store expansion and site modifications. Mr. Gallagher will be presenting the building elevations and signage, as well as Walmart's sustainability initiatives. Mr. Joyce said he was in support of Bill 08-25, Bill 08-26, and Bill 08-27, as it relates to the Site Plan revision, rezoning, and Final Plat regarding the Walmart store expansion at the Northeast corner of the intersection of Missouri Highway One and Northeast 72<sup>nd</sup> Street. The planned expansion is going to be from 151,775 square feet to 177,044 square feet. The store will be upgraded to a super center and will have both a hard goods section and a full grocery section. This will result in approximately 25,000 additional square footage of retail.

Mr. Joyce pointed out in the PowerPoint presentation where the store area would be expanded, which would be mostly on the north side and the front. The north side would have the addition of a dock and a garden center, as well as a tire and lube express. The existing tire and lube express would be bumped out to the north. This addition would require additional parking. A ratio of above 5.0 parking stalls per 1,000 square feet of building space is typical for most large retailers. Since Walmart cannot get enough of the parking spaces on the existing site, the project must include the purchase of 7.7 acres of property directly adjacent to and east of the existing ground. This vacant property to the east would require rezoning from R-1 to CP-3, which is consistent with the existing Walmart site. This will allow for construction of the 1.7 acre parking lot, which will be used exclusively for employee parking, and will be signed as such. It will have an eight foot screenwall, which will go on the north side of the parking lot and the east side. A stormwater detention basin will be constructed on the north side of the proposed parking lot.

Mr. Joyce said Walmart would be able to facilitate this because they are an industry leader in construction, erosion and sediment control. Part of the erosion control plan will be to preserve the natural vegetation. As part of that plan, stormwater preconstruction meetings are held before any construction begins with all ground disturbing subcontractors to stress the importance of maintaining the natural vegetation where indicated on the plans. In addition to daily inspections of this area, an orange construction fence will be erected for the duration of the construction project to delineate the limits of disturbance. The existing water fountain located at M-1 Highway and Northeast 72 Street will be removed, and the area will be graded, and Walmart has agreed not to lower the berm any lower than it has to be. The existing parking stalls will be reoriented from 60 degree parking as it is today, to 90 degree parking. The parking lot will expand up to 22 feet to the west. This facilitates greater parking and a drive aisle, which is necessary at the end of all of those parking

stalls. All of the asphalt and concrete pavement will be repaired where it is deteriorating. The remainder of the asphalt that is not replaced will receive a two-inch mill and overlay. This overlay will give the site a new look and feel, and everything will be re-stripped on the site. All existing curbed islands will be relocated and fresh landscaping will be installed. An irrigation system will be installed to maintain all manicured areas. The existing monument signs will be updated to reflect the new Walmart branding and will incorporate building elements in their design. The existing tire and lube pylon sign will be removed and will not be replaced. The lighting on the existing site will be totally replaced. All light poles and fixtures will be replaced with 42-foot high mounted lights, which is currently the height of the existing lights. The proposed employee parking lot will only have 28-foot lights and 400-watt fixtures. The existing site has 1,000-watt fixtures.

Mr. Joyce then introduced Mr. Jim Gallagher to discuss building elevations.

**Jim Gallagher, Architect with PB2 Architecture and Engineering**, stated his firm is the architect of record on this project. Mr. Gallagher stated the proposed signs for the store are much more contemporary and also much more integrated with the building scheme. The signs have the new Walmart logo and a good deal more landscaping and architectural detail to better fit into the Gladstone community. The building's elevation is a dramatic improvement over what is there now, and even more so compared to others around the country. The new scheme involves more windows, more pedestrian scale architecture, seating areas, trees, and covered canopies. The forms are much more integrated. Mr. Gallagher pointed out the entryways and their features. The materials are more sustainable, and with more earth tone colors than they have used before. The graphics are much more spare than they have been. Mr. Gallagher pointed out on the PowerPoint presentation a product called Trespa, which is a surface applied panel, which is much more durable and attractive, and has tremendous sustainable features. Walmart has a significant sustainability program, which is a big goal here in Gladstone.

Mr. Gallagher pointed out in the PowerPoint rendering the various entrances, the awnings over the windows and the entranceways. Mr. Gallagher pointed out the refrigerated cases, where traditionally between the doors there are fluorescent lights to laminate the product. What are proposed are LED lights, which generate almost no heat, so the heat from the bulbs are not being refrigerated. The LED lights last nearly forever, and use almost no electricity, and are almost 70 percent more efficient than the fluorescent fixtures. This is just one aspect of what Walmart does with these projects. Waterless urinals will be used to cut down on water usage and sewer treatment needs in the community. Mr. Gallagher said white roofs reflect more heat. The roof on the building now is worn out and is a dark color, and this proposed roof will reflect ten percent more energy back up into the air, rather than brought into the building to be cooled. All the interior lights will be retrofitted to the new bulbs, and light sensors will be used to identify how much light is coming into the building, and the lights are dimmed when there is enough daylight to support the activities. Mr.

Gallagher said the heat generated by refrigeration equipment is captured and used to heat water both in the deli and other parts of the building, so we are not releasing that into the air, and we are not generating new energy to heat the water – we are taking what is already in the building. The central energy management system allows Walmart to monitor the entire operation from Bentonville, Arkansas 24 hours per day, all year long, and frequently they call the store to tell them there is a refrigerator out, before the refrigerator people know in the store that it is not working – alarms go off and people get calls. The pedestrian space in front will be helpful, and the colors and forms are much more friendly. Mr. Gallagher thanked the Mayor and Council and said he would be happy to answer any questions.

Councilman Rudi asked if this is the same prototype that is being built in Springfield, Missouri?

Mr. Gallagher replied he was not working on a project in Springfield, so he did not know what they are doing there, but he knows that this is the format that all the stores are going to, beginning this year. Mr. Gallagher said he is really excited to be doing this, and he goes all over the country, from the state of Washington to the state of Florida, doing these projects, and he encounters a lot of municipal governments. Mr. Gallagher said it was really a pleasure to work with Gladstone's staff and Gladstone really is an All American City, and he is pleased to be here, and this is the place selected to build one of the first Walmarts of its kind. Mr. Gallagher said he is excited to see this project built, because they have never built one yet.

Councilman Smith jokingly said he has never been so excited to be a guinea pig before! Councilman Smith inquired into the reflective white membrane roof, by asking what is the difference between it and an aluminum roof, and which is more efficient?

Mr. Gallagher replied he was not too familiar with aluminized surfaces, but a roof's primary purpose is to keep water out of the building, and he is not sure how aluminum would perform in an environment like this where there may be hail and other things hitting the roof. Mr. Gallagher said they do the best they can with reflecting heat, but that is not their primary focus; they are more concerned how the roof will protect the contents of the building and the people inside.

Councilman Smith said some of the sustainability materials he has read have said an aluminum roof reflects more than a white roof.

Mr. Gallagher said that Walmart is constantly experimenting with different ideas. There are two stores, one is in Aurora, Colorado, and the other is in McKinney, Texas, which are experimental stores and they are constantly going into them and doing new things. They have tried new pavement, new lights, and all kinds of things. Some of them work and some don't. Mr. Gallagher said he is guessing that Walmart has experimented with all of these different products. Walmart regularly has seminars in

Bentonville for other retailers in order to teach them what Walmart is doing and how they could do it in their stores.

Councilman Smith said the plans look very good and told Mr. Gallagher "good work".

**Comments from those in Favor or in Opposition to the application.**

There were no comments from the audience.

Mayor Revenaugh closed the Public Hearing.

**Item 12a. on the Agenda.**      **FIRST READING BILL 08-26**, 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: Shannon Letts/Walmart Real Estate Business Trust. File Number: 1324/1325

Councilman Wayne Beer moved to place Bill 08-26 on its First Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 08-26, waive the rule, and place the Bill on its Second and Final reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final reading of Bill 08-26 and enact the Bill as **Ordinance #4.084**. Councilmember Carol Suter seconded.

Roll call vote: All "aye" Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0).

**Item 12b. on the Agenda.**      **FIRST READING BILL 08-27**, approving a Site Plan Revision for property legally described as; lot 1 and 2, Walton's Addition, on property commonly known as Walmart. Applicant/Owner: Shannon Letts/Walmart Real Estate Business Trust File Number: 1324/1325

Mayor Pro Tem Carol Rudi moved to place Bill 08-27 on its First Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Mayor Pro Tem Carol Rudi moved to accept the First Reading of Bill 08-27, waive the rule, and place the Bill on its Second and Final Reading. Councilman Les Smith seconded. All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Mayor Pro Tem Carol Rudi moved to accept the Second and Final Reading of Bill 08-27 and enact the Bill as **Ordinance 4.085**. Councilman Les Smith seconded.

Mayor Pro Tem Rudi said that she appreciated the way that Walmart worked with the neighbors, listened to their concerns, and has taken those concerns into consideration. It is nice to have a packet come to Council that is as complete as this. Walmart has done its homework ahead of time, otherwise we could be here all night long, trying to work out details that have already been worked out. Mayor Pro Tem Rudi thanked Walmart.

Councilmember Suter said kudos to everyone involved. This is one of the best "win wins" that she has seen since she has been on the Planning Commission, even before City Council. Councilmember Suter said that she really appreciated the Planning Commission Hearing on this and that the number of neighbors that showed up to get their questions answered was really appreciated. Councilmember Suter said this hits close to home as she lives in that neighborhood, and she was glad to see issues addressed. It is rare for us to have this opportunity to see a business grow in a way that has this little of a negative impact on the surrounding neighborhood. We are delighted to be part of a new prototype for Walmart and delighted to have Walmart continue to be a good corporate citizen in Gladstone.

Councilman Smith said that this is huge for our local economy. Walmart has been a good corporate citizen for many years; a lot of us can remember when they were at 65<sup>th</sup> and Prospect and left that space vacant for many years. We have run the gamut of rumors for the existing location, none of which were pleasant. Other local businesses have adapted to Walmart being in town, and adapted very well. Councilman Smith agreed with Councilmember Suter in that this is a "win-win" for our community. Councilman Smith extended appreciation to staff for carrying resident concerns forward and to Walmart for their response to those concerns.

Councilman Smith said when you have lived in a community your whole life, you have folks that you have known since diapers, and a couple of them live behind Walmart. Councilman Smith said if Walmart thinks they have daily inspections by contractors, he assures them that one lady who lives directly behind Walmart is going to probably inspect it two or three times a day. The main concern coming from her house is the erosion and run off during construction, and he would really appreciate Walmart staying on top of that the best they can and knows that they will. Councilman Smith said thank you to Walmart for being willing to reinvest in our community and thanked staff for playing the role they did. Councilman Smith said we have known

about this for a while, and it was very tight-lipped, but it was tight-lipped for a reason and as Mayor last year, he knows that those were ongoing deliberations, and staff handled it very well and should be proud.

Councilman Beer thanked Walmart for their efforts in working with our City staff. Councilman Beer stated that our City staff is good to work with, we know that, and that has been one of our goals for a long time; we wanted a city that can be a partner in a development, as opposed to an obstacle. We believe that instead of being an obstacle we get better projects as a result. Councilman Beer said that we appreciate Gladstone Walmart's corporate activities, and its charitabilities. It may not be known to everyone in this world that Walmart does provide a lot of charitable goods and projects, as they also have to our City. Councilman Beer said that in recent years, Walmart has been much more active in its corporate activities in Gladstone, and it is certainly appreciated. Councilman Beer commended Walmart on its sustainability efforts.

Mayor Revenaugh said that it is not a secret that there was a no small amount of anxiety amongst the Council and the staff when we first found out that Walmart was evaluating its options with respect to the Gladstone location, and he thinks it is important for the public to know just how important Walmart is to our community. If Walmart had decided to go the other way, then it would have adversely affected our City's budget in ways that we don't want to think about. Mayor Revenaugh welcomed Walmart and said that our City is extremely pleased that Walmart decided to stay in our community, and that he looks forward to a long mutual partnership.

Roll call vote: All "aye" Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0).

**Item 13. on the Agenda.**      **FIRST READING BILL 08-28**, providing for the assessment of additional court costs by the Gladstone Municipal Court for the Inmate Security Fund pursuant to Section 488.5026 of the Revised Statutes of Missouri.

Councilmember Carol Suter moved to place Bill 08-28 on its First Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the First Reading of Bill 08-28, waive the rule, and place the Bill on its Second and Final reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.



Council member Carol Suter moved to accept the Second and Final reading of Bill 08-28 and enact the Bill as **Ordinance #4.086**. Mayor Pro Tem Carol Rudi seconded.

Roll call vote: All "aye" Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0).

**Item 14. on the Agenda.**

**OTHER BUSINESS.**

Councilman Les Smith said that he serves on Gladstone's Neighborhood Commission, (GNC) and that a board member approached them from Northland Neighborhoods Inc., (NNI) about an advisors member swap - the thought being that a board member from NNI could serve as an advisor on Gladstone's Neighborhood Commission and someone from the City of Gladstone could serve as an advisor, or a permanent board member on NNI's board. The suggestion has been that the chair of NNI, Mary Jo Burton, serve on the GNC and that Public Information Officer Richard King serve on NNI's board. The only Council action that would be necessary would be to ratify Mary Jo Burton's appointment as an advisor to Gladstone's Neighborhood Commission.

Councilman Smith moved to ratify Mary Jo Burton's appointment as an advisor to Gladstone's Neighborhood Commission. Councilmember Carol Suter seconded.

Mayor Revenaugh asked if this has been discussed with Mr. King.

Councilman Smith said that he believed it has been and that City Manager Davis signed off on it earlier this evening.

City Manager Davis confirmed that he had talked to Mr. King when the idea was first brought up. NNI asked if Mr. King would be interested in doing this, and at that point and time, he said he would be happy to do it. City Manager Davis said that he hadn't heard anything in a while and wasn't sure if it was still moving forward or not.

Councilman Smith said that it was moving forward and that Mary Jo Burton is very excited to do it, and when she runs into some of the other folks, they ask if it's been done yet.

Mayor Revenaugh asked if Mary Jo Burton's capacity would be advisor to the Gladstone Neighborhood Commission.

Councilman Smith said yes.

Mayor Revenaugh said that it has been moved and seconded to accept Mary Jo Burton as an advisor to the Gladstone Neighborhood Commission. The vote: All "aye" -

Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0).

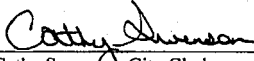
**Item 15. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**


There were no questions from the News Media.

**Item 16. on the Agenda.**      **ADJOURNMENT.**

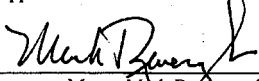
There being no further business to come before the October 13, 2008, Gladstone Regular City Council Meeting, Mayor Revenaugh adjourned the regular meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Mark Revenaugh



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, OCTOBER 27, 2008**

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

**REGULAR MEETING: 7:30 PM**

**AGENDA**

- 1. Meeting Called to Order.**
- 2. Roll Call.**
- 3. Pledge of Allegiance.**
- 4. Approval of the Regular October 13, 2008, City Council Meeting Minutes.**
- 5. PROCLAMATION:** Recognizing the **OAK PARK HIGH SCHOOL BAND** for the long partnership the City has enjoyed with them, and for the new **HAPPY ROCK MARCH**, written by **HEAD DIRECTOR OF BANDS ADAM FARLEY**, which was first performed during the 2008 Gladfest parade in honor of the City of Gladstone's All America City Award.
- 6. PROCLAMATION:** Recognizing **NATIONAL COMMUNITY PLANNING MONTH** and the valuable contributions made by citizen involvement and professional planners of the City of Gladstone.

## 7. CONSENT AGENDA

**RESOLUTION R-08-73**, authorizing execution of a Water Tower Antenna Site Lease with T-Mobile Central LLC, a Delaware Limited Liability Company, for the Antioch Water Tower.

**RESOLUTION R-08-74**, authorizing acceptance of work under contract with Mega Industries Corporation for the M-1 at Kendallwood Road Improvement Project 045022; and authorizing final payment in the amount of \$6,346.78.

**RESOLUTION R-08-75**, authorizing acceptance of a donation made to the Gladstone Animal Shelter by Bettie M. Breeding and Benjamin J. Breeding, and further directing that all funds donated to the shelter by Bettie M. Breeding and Benjamin J. Breeding be used solely for the benefit of the facilities for the animals at the shelter.

**RESOLUTION R-08-76**, adopting an Identity Theft Prevention Program for the City of Gladstone, Missouri.

**BUILDING PERMIT:** for construction of an antenna halo on the top of the Antioch Water Tower, located at 6803 Northeast Antioch Road. Applicant: Selective Site Consultants, Inc. Owner: City of Gladstone.

**BUILDING PERMIT:** to enclose the carport on the North side of the White Chapel Funeral Home, located at 6600 Northeast Antioch Road. Applicant/Owner: Stewart Enterprises (D.W. Newcomers).

**APPROVAL OF A NEW CLASS "A" LIQUOR BY THE DRINK LICENSE** for The Office JJNJ dba The Office Bar and Grill, 6825 North Oak Trafficway. Managing Officer: Jennifer Kasserman.

**APPROVAL OF THE AUGUST 2008 FINANCIAL REPORT.**

## 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 Sign Variance to allow construction of a sign with an electronic reader board at Antioch Bible Baptist Church, located at 800 NE 72<sup>nd</sup> Street. Applicant/Owner: Antioch Bible Baptist Church.

**MOTION BY CITY COUNCIL:** for consideration of a Sign Variance to allow construction of a sign with an electronic reader board at Antioch Bible Baptist Church, located at 800 NE 72<sup>nd</sup> Street. Applicant/Owner: Antioch Bible Baptist Church.

12. **RESOLUTION R-08-77**, authorizing the City Manager to negotiate a loan agreement to provide \$500,000.00 for the preservation of the Atkins-Johnson Farm House and related expenses.
13. **RESOLUTION R-08-78**, expressing the gratitude of the City Council for the service of the members of the Atkins-Johnson Farm Task Force, dissolving the Task Force, and expressing the City Council's support for the "Friends of the Atkins-Johnson Farm" volunteer organization.
14. **FIRST READING BILL 08-29**, amending Ordinance Numbers 2.941 and 3.405 by enacting new provisions in conformity with the "2007 Video Services Providers Act".
15. **FIRST READING BILL 08-30**, approving the Final Plat of Lots 1, 2 and 3, Evanston Place, commonly known as 5601 North Antioch Road, 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: Richland Real Estate, Inc. File #1327
16. **Other Business.**
17. **Questions from the News Media.**
18. **Adjournment.**



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, OCTOBER 27, 2008**

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Mark Revenaugh  
Mayor Pro Carol Rudi  
Councilman Les Smith  
Councilman Wayne Beer  
Councilmember Carol Suter

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Mark Revenaugh opened the Regular October 27, 2008, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.      ROLL CALL**

Mayor Mark Revenaugh noted that all Council members were present.

**Item 3. on the Agenda.      PLEDGE OF ALLEGIANCE.**

Mayor Mark Revenaugh led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda.      APPROVAL OF THE OCTOBER 13, 2008, CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Carol Rudi moved to approve the Regular October 13, 2008, City Council Meeting Minutes as presented. Councilmember Carol Suter seconded. The vote: "Aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

**Item 5. on the Agenda.** **PROCLAMATION:** Recognizing the **OAK PARK HIGH SCHOOL BAND** for the long partnership the City has enjoyed with them, and for the new **HAPPY ROCK MARCH**, written by **HEAD DIRECTOR OF BANDS ADAM FARLEY**, which was first performed during the 2008 Gladfest parade in honor of the City of Gladstone's All America City Award.

Mayor Revenaugh announced that this was a special occasion for the City, and said it was not very often that someone goes to the trouble of writing a piece of music specifically for anyone, especially a city. The City was honored by Oak Park Band Director Adam Farley, who wrote the *Happy Rock March*, which was performed at Gladfest this year. It is a great piece of music. Mayor Revenaugh said that he used to march in the Oak Park Marching Band, and has played more than his share of marches, and believes he knows a little bit about marching band music. Mayor Revenaugh said that Council was presented with a framed collage of the *Happy Rock March* music, and he expressed the appreciation of the City Council and the community to Mr. Farley and the band members.

Mayor Revenaugh read and presented a Proclamation to Mr. Farley and members of the Oak Park Marching Band in recognition of the long partnership the City has enjoyed with Oak Park High School and the North Kansas City School District. Mayor Revenaugh extended heart felt appreciation from the City Council and the community to the Oak Park High School Band, and expressed best wishes for many years of continued success in providing outstanding leadership in music to the Northland Community.

Mr. Farley thanked the Mayor and City Council.

**Item 6. on the Agenda.** **PROCLAMATION:** Recognizing **NATIONAL COMMUNITY PLANNING MONTH** and the valuable contributions made by citizen involvement and professional planners of the City of Gladstone.

Mayor Revenaugh read and presented the Proclamation to Planning Specialist Chris Helmer.

Mr. Helmer accepted the Proclamation and said it comes at a wonderful time for the City, who just received the Comprehensive Plan Award, which was presented by the Missouri Chapter of the American Planning Association (APA), at Crown Center Hotel, during the bi-state APA Conference. Mr. Helmer stated that he and City Manager Kirk Davis were present with the consultant team, BWR. The comprehensive plan is what not only helps the City make decisions in the near term, but for the long term as well. The comprehensive plan addresses challenging issues the City faces, such as housing issues, aging infrastructure and transit. Mr. Helmer

concluded by thanking the City's leadership team, the Planning Commission members, the Comprehensive Plan Steering Committee, and the City Council for their guidance.

Mayor Revenaugh pointed out that there were representatives from Boy Scout Troop 303, sponsored by the Martin Luther Academy. Mayor Revenaugh invited Mr. Alan Parker, Scout Master, and his son Trevor Parker, who is working on his Citizenship Badge, to stand and be recognized.

**Item 7. on the Agenda.    CONSENT AGENDA.**

Following the Clerk's reading, Councilman Wayne Beer moved to accept the Consent Agenda as presented. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-73**, authorizing execution of a Water Tower Antenna Site Lease with T-Mobile Central LLC, a Delaware Limited Liability Company, for the Antioch Water Tower. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-74**, authorizing acceptance of work under contract with Mega Industries Corporation for the M-1 at Kendallwood Road Improvement Project 045022; and authorizing final payment in the amount of \$6,346.78. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-75**, authorizing acceptance of a donation made to the Gladstone Animal Shelter by Bettie M. Breeding and Benjamin J. Breeding, and further directing that all funds donated to the shelter by Bettie M. Breeding and Benjamin J. Breeding be used solely for the benefit of the facilities for the animals at the shelter. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-76**, adopting an Identity Theft Prevention Program for the City of Gladstone, Missouri. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to approve a **BUILDING PERMIT** for construction of an antenna halo on the top of the Antioch Water Tower, located at 6803 Northeast



Antioch Road. Applicant: Selective Site Consultants, Inc. Owner: City of Gladstone. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to approve a **BUILDING PERMIT** to enclose the carport on the North side of the White Chapel Funeral Home, located at 6600 Northeast Antioch Road. Applicant/Owner: Stewart Enterprises (D.W. Newcomers). Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to approve a **NEW CLASS "A" LIQUOR BY THE DRINK LICENSE** for The Office JJNJ dba The Office Bar and Grill, 6825 North Oak Trafficway. Managing Officer: Jennifer Kasserman. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilman Wayne Beer moved to approve the **SEPTEMBER 2008 FINANCIAL REPORT**. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

#### **REGULAR AGENDA**

##### **Item 8. on the Agenda.**

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

**Donald Harper, 1606 NE 68<sup>th</sup> Terrace**, stated that he had listened through the Study Session to Mr. Napoli's Open Storage Policy proposed Ordinance. Mr. Harper stated he that should the City adopt the Ordinance, he foresees an additional move of some of these things to the street. There are already closed storage trailers parked on the street that are being used as storage facilities, as well as open trailers on the street with "junk" in them, and clamping down on the property in the yard, if there is not also a companion Ordinance to cover what is sitting out on the public street, might increase that. Mr. Harper suggested and requested that Council take into consideration some kind of limitation on people being able to park open or closed trailers on the street, unhooked from a vehicle, for a certain period of time, or some kind of control to keep them from storing property on the street, and, to a degree, obstructing traffic.

##### **Item 9. 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 Les Smith** apologized for missing the Study Session and stated that he was suppose to be back in town in plenty of time, but in Atlanta it was discovered that his plane had a flat tire. It was probably better that it was discovered before they took off rather than after.

**Mayor Pro Tem Carol Rudi** stated that Mr. Farley has a wonderful role model in his mother, as she had been elected as the Citizen of the Year for Gladstone with the West Gate division of the Missouri Municipal League. Mr. Farley comes from a great family and seems to be carrying on that tradition.

Mayor Pro Tem Rudi announced that for anyone who does not know, the City does accept donations like the Animal Control donation mentioned earlier in the Agenda, and anyone who would like to donate to things like the Animal Shelter, Atkins-Johnson Farm, Theatre in the Park, or Art Springs in Gladstone, please feel free to help the City out in any way possible. The City even has scholarships for our Parks and Recreation Department Programs and park benches. Mayor Pro Tem Rudi stated if you can think it up, we will find a way to accept your money!

**Mayor Mark Revenaugh** invited all to attend the Mayor's Christmas Tree Lighting Ceremony on November 25, 2008, at 6:00 PM, at the First Bank of Missouri, on Antioch Road. Mayor Revenaugh said that Santa Claus and a nice choral group will be on hand. Donations will be accepted to benefit those in need in the Northland.

**Item 10. on the Agenda. COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis announced November 7, 8, and 9, 2008 is brush disposal weekend. City Manager Davis stated that a large swim meet, the Suburban Conference Meet, will be held at the Natatorium this weekend. Staff is excited about hosting the event and the Natatorium is receiving a lot of positive publicity.

City Manager Davis said we have a rather aggressive fleet maintenance program in this year's budget and the first patrol car has arrived. We are still waiting for the other two, but the first one has arrived, and you may see that very distinctive "black and white" out there on the street. City Manager Davis complimented the Public Works Department, who helped equip the vehicle, and Public Safety for their input into the design and necessary equipment. City Manager Davis concluded by saying that the vehicle looks pretty sharp and hopefully we will see 26 or 27 more new vehicles shortly.

Councilman Wayne Beer said it looks like a "real police car".

Mayor Revenaugh agreed and asked when the rest of the new City fleet would be hitting the streets.

City Manager Davis stated that he understands that the production on the hybrids is going to begin around November 10, 2008, and that staff has vehicle identification numbers for those vehicles.

Mayor Revenaugh asked if the vehicles were made at the Ford Claycomo Plant.

City Manager Davis confirmed that the vehicles were made at the Ford Claycomo Plant.

**Item 11. on the Agenda.** PUBLIC HEARING for consideration of a Sign Variance to allow construction of a sign with an electronic reader board at Antioch Bible Baptist Church, located at 800 NE 72nd Street. Applicant/Owner: Antioch Bible Baptist Church.

Mayor Revenaugh asked Assistant City Manager Scott Wingerson to give the status report on the Sign Code Focus Committee's progress and asked when Council could expect their findings.

Assistant City Manager Scott Wingerson replied, Council appointed a Sign Code Focus Group roughly a year ago and their charge from the City Council was to review the issue of all monument signage, specifically the monument signage that included any kind of electronic message reader board, whether it be a video display, or any of those types of things. The Focus Group has done that and it has been very difficult. The Focus Group went several different directions and recently settled on a recommendation to the City Council. Staff is in the process of a final review before it is presented as a Study Session to the City Council. Mr. Wingerson suggested December as the time frame to make that presentation to Council.

Mayor Revenaugh asked if it was reasonable to expect to have the findings in a reasonable amount of time in December, so that Council could move forward on the Public Hearing for the sign variance.

Mr. Wingerson responded that he did not want to presume that the Council would approve the recommendation of the Sign Code Focus Group, but if Council goes in a similar direction, based on their recommendation, then the end of December or the first of January would be a reasonable time frame.

Mayor Revenaugh tabled the Public Hearing and rescheduled the Public Hearing for the December 2008, City Council Meeting.

**Item 12. on the Agenda.** RESOLUTION R-08-77, authorizing the City Manager to negotiate a loan agreement to provide \$500,000.00 for the preservation of the Atkins-Johnson Farm House and related expenses.

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-77**, authorizing the City Manager to negotiate a loan agreement to provide \$500,000.00 for the preservation of the Atkins-Johnson Farm House and related expenses. Councilman Carol Rudi seconded.

Councilman Rudi stated that this is a wonderful program.

Councilmember Suter said she was excited to see the City getting to the place where this is becoming real. It has been talked about for several years, and this is exciting.

Mayor Revenaugh asked City Manager Davis if the money is in the City's budget.

City Manager Davis replied that the City annually provides \$35,000 for the Atkins-Johnson Farm Restoration Project. The City is at the point now where we can leverage that and really make progress in terms of the restoration, and in addition to that there is a \$150,000 loan from the City to the Atkins-Johnson limited partnership that will be paid back when they sell the tax credits. It infuses another \$150,000, and when one looks at the construction progress that has been laid out by architects, that \$500,000 is a critical number. It allows the City to expedite making that facility available to the public for educational purposes and allows us to achieve the public benefit much faster. Rather than wait around for that additional \$150,000, we can move forward and plan all the necessary work, and we will be reimbursed from the tax credits. That is how we arrived at the \$500,000.

The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0).

**Item 13. on the Agenda.** **RESOLUTION R-08-78**, expressing the gratitude of the City Council for the service of the members of the Atkins-Johnson Farm Task Force, dissolving the Task Force, and expressing the City Council's support for the "Friends of the Atkins-Johnson Farm" volunteer organization.

Mayor Pro Tem Carol Rudi moved to adopt **RESOLUTION R-08-78**, expressing the gratitude of the City Council for the service of the members of the Atkins-Johnson Farm Task Force, dissolving the Task Force, and expressing the City Council's support for the "Friends of the Atkins-Johnson Farm" volunteer organization. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0).

Mayor Pro Tem Rudi commented that a number of people have worked for a number of years on this project. Several of them have continued on with the Friends of the

Farm, and will stay involved with this. We do owe them a debt of gratitude as they have brought this a long way.

The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0).

**Item 14. on the Agenda. FIRST READING BILL 08-29**, amending Ordinance Numbers 2.941 and 3.405 by enacting new provisions in conformity with the "2007 Video Services Providers Act".

Councilman Wayne Beer moved to place Bill 08-29 on its First Reading. Councilman Les Smith seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 08-29, waive the rule, and place the Bill on its Second and Final reading. Councilman Les Smith seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final reading of Bill 08-29 and enact the Bill as **Ordinance #4.087**. Councilman Les Smith seconded.

Roll call vote: All "aye" Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0).

**Item 15. on the Agenda. FIRST READING BILL 08-30**, approving the Final Plat of Lots 1, 2 and 3, Evanston Place, commonly known as 5601 North Antioch Road, 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: Richland Real Estate, Inc. File #1327

Councilman Les Smith moved to place Bill 08-30 on its First Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 08-30, waive the rule, and place the Bill on its Second and Final reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final reading of Bill 08-30 and enact the Bill as **Ordinance #4.088**. Councilmember Carol Suter seconded.

Roll call vote: All "aye" Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0).

**Item 16. on the Agenda. OTHER BUSINESS.**

Councilman Les Smith stated going back to City Manager Davis's comments regarding the City's fleet replacement, we have taken a tremendous first step through some creative financing, in compliance with our goals, with making headway with the Mayors' Climate Protection Agreement. We need to take every opportunity to inform our citizens that we have an Environmental Management Advisory Committee that has some vacancies on it. We have an opportunity for some folks with some real passion for environmental protection and sustainability initiatives to get involved on this committee. Councilman Smith said he hopes the City can find some folks, and he invited anyone in the audience who knows of someone who might share this passion to ask them to submit a letter of interest to the City Clerk for Boards and Commission appointments. This is a real opportunity for some people in our community to make a difference. Councilman Smith said he hopes we can find some folks who want to become involved with this effort.

Mayor Revenaugh agreed, and said letters will be going out next week that will be addressing this.

**Item 17. on the Agenda. QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

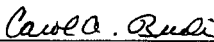
**Item 18. on the Agenda. ADJOURNMENT.**

There being no further business to come before the October 27, 2008, Gladstone Regular City Council Meeting, Mayor Revenaugh adjourned the regular meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

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

  
Mayor Pro Tem Carol Rudi



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, NOVEMBER 10, 2008**

**OPEN STUDY SESSION: 7:15 PM**

**REGULAR MEETING: 7:30 PM**

**AGENDA**

- 1. Meeting Called to Order.**
- 2. Roll Call.**
- 3. Pledge of Allegiance.**
- 4. Approval of the Regular October 27, 2008, City Council Meeting Minutes.**
- 5. CONSENT AGENDA**

**RESOLUTION R-08-79**, declaring certain City property as surplus and authorizing the sale of such property to the highest bidder via an online auction.

**RESOLUTION R-08-80**, authorizing execution of professional services agreements with Wallace Engineering, in the combined amount not to exceed \$31,000.00 for the Northeast 67<sup>th</sup> Place East of North Oak Trafficway and Northeast 76<sup>th</sup> Terrace East of North Lydia Stormwater Studies.

**BUILDING PERMIT:** for construction of a new structure at 7015 North Oak Trafficway to replace the Cash America structure that was destroyed by the May 2, 2008, tornado. Applicant: United States Construction/Cash America. Owner: John and Dorothy Borden.

**APPROVAL OF NEW PACKAGE LIQUOR LICENSE** for Missouri CVS Pharmacy, LLC dba CVS Pharmacy #5698, 7107 North Oak Trafficway. Managing Officer: Lorene Samson.

**Note:** This is an internal reorganization for all Missouri CVS locations to be licensed under the same LLC subsidiary.

**APPROVAL OF LIMITED ONE-DAY LIQUOR BY THE DRINK LICENSE** to St. Charles Borromeo Church, 804 Shady Lane Drive, for the annual auction and dinner event to be held January 31, 2009. Hours: 6:00 PM - 12:00 Midnight. Managing Officer: Lori Creek.

#### **REGULAR AGENDA**

- 6. Communications from the Audience.**
- 7. Communications from the City Council.**
- 8. Communications from the City Manager.**
- 9. FIRST READING BILL 08-31**, amending Ordinance Number 3.973, Section 9.1000.020(b) and enacting a new provision to the Property Maintenance Code regulating Open Storage.
- 10. Other Business.**
- 11. Questions from the News Media.**
- 12. Adjournment.**





**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, NOVEMBER 10, 2008**

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Pro Carol Rudi  
Councilman Les Smith  
Councilman Wayne Beer

Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Mayor Mark Revenaugh  
Councilmember Carol Suter  
City Manager Kirk Davis

Mayor Pro Tem Carol Rudi opened the Regular November 10, 2008, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.      ROLL CALL**

Mayor Pro Tem Carol Rudi noted that three City Councilmembers were present. Mayor Mark Revenaugh and Councilmember Carol Suter are in Orlando, Florida, representing our City at the National League of Cities conference. Councilman Les Smith will be also be attending the conference.

**Item 3. on the Agenda.      PLEDGE OF ALLEGIANCE.**

Mayor Pro Tem Carol Rudi led the Pledge of Allegiance, in which all joined.

Mayor Pro Tem Rudi introduced Boy Scout Ben Melvin, from Troop 354, sponsored by Meadowbrook United Methodist Church, who is working on his Citizenship badge. Mayor Pro Tem Rudi also introduced his father, Gene Melvin, and welcomed them

both to the meeting, and suggested that if they had any questions, to please call City Hall, and anyone will be happy to assist them.

**Item 4, on the Agenda.**      **APPROVAL OF THE OCTOBER 27, 2008, CITY COUNCIL MEETING MINUTES.**

Councilman Wayne Beer moved to approve the Regular October 27, 2008, City Council Meeting Minutes as presented. Councilman Les Smith seconded. The vote: "Aye" – Councilman Wayne Beer, Councilman Les Smith, and Mayor Pro Tem Carol Rudi. (3-0)

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

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

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-79**, declaring certain City property as surplus and authorizing the sale of such property to the highest bidder via an online auction. Councilman Les Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, and Mayor Pro Tem Carol Rudi. (3-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-80**, authorizing execution of professional services agreements with Wallace Engineering, in the combined amount not to exceed \$31,000.00 for the Northeast 67<sup>th</sup> Place East of North Oak Trafficway and Northeast 76<sup>th</sup> Terrace East of North Lydia Stormwater Studies. Councilman Les Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, and Mayor Pro Tem Carol Rudi. (3-0)

Councilman Wayne Beer moved to approve a **BUILDING PERMIT** for construction of a new structure at 7015 North Oak Trafficway to replace the Cash America structure that was destroyed by the May 2, 2008, tornado. Applicant: United States Construction/Cash America. Owner: John and Dorothy Borden. Councilman Les Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, and Mayor Pro Tem Carol Rudi. (3-0)

Councilman Wayne Beer moved to approve a **NEW PACKAGE LIQUOR LICENSE** for Missouri CVS Pharmacy, LLC dba CVS Pharmacy #5698, 7107 North Oak Trafficway. Managing Officer: Lorene Samson. Councilman Les Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, and Mayor Pro Tem Carol Rudi. (3-0)

Councilman Wayne Beer moved to approve a **LIMITED ONE-DAY LIQUOR BY THE DRINK LICENSE** to St. Charles Borromeo Church, 804 Shady Lane Drive, for the annual auction and dinner event to be held January 31, 2009. Hours: 6:00 PM - 12:00 Midnight. Managing Officer: Lori Creek. Councilman Les Smith seconded. The vote: All "aye" - Councilman Wayne Beer, Councilman Les Smith, and Mayor Pro Tem Carol Rudi. (3-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

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

**Larry Newport, 2002 NE 69 Terrace**, stated the Parks and Recreation Department did an outstanding job with the recent Senior Extravaganza and luncheon. It was an outstanding event, and they do a fine job.

### **Item 7. on the Agenda.**

### **COMMUNICATIONS FROM THE CITY COUNCIL.**

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

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

**Mayor Pro Tem Carol Rudi** stated that our City lost a retired employee this week, Leonard Ladd, who worked in the Public Safety Department. Mayor Pro Tem Rudi said we are sad about this, and extend our condolences to the family.

Mayor Pro Tem Rudi reminded everyone that tomorrow is Veterans Day.

Councilman Wayne Beer reported that a Veterans Day Observance will be held at 9:00 AM, tomorrow, at the Clay County Veterans Memorial, and the public is welcome.

Mayor Pro Tem Rudi reported that the Gladstone Hy-Vee is offering a free breakfast for veterans on Veterans Day.

### **Item 8. on the Agenda.**

### **COMMUNICATIONS FROM THE CITY MANAGER.**

Assistant City Manager Scott Wingerson stated that City Manager Kirk Davis sent his regrets, but he will be back for the next meeting on November 24, 2008. Mr. Wingerson reported that the All American City Food Drive is going on now, to benefit those in need in our community, and said if anyone would like to contribute large amounts of food, please see Parks and Recreation Director Sheila Lillis.

Mayor Pro Tem Rudi invited everyone to the Mayor's Christmas Tree Lighting ceremony at 6:00 PM, on November 25, 2008, at the First Bank of Missouri on Antioch Road.

**Item 9. on the Agenda.** **FIRST READING BILL 08-31**, amending Ordinance Number 3.973, Section 9.1000.020(b) and enacting a new provision to the Property Maintenance Code regulating Open Storage.

Councilman Les Smith moved to place Bill 08-31 on its First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, and Mayor Pro Tem Carol Rudi. (3-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 08-31, waive the rule, and place the Bill on its Second and Final reading Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, and Mayor Pro Tem Carol Rudi. (3-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final reading of Bill 08-31 and enact the Bill as **Ordinance #4.089**. Councilman Wayne Beer seconded.

Councilman Smith said we are talking about temporary storage, but we are not talking about timeframes, especially in regard to the construction materials. Councilman Smith asked if the timeframe would run with the Building Permit?

Assistant City Manager Wingerson replied it would run with the current project that the homeowner would be completing, or the term of the Building Permit.

Roll call vote: All "aye" Councilman Wayne Beer, Councilman Les Smith, and Mayor Pro Tem Carol Rudi. (3-0).

**Item 10. on the Agenda.** **OTHER BUSINESS.**

Marvin Ricchauer, stated he was an accountant for Dorothy Borden, and he noticed a technicality in the Consent Agenda on the Cash America Building Permit. The technical owners of the property at 7015 North Oak Trafficway are the Johnny F. Borden Trust and Dorothy Borden. Mr. Ricchauer said he didn't know if that made any difference, but he wanted to point that out.

Mayor Pro Tem Rudi asked City Counselor David Ramsay if any corrections need to be made.

Counselor Ramsay replied, no, the Building Permit would be issued in the appropriate names. The statement in the Agenda is just a summary of what City Council is taking action upon.


**Item 11. on the Agenda.** **QUESTIONS FROM THE NEWS MEDIA.**


There were no questions from the News Media.

**Item 12. on the Agenda. ADJOURNMENT.**

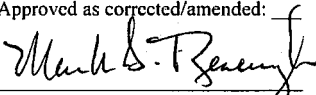
There being no further business to come before the November 10, 2008, Gladstone Regular City Council Meeting, Mayor Pro Tem Carol Rudi adjourned the regular meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

Approved as corrected/amended:

  
Mayor Mark S. Revenaugh



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, NOVEMBER 24, 2008**

**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.

**AGENDA**

- 1. Meeting Called to Order.**
- 2. Roll Call.**
- 3. Pledge of Allegiance.**
- 4. Approval of the Regular November 10, 2008, City Council Meeting Minutes.**
- 5. CONSENT AGENDA**

**RESOLUTION R-08-81**, declaring certain additional City Property as surplus and authorizing the sale of such property to the highest bidder via an Online Auction.

**RESOLUTION R-08-82**, authorizing acceptance of work under the contract with FDC Contract for the Gladstone Community Center Floor Covering and Tile; and authorizing final payment in the total amount of \$42,376.60 for Project CB0662.

**RESOLUTION R-08-83**, authorizing execution of a Telecommunications Equipment Land Lease with Verizon Wireless, LLC, dba Verizon Wireless, to be located within Flora Park East.

**BUILDING PERMIT:** for construction of ground equipment facilities for the Verizon Wireless communications antennas on the existing telecommunications tower, located at Flora Park East, 5925 North Flora. Applicant: Selective Site Consultants. Owner: City of Gladstone.

**APPROVAL OF A NEW CLASS A&B LIQUOR BY THE DRINK LICENSE FOR GAME ON RESTAURANT, LLC dba BUCK'S - HOME OF THE BIG GAME**, 5708 North Oak Trafficway. Managing Officer: Elaine Cardello.

## **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. PUBLIC HEARING ON A SPECIAL USE PERMIT:** for consideration of a Special Use Permit subject to certain conditions to Celia Webb for operation of a beauty salon on property at 5308 North Wyandotte Street. Applicant/Owner: Celia Webb. File Number 1328.

10. **FIRST READING BILL 08-32**, granting a Special Use Permit subject to certain conditions to Celia Webb for operation of beauty salon on property at 5308 North Wyandotte Street.
11. **FIRST READING BILL 08-33**, calling a Primary Election for the election of two positions to the Gladstone City Council on Tuesday, February 3, 2009; 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.
12. Other Business.
13. Questions from the News Media.
14. Adjournment.





**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, NOVEMBER 24, 2008**

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Mark Revenaugh  
Mayor Pro Tem Carol Rudi  
Councilman Les Smith  
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 Mark Revenaugh opened the Regular November 24, 2008, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.      ROLL CALL**

Mayor Mark Revenaugh noted that all City Council members were present.

**Item 3. on the Agenda.      PLEDGE OF ALLEGIANCE.**

Mayor Mark Revenaugh led the Pledge of Allegiance, in which all joined.

Mayor Revenaugh introduced Boy Scout Ryan Rutherford from Troop 180, which is sponsored by St. Charles Borromeo Church. Boy Scout Rutherford, whose rank is First Class, is working on a Communications merit badge, and was accompanied by Scout Leader Colleen Jones. Mayor Revenaugh welcomed them both to the meeting, and suggested that if they had any questions, to stop by and visit with any Council member after the meeting.

**Item 4. on the Agenda.**      **APPROVAL OF THE NOVEMBER 10, 2008, CITY COUNCIL MEETING MINUTES.**

Councilmember Carol Suter moved to approve the Regular November 10, 2008, City Council Meeting Minutes as presented. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (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. Councilman Les Smith seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-81**, declaring certain additional City Property as surplus and authorizing the sale of such property to the highest bidder via an Online Auction. Councilman Les Smith seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-82**, authorizing acceptance of work under the contract with FDC Contract for the Gladstone Community Center Floor Covering and Tile; and authorizing final payment in the total amount of \$42,376.60 for Project CB0662. Councilman Les Smith seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0)

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-83**, authorizing execution of a Telecommunications Equipment Land Lease with Verizon Wireless, LLC, dba Verizon Wireless, to be located within Flora Park East. Councilman Les Smith seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0)

Councilman Wayne Beer moved to approve a **BUILDING PERMIT**: for construction of ground equipment facilities for the Verizon Wireless communications antennas on the existing telecommunications tower, located at Flora Park East, 5925 North Flora. Applicant: Selective Site Consultants. Owner: City of Gladstone. Councilman Les Smith seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0)

Councilman Wayne Beer moved to approve a **NEW CLASS A&B LIQUOR BY THE DRINK LICENSE FOR GAME ON RESTAURANT, LLC dba BUCK'S – HOME OF THE BIG GAME**, 5708 North Oak Trafficway. Managing Officer: Elaine Cardello. Councilman Les Smith seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0)

Councilman Wayne Beer moved to approve **THE OCTOBER FINANCIAL REPORT**. Councilman Les Smith seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (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.**

**Councilmember Carol Suter** stated that she enjoyed her first conference with the National League of Cities. It was an interesting conference, as it provided a good opportunity to learn about lots of other places in the country, some good, some bad, and there were some good ideas. Councilmember Suter said she was really glad to be from Gladstone, after speaking with so many people from across the country who have *significant* challenges. As we are talking about whether or not to invest in marketing, others are trying to figure out how they are going to keep their water plants open and things like that. We are blessed to be in a City as stable as this one is right now.

Councilmember Suter said that another issue heard from people, that made her glad to be from Gladstone, was that there are City officials who have been City officials for 10 to 40 forty years. The constant refrain was that the biggest problem in their towns was that they cannot get anyone to run for office, and so the same people keep filling the positions. Councilmember Suter stated on Council's agenda tonight is a Primary election, which is really good for the City, and it is good for the City to have competition and that much interest. Councilmember Suter stated that one big reason for this has been our investment in leadership classes, such as the City Leadership Academy, Gladstone on the Move, and the Comprehensive Plan process. The more citizens are engaged in the planning for the City, then the more interest there is in wanting to be a part of the City's leadership. That is a really wonderfully, healthy thing for our community. Councilmember Suter offered kudos for the work done in the last five years.

**Councilman Wayne Beer** wished everyone a Happy Thanksgiving.

**Councilman Les Smith** stated that the National League of Cities conference was really fascinating this year. There were a lot of good forums and discussion opportunities in the trade-show and other events. Councilman Smith said to one degree or another, we are all dealing with the same issues across the country and the best part to him of the National League of Cities and the Missouri Municipal League conferences is the opportunity to visit with other community leaders and network with those folks. If you can bring home or offer a couple of good ideas, it's all very worthwhile.

Councilman Smith presented information to Charlene Leslie concerning the National League of Cities prescription discount card. The National League of Cities has a prescription discount card that is intended to help residents of a community who might not have a health plan, or have prescription coverage, or to help with prescriptions that are not covered by health plans. It claims to offer up to a 20 percent discount to residents who might be able to use such a discount card. It is of no cost to the city or to the resident. Councilman Smith would like to know if this is something that could be offered to Gladstone residents.

**Mayor Pro Tem Carol Rudi** stated that she was at the Community Center this weekend during the swim meet, and it was really interesting to sit and enjoy a really good barbeque beef sandwich, and listen to people as they walked by saying, "this place is amazing, this is incredible." Everyone that walked by was impressed with the Community Center and the facilities that are offered. Mayor Pro Tem Rudi said that we should be really proud, and requested that Parks and Recreation Director Sheila Lillis to pass that on to staff.

Mayor Pro Tem Rudi wished a belated happy birthday to Councilman Beer and good wishes to Councilman Smith for his upcoming birthday.

**Mayor Mark Revenaugh** said that there were sixteen some-odd teams of young people from all around the City who attended a swim meet that we hosted in the Community Center, Saturday and Sunday, ranging from the smallest kids up to the larger kids. It was well run, well organized, and once again, everybody that has been to the Gladstone Community Center was just amazed at what an incredible facility it is. We received tons of good will and advertising, which was word of mouth, the best kind. It did not cost anything. It was a great event. Hats off to Director Lillis and Community Center Director Justin Merkey for pulling that one in. Metro Sports filmed the event without charge. It was a great event.

The National League of Cities Conference offered in addition to the networking opportunities, leadership classes that elected officials had an opportunity to attend and learn more about different areas. The National League of Cities leadership classes cover a broad area of subject matter. Mayor Revenaugh stated that he had been taking classes every since he was elected to the City Council and he believes the classes have helped him to improve his leadership skills.

Mayor Revenaugh reminded everyone about the Mayor's Christmas Tree Lighting Ceremony, Tuesday November 25, 2008, at 6:00 PM, at the First Bank of Missouri, on Antioch Road. There will be two choirs singing, and cookies and punch will be served. Laura Moritz, from KMBC 9, will be emceeing and if possible, Brian Busby will be doing a weather remote. As usual, it will be a highlight of the Christmas season. Mayor Revenaugh invited all to attend.

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

Assistant City Manager Scott Wingerson reported that the Community Center set a record for a single day in concessions on Saturday. There were over 600 kids who participated in the meet from all over the Midwest region. The girls' swim season will start in December. We will go directly from the boys' and the combined club teams into the girls' competitive season through the winter.

Mr. Wingerson reported that the All American Food Drive, to benefit the Christmas Store, is going on through November 26, 2008; however, this building will accept donations through December 8, 2008.

Mr. Wingerson announced that City Hall would be closed Thursday and Friday for Thanksgiving and wished everyone a Happy Holiday.

**Item 9. on the Agenda. PUBLIC HEARING ON A SPECIAL USE PERMIT:** subject to certain conditions to Celia Webb for operation of a beauty salon on property at 5308 North Wyandotte Street. Applicant/Owner: Celia Webb. File Number 1328.

Mayor Mark Revenaugh opened the Public Hearing.

**Staff Presentation**

City Planner Chris Helmer reported that the Special Use Permit before Council was for the primary reason of protecting the underlying zoning of the residential property. With this Special Use Permit, Council is seeing typical and standard conditions for this type of operation, which is a beauty salon. Mr. Helmer pointed out that the Planning Commission comments specifically addressed item number four, where there was a small change in the language concerning the hours of operation. Ms. Webb's business is primarily going to operate under a part-time basis with a very limited amount of patrons, and Ms. Webb will be the sole operator of the business. The language that was addressed at the Planning Commission level states that the hours of operation shall not exceed thirty hours per week, and shall begin no earlier than 8:00 AM, nor later than 7:00 PM on any given day.

Staff is suggesting a one-year permit application timeline. Expiration of that would require that Ms. Webb does come back before the Planning Commission and this

Council, where there would be review of compliance with the recommended conditions in the Ordinance.

Mayor Pro Tem Rudi suggested that item number four read, "the hours should not begin earlier than 8:00 AM or *end* later than 7:00 PM."

Mr. Helmer said that staff would take care of that.

Councilman Wayne Beer stated that there were no issues raised during the Planning Commission meeting. This is a pretty standard issue that we have dealt with a number of times before. Councilman Beer stated he recalled there was a unanimous Planning Commission vote in favor of this application.

Mayor Mark Revenaugh invited Ms. Webb up to give a presentation if she so wished.

**Applicant Presentation**

Ms. Celia Webb stated that she has been in the community for sixteen years, working self-employed, and has decided to move her business home, and that she has had good neighbor support and good feedback from everybody.

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

Mayor Revenaugh closed the Public Hearing.

**Item 10. on the Agenda. FIRST READING BILL 08-32**, granting a **SPECIAL USE PERMIT** subject to certain conditions to Celia Webb for operation of beauty salon on property at 5308 North Wyandotte Street.

Councilman Wayne Beer made moved to place Bill 08-32 on its First Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" -- Councilmember Carol Suter Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 08-32, Waive the Rule and place the Bill on its Second and Final Reading. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" -- Councilmember Carol Suter Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0) The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 08-32 and to enact the Bill as **Ordinance # 4.090**. Mayor Pro Tem Carol Rudi seconded.

Roll call vote "All aye"-- Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0)

**Item 11. on the Agenda. FIRST READING BILL 08-33**, calling a **PRIMARY ELECTION** for the election of two positions to the Gladstone City Council on Tuesday, February 3, 2009; 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 08-33 on its First Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 08-33, Waive the Rule and place the Bill on its Second and Final Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 08-33 and to enact the Bill as **Ordinance # 4.091**. Councilmember Carol Suter seconded.

Roll call vote "All aye"– Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

**Item 12. on the Agenda. OTHER BUSINESS.**

There was no other business to come before Council.

**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 24, 2008, Regular City Council meeting, Mayor Mark Revenaugh adjourned the Regular meeting.

Councilman Les Smith 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 Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0).

Respectfully submitted:

  
Cathy Swenson, City Clerk

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

  
Mayor Mark S. Revenaugh





**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, DECEMBER 8, 2008**

The City Council will meet in Closed Executive Session on Monday, December 8, 2008, starting at 5:15 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: 7:00 PM**

**REGULAR MEETING: 7:30 PM**

**AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of the Regular November 24, 2008, City Council Meeting Minutes.

## 5. CONSENT AGENDA

**RESOLUTION R-08-84**, accepting Temporary Construction and Permanent Easements from certain property owners in conjunction with the 6800 block of North Holmes Storm Drainage Improvement Project.

**RESOLUTION R-08-85**, authorizing execution of a contract with Wilson Plumbing Company, in the total amount not to exceed \$90,964.75 for the 6800 block of North Holmes Drainage Improvements Project.

**RESOLUTION R-08-86**, authorizing acceptance of work under the contract with Linaweaver Construction, Incorporated for the Gladstone Community Center Streets Project.

**RESOLUTION R-08-87**, authorizing acceptance of work under the contract with Westhues Electric, Incorporated for the Gladstone Community Center Electrical Project; and authorizing final payment in the total amount of \$50,416.16.

**RESOLUTION R-08-88**, authorizing acceptance of work under the contract with Formworks Limited Liability Company for the Gladstone Community Center Carpentry Project; and authorizing final payment in the total amount of \$19,649.44.

**RESOLUTION R-08-89**, approving the purchase of a tract of land located at 6904 North Cherry Street, from Donald and Shelby Chaffin.

**RESOLUTION R-08-90**, authorizing acceptance of work under the contract with AGP Incorporated for the Gladstone Community Center Glass and Glazing Project; and authorizing final payment in the total amount of \$10,230.90.

**RESOLUTION R-08-91**, authorizing execution of a contract with Fry and Associates, Incorporated, in the total amount not to

exceed \$65,835.00 for the Happy Rock Park Expansion Shelter; Project.

**REGULAR AGENDA**

- 6. Communications from the Audience.**
- 7. Communications from the City Council.**
- 8. Communications from the City Manager.**
- 9. FIRST READING BILL 08-34**, amending Ordinance Number 3.973, by adding a new chapter concerning "Abandoned/Vacant Property Registration" to the "Building and Construction Ordinance" of the City of Gladstone, Missouri.
- 10. RESOLUTION R-08-92**, adopting a Mission Statement and Goals for the City of Gladstone, Missouri for 2008-2009.
- 11. Other Business.**
- 12. Questions from the News Media.**
- 13. Adjournment.**



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, DECEMBER 8, 2008**

Mayor Pro Tem Carol Rudi opened the City Council Meeting to adjourn to a Closed Executive Session on December 8, 2008, at 5:15 PM. Councilman Les Smith 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 610.021(3) for Personnel Discussion. Councilman Wayne Beer seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith and Mayor Pro Tem Carol Rudi. (4-0).

Mayor Mark Revenaugh was also in attendance at the Closed Executive Session.

Mayor Mark Revenaugh recessed the Closed Executive Session to go into an Open Study Session at 7:00 PM, stating the Closed Session would reconvene following the Regular City Council Meeting.

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Mark Revenaugh  
Mayor Pro Tem Carol Rudi  
Councilman Les Smith  
Councilman Wayne Beer  
Councilmember Carol Suter

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Mark Revenaugh opened the Regular December 8, 2008, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.**      **ROLL CALL**

Mayor Mark Revenaugh noted that all City Council members were present.

**Item 3. on the Agenda.**      **PLEDGE OF ALLEGIANCE.**

Mayor Mark Revenaugh led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda.**      **APPROVAL OF THE REGULAR NOVEMBER 24, 2008, CITY COUNCIL MEETING MINUTES.**

Councilman Les Smith moved to approve the Regular November 24, 2008, City Council Meeting Minutes as presented. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0)

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

Following the Clerk's reading, Councilmember Carol Suter moved to accept the Consent Agenda as presented. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-84**, accepting Temporary Construction and Permanent Easements from certain property owners in conjunction with the 6800 block of North Holmes Storm Drainage Improvement Project. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-85**, authorizing execution of a contract with Wilson Plumbing Company, in the total amount not to exceed \$90,964.75 for the 6800 block of North Holmes Drainage Improvements Project. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-86**, authorizing acceptance of work under the contract with Linaweaver Construction, Incorporated for the Gladstone Community Center Streets Project. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh

(5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-87**, authorizing acceptance of work under the contract with Westhues Electric, Incorporated for the Gladstone Community Center Electrical Project; and authorizing final payment in the total amount of \$50,416.16. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-88**, authorizing acceptance of work under the contract with Formworks Limited Liability Company for the Gladstone Community Center Carpentry Project; and authorizing final payment in the total amount of \$19,649.44. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-89**, approving the purchase of a tract of land located at 6904 North Cherry Street, from Donald and Shelby Chaffin. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-90**, authorizing acceptance of work under the contract with AGP Incorporated for the Gladstone Community Center Glass and Glazing Project; and authorizing final payment in the total amount of \$10,230.90. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-08-91**, authorizing execution of a contract with Fry and Associates, Incorporated, in the total amount not to exceed \$65,835.00 for the Happy Rock Park Expansion Shelter; Project. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

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

**John Garner, 111 Heatherton Court**, stated in regard to the marketing of Gladstone discussion, held during the Open Study Session, he was wondering if commercials could be run on the City cable channel (channel 2). Perhaps people who live in the city could see what their money is going for and enlighten them on some things we do have, which they may not know about.

**Item 7. on the Agenda. COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilmember Carol Suter** congratulated Mayor Revenaugh on the successful Mayor's Christmas Tree Lighting event this year. It sounded like we have done better than usual in terms of fund raising. It was a great night and a lot of nice people were in attendance. Councilmember Suter asked, for confirmation, if the smoking issue would be on a January City Council meeting agenda.

City Manager Kirk Davis replied that was correct.

Councilmember Suter stated she wished Staff to be certain to include a draft Ordinance for Council's consideration at the time of the Study Session.

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

**Councilman Les Smith** stated the Mayor's Christmas Tree Lighting ceremony was very well attended, and he extended a "good job" to Mayor Revenaugh, and special thanks to the folks at First Bank of Missouri, who did a really good job again this year. Councilman Smith announced that the City would receive delivery of the hybrid vehicles tomorrow from Thoroughbred Ford. Councilman Smith said being an early champion of the sustainability issues in the City, and with the signing of the Mayors' Climate Protection agreement, he wanted to commend Staff for their vision and their creativity in financing this project, and as we try, as a community, to get our arms around the entire sustainability issue, this is a major step forward. We are again leading the way in the region. Councilman Smith extended a "good job" to City Manager Davis and the folks who made this possible.

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

**Mayor Mark Revenaugh** stated he wished to echo Councilman Smith's sentiments regarding the Mayor's Christmas Tree event, and he thanked everyone who volunteered. It was a volunteer effort, and there was a great attendance, and from early reports, a record amount of funds were raised for two worthy charities.

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

City Manager Kirk Davis reported that, as Council is aware, there will not be a City Council meeting on December 22, 2008. The next meeting will be January 12, 2009. City Manager Davis wished everyone a happy holiday season, and said he hopes everyone drives safely, and enjoys the season. A press release is going out concerning the Public Works staff accepting Christmas trees until January 4, 2009. City Manager Davis thanked Councilman Smith for his comments regarding the hybrids. Staff is excited to get the cars, and pleased to be changing out the City's fleet. It has worked out very well. City Manager Davis reported there is a big swim meet on Friday at the

Community Center. It will be the first big girls' meet, and City Manager Davis invited everyone to attend.

**Item 9. on the Agenda.** **FIRST READING BILL 08-34**, amending Ordinance Number 3.973, by adding a new chapter concerning "Abandoned/Vacant Property Registration" to the "Building and Construction Ordinance" of the City of Gladstone, Missouri.

Councilman Les Smith moved to place Bill 08-34 on its First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 08-34, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 08-34 and to enact the Bill as **Ordinance # 4.092**. Councilman Wayne Beer seconded.

Roll call vote: "All aye"– Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

**Item 10. on the Agenda.** **RESOLUTION R-08-92**, adopting a Mission Statement and Goals for the City of Gladstone, Missouri for 2008-2009.

Councilman Wayne Beer moved to adopt **RESOLUTION R-08-92**, adopting a Mission Statement and Goals for the City of Gladstone, Missouri for 2008-2009. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0).

**Item 11. on the Agenda.** **OTHER BUSINESS.**

There was no other business to come before 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 December 8, 2008, Regular City Council meeting, Mayor Mark Revenaugh adjourned the Regular meeting to reconvene the Closed Executive Session.

Respectfully submitted:

  
Cathy Swenson, City Clerk

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

  
Mayor Mark S. Revenaugh



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JANUARY 12, 2009**

The City Council will meet in Closed Executive Session on Monday, January 12, 2009, starting at 5:15 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 610.021(3) for Personnel Discussion.

City Council may reconvene the Closed Executive Session immediately following the Regular meeting.

**REGULAR MEETING: 7:30 PM**

**AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of the Regular December 8, 2008, City Council Meeting Minutes.

## 5. CONSENT AGENDA

**RESOLUTION R-09-01**, authorizing acceptance of work under contract with Miller Paving and Construction, Limited Liability Company, for the 2008 Residential Curb and Sidewalk Program; and authorizing final payment in the amount of \$44,682.47.

**RESOLUTION R-09-02**, authorizing acceptance of work under contract with Wiedenmann & Godfrey Construction, Incorporated, for the 69th Terrace East of Euclid Drainage Improvements Project; and authorizing final payment in the amount of \$11,942.65.

**RESOLUTION R-09-03**, authorizing execution of a Professional Services Agreement with Olsson Associates, in the total amount not to exceed \$186,474.00 for Consultant Services relative to the Design of Improvements to NE 76<sup>th</sup> Street from North Olive to the City limits.

**RESOLUTION R-09-04**, authorizing execution of a Professional Services Agreement with George Butler Associates, in the total amount not to exceed \$227,572.00 for Consultant Services relative to the Design of Improvements to North Broadway from NW 76<sup>th</sup> Street to the City limits and to Old Pike Road from NW 52<sup>nd</sup> Terrace to NW 54<sup>th</sup> Terrace.

**RESOLUTION R-09-05**, authorizing acceptance of work under contract with Cornell Roofing and Sheet Metal Company, for the Roof Replacement Public Works Upper and Lower Storage Project; and authorizing final payment in the amount of \$6,217.10.

**APPROVAL OF A BUILDING PERMIT:** to add three additional antennas to the existing platform on the communications tower located behind the NE 72<sup>nd</sup> Street Tennis Courts at 2013 NE 72<sup>nd</sup> Street. Applicant: Selective Site Consultants, Inc. Owner: Kansas City Power and Light.

**APPROVAL OF THE NOVEMBER FINANCIAL REPORT.**

## REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
- 7a. **Board and Commission Appointments.**
8. **Communications from the City Manager.**
9. **PRESENTATION OF THE FISCAL YEAR 2008 AUDIT REPORT.**
10. **PUBLIC HEARING:** on an Ordinance proposed to regulate the placement, construction and modification of Telecommunication Towers, support structures and antennae.  
  
**AUDIENCE NOTE:** This Public Hearing will be opened and immediately continued to the January 26, 2009, City Council meeting, pending a recommendation from the Planning Commission.
11. **RESOLUTION 09-06**, approving the settlement agreement with Gladstone Special Road District No. 3, and the Commissioners of Clay County, Missouri, providing for additional disbursements of Road and Bridge taxes from the County for calendar years 2003 through 2007.
12. **Other Business.**
13. **Questions from the News Media.**
14. **Adjournment of the Regular Meeting to reconvene to a Closed Executive Session (if necessary).**



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JANUARY 12, 2009**

Mayor Mark Revenaugh opened the City Council Meeting to adjourn to a Closed Executive Session on January 12, 2009, at 5:15 PM. Councilmember Carol Suter 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 610.021(3) for Personnel Discussion. Mayor Pro Tem Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (4-0).

Mayor Mark Revenaugh adjourned the Closed Executive Session to go into the Regular City Council Meeting.

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Mark Revenaugh  
Mayor Pro Tem Carol Rudi  
Councilman Les Smith  
Councilmember Carol Suter

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Councilor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Councilman Wayne Beer

Mayor Mark Revenaugh opened the Regular January 12, 2009, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.**

**ROLL CALL**

Mayor Mark Revenaugh noted that all City Council members were present, except for Councilman Wayne Beer, who could not attend, as he was ill.

**Item 3. on the Agenda.**

**PLEDGE OF ALLEGIANCE.**

Mayor Mark Revenaugh led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda.**

**APPROVAL OF THE REGULAR DECEMBER 8, 2008, CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Carol Rudi moved to approve the Regular December 8, 2008, City Council Meeting Minutes as presented. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0)

**Item 5. on the Agenda.**

**CONSENT AGENDA.**

Following the Clerk's reading, Councilmember Carol Suter moved to accept the Consent Agenda as presented. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-01**, authorizing acceptance of work under contract with Miller Paving and Construction, Limited Liability Company, for the 2008 Residential Curb and Sidewalk Program; and authorizing final payment in the amount of \$44,682.47. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-02**, authorizing acceptance of work under contract with Wiedenmann & Godfrey Construction, Incorporated, for the 69th Terrace East of Euclid Drainage Improvements Project; and authorizing final payment in the amount of \$11,942.65. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-03**, authorizing execution of a Professional Services Agreement with Olsson Associates, in the total amount not to exceed \$186,474.00 for Consultant Services relative to the Design of Improvements to NE 76<sup>th</sup> Street from North Olive to the City limits. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-04**, authorizing execution of a Professional Services Agreement with George Butler Associates, in the total amount not to exceed \$227,572.00 for Consultant Services relative to the Design of Improvements to North Broadway from NW 76<sup>th</sup> Street to the City limits and to Old Pike Road from NW 52<sup>nd</sup> Terrace to NW 54<sup>th</sup> Terrace. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-05**, authorizing acceptance of work under contract with Cornell Roofing and Sheet Metal Company, for the Roof Replacement Public Works Upper and Lower Storage Project; and authorizing final payment in the amount of \$6,217.10. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0)

Councilmember Carol Suter moved to adopt **APPROVAL OF A BUILDING PERMIT**: to add three additional antennas to the existing platform on the communications tower located behind the NE 72<sup>nd</sup> Street Tennis Courts at 2013 NE 72<sup>nd</sup> Street. Applicant: Selective Site Consultants, Inc. Owner: Kansas City Power and Light. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0)

Councilmember Carol Suter moved to approve the **NOVEMBER FINANCIAL REPORT**. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (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.**

**Councilmember Carol Suter** remarked that it seems some time since the Council has met, due to the Christmas break, and it is great to be back at City business. One of the items on the agenda this evening deals with Boards and Commissions appointments. Councilmember Suter said she would like to thank all who came to be interviewed or applied for the openings on the Boards and Commissions. There was a really great turnout, and it is so exciting to have that luxury of having more people who want to serve than we have openings. It is a rare city in this day and age, especially smaller cities, who have that kind of luxury to actually have citizens that interested in serving.

In visiting with other cities, often their number one complaint is that they cannot get anybody to volunteer for anything. Councilmember Suter said Council members felt like they had an abundance of riches as they looked at making appointments this year. Councilmember Suter commended those people who are engaged, including those who are running for office, and said it is a great sign of a healthy city, and thanked them for their participation.

**Councilman Les Smith** said he read with great sadness that former Public Safety Officer Jerry Reilly passed away this morning, and for those who knew Jerry, they knew he was a good man and a very funny man at times, and he will be missed. Councilman Smith thanked City Clerk Swenson for sending flowers on behalf of the Council. Councilman Smith asked for an update on the 56<sup>th</sup> Terrace water line replacement project.

Public Works Director Chuck Williams stated this project has gone very well. The line is all in the ground. It has passed pressure tests, and this week staff is completing the bacteriological tests that need to be made of the water in the pipe, and then it will be flushed. There will then be a connection to make at one end, and staff will begin recapping the new line to the service lines for the residents. It is expected that within the next two to three weeks, weather permitting, that most of this job will be completed. There will still be the reseeded and regrading work that will need to be done later in the spring. The project was a 12-inch water line, and it has been expanded to a 16-inch water line, and the project has gone very smoothly.

Councilman Smith asked if the area would be returned to the previous condition, with the drainage swales and so forth.

Mr. Williams said absolutely.

Councilman Smith asked that the area be cleaned up really well for the folks so they don't have to look at gravel piles and so forth for the rest of the winter.

Mr. Williams said that would be done prior to when the yards are prepared for the seedbeds. The contractor has been very cooperative in working with the residents.

Councilman Smith thanked Human Resources Administrator Charlene Leslie for responding to the question about the CVS Caremark prescription card program that Council learned about at the National League of Cities meetings in Orlando. Part of Ms. Leslie's memo stated that it would be some duplication of services, as Clay County offers this as well. In reading the fine print, the requirement for any resident in Clay County to get this, is that they have to go to the Clay County Health Center in order to pick up their card. Councilman Smith said that as this is a free program, it only requires us to put brochures in City Hall and maybe the Community Center, and to have a contact person at City Hall. Once it is set up, there is very little manpower involved. Councilman Smith said he would like to see our City offer it as a Gladstone



program, so our residents only have to go to Gladstone City Hall. It is a prescription card program that allows a 20 percent discount on prescriptions, and for those folks who don't have insurance or for those prescriptions that are not covered by a health plan, a 20 percent discount can be a pretty hefty amount. Councilman Smith asked Council if they had an interest in moving forward with this and putting our name on the prescription drug program.

Mayor Pro Tem Carol Rudi said she would like to move forward with this.

Mayor Mark Revenaugh said he would like to see a staff presentation on the program, and he would be willing to consider this.

Councilmember Suter agreed and said she would like to hear a proposal from staff on how this might be implemented and the costs involved.

Councilman Smith said in the memo, Ms. Leslie said the soft costs in marketing and having a point person at City Hall would be the only costs. Part of the requirement in participating in the program is that it does have to be marketed through normal channels. That could be through our Cable channel or the Coming Home to Gladstone magazine, and some things of that sort. Councilman Smith asked City Manager Kirk Davis if Council desires a presentation, could that be done?

City Manager Davis replied that would be scheduled.

Councilman Smith asked that City Manager Davis look into a program that the City of Kansas City presently uses for Code Enforcement issues. Councilman Smith said that is a "hot button" topic in Gladstone, and that is probably the one issue he hears about more than anything else. Probably the first question would be if statutorily we are allowed to have such a program in our class of city. When Code Enforcement issues get down to non-compliance in our city, they are handled by being on the docket in our Municipal Court. If one fails to appear in the Municipal Court, a warrant is issued for the person's arrest. This is all well and good, but if the person never gets stopped or arrested, they are never held accountable for the violation in our Municipal Court. In Kansas City, they issue an Administrative Citation, and there are no criminal penalties or jail time, but the owner has 20 days to pay their fine. The fine doubles, if they do not pay it. For more grievous violations, the penalty could be a daily penalty added on to the one doubled after 20 days. The appeals go before a Hearing Officer and not a Municipal Court judge, and if the fines are not paid, and if the violation is not abated, and continues to draw a fine, the city has the authority to place a lien on the property. They say where this is especially effective is with absentee owners who receive notice in the mail whether they might live in Arizona or wherever they live. They may not care what their property looks like here, and what it is doing to the neighborhood, but when they receive notification that there is going to be a tax lien filed on their property, then they may take notice. Kansas City is receiving checks from all over the

country and they even received one from the UK last week. Councilman Smith asked that this issue be checked into, as it might be a tool from which we may benefit.

**Mayor Pro Tem Carol Rudi** wished everyone a good year, and said she hopes it is an excellent year for everyone, and that we see an upturn in everything from 2008. Mayor Pro Tem Rudi said she hoped everyone had great holidays, whatever they were!

**Mayor Mark Revenaugh** stated that shortly the Council would be appointing new members and reappointing members to the City's Boards and Commissions. Mayor Revenaugh said he would like to congratulate the new appointments, and at the same time point out that great citizen involvement is one of the things that makes our city special. This is exhibited by the quality of the people who come to volunteer for these Boards and Commissions. It is an often time thankless job, but these folks take time away from their families to make their community a better place to live. Mayor Revenaugh said he wants them to know that the City and the Council appreciate it.

Mayor Revenaugh said he wanted to offer kudos to Parks and Recreation Director Sheila Lillis and the staff at the Community Center. Mayor Revenaugh said he has rejoined the Community Center effort to work out, and every time he is there, he watches how the staff interacts with all the people, and he has never seen anyone frowning, and has never heard a bad word. Everyone is smiling and they are helpful. Mayor Revenaugh said the atmosphere is unlike any gym he has visited in his life. It is an incredibly well run facility, and if we keep up the good work on that front, then our Community Center will continue to be successful and grow into the future.

Mayor Revenaugh said he has been bothered over the last several weeks with the state of the economy – not only in the United States, but the global economy as well. Mayor Revenaugh said he was struck with the headline in The Kansas City Star, that says, "Jobs keep draining away", and underneath it says, "Biggest job loss since World War II". Mayor Revenaugh said there was citizen input asking Council to consider some type of smoking ban in bars and restaurants in Gladstone. Public input was gathered, so that Council could consider some sort of Ordinance. Mayor Revenaugh said in light of the economy, he is growing increasingly uncomfortable with being a part of any kind of Ordinance that might put even one person out of work, which means they would also be without insurance benefits. There was also an article that talked about the COBRA (Consolidated Omnibus Budget Reconciliation Act) benefit, where if an employee is laid off work, they can continue their employer benefits, but they have to pay the premium. Mayor Revenaugh said if anyone has tried to do that, and he has, the cost is so prohibitive that the net result is that you go without insurance. Mayor Revenaugh said the issue isn't whether he is for or against the smoking ban, but for him the issue is whether now is the right time to jeopardize any jobs or small businesses at a time that it seems to him local government and even the federal government is doing everything they can to help create or save jobs, not only in the auto industry, but everywhere. Mayor Revenaugh said he would not want it to be a situation where he was leading the charge on any kind of an Ordinance that might put

even one young mother trying to raise her kids, in what's already a generally low paying job, out of business. Mayor Revenaugh said he was hoping to discuss this issue with his fellow Council members under Other Business this evening, but it was mentioned that since the public had not been warned ahead of time that Council might be discussing this issue, it might not be appropriate. At the next City Council meeting, Staff is prepared to bring a model or rough draft Ordinance forward. Mayor Revenaugh asked City Manager Davis to include this in an Open Study Session item before the next City Council meeting, in the best interest of transparency so the public will know the issue is being discussed. Mayor Revenaugh said he just wants to know that the consensus from the Council is that they want to go forward with some kind of smoking ban, and if that is the case, that is great, but if the majority of the Council members feel, for whatever reason, that this is not the best time, then he would hope that Council would consider shelving it, which does not mean killing it, but putting in on a back burner to a point, to where if someone does get laid off, they have the opportunity to find another job. Whereas, in the economy now, he does not think that is the case. Mayor Revenaugh said he wanted to bring this issue up, and this will give the Council two weeks to consider the issue. Mayor Revenaugh asked City Manager Davis if he saw any problem in scheduling this as an Open Study issue for the next City Council meeting.

City Manager Davis said this item is scheduled for the next City Council's Open Study Session, but asked as a point of clarification, if the Mayor wants it scheduled and to be prepared to discuss a proposed Ordinance in any detail, or is the Council going to discuss the issue before presentation.

Mayor Revenaugh said he would like to discuss the issue before the presentation, in the interest in saving time. The public may attend, and there has already been public input at three separate meetings. Mayor Revenaugh said he did not see a problem with discussing this issue this evening, but it was brought to his attention that it might be seen by some people that Council endeavored to kill the smoking ban at an evening the public had no idea it was going to be discussed. In the interest of transparency, he wants to bring this issue up, when everyone has the opportunity to fill the hall if they want to in a couple of weeks, and hear the Council's viewpoints as to whether or not this is a perfect time to go forward with a smoking ban.

Councilman Smith commended Mayor Revenaugh for having the global outlook that he has. Councilman Smith said he is not sure he understands having that discussion this evening versus two weeks from now. The public has had their opportunity to speak and to participate in the process. What is it Council hopes to gain by the discussion on whether or not we even want to go forward with an Ordinance? Councilman Smith said as he recalled, the way it was left at the last public forum, when the presentation was made to the Council from One KC Voice, at some point in the future, City Council would make a decision on what to do with the smoking ban. That some point in the future could be this evening, as well as two weeks from now. What is it that we hope to gain by waiting for two weeks?

Councilmember Suter said if she were a person in the audience who had spent the time and energy to come and participate in the process previously, she would feel like Council is "putting one over on me" to have this kind of decision made without any notice. We have told people we have scheduled a Study Session for January 26, 2009, and she feels that is completely appropriate for us to move to that level of investigation of this issue, since we have already spent time and money in hiring outside folks to moderate an entire public process. Councilmember Suter said she was dismayed that Council would even consider having some conversation under Other Business, today, instead of following through with our commitment to the community to be actively engaged with our citizens in making a decision that is supported by a majority of our residents. This is contentious in our community, like it is in lots of communities. Councilmember Suter said there are folks who have been following it carefully, and for them to not have notice that Council is having conversation about it tonight, is basically unfair, and she does not support that at all. Councilmember Suter said she definitely wants staff to follow through with the instructions that Council had given them previously, which was to do the research and work and bring to the Council something that reflects what they have heard in the conversations so far in the way of some sort of proposed or model Ordinance or Ordinances for Council to consider.

Councilman Smith said he was not dismayed at all by the suggestion to take a broad approach and table this issue for awhile, and asked if there is some suggested process by which staff should notify our residents of a meeting on January 26, 2009, or is this discussion notice enough?

Mayor Revenaugh said, as far as he is concerned, it is, and the Council may choose to override that. Mayor Revenaugh noted we have one Councilman not in attendance this evening.

Councilman Smith said Staff has heard we want the public notified – what do we want them to do? Councilman Smith said he is fine with notifying all the people who participated in the public process, because 86.5 percent of those do not wish for there to be a city-wide smoking ban, so being an opponent of the ban, if we wish for staff to notify all those folks, he would like to give them direction to do so. Councilman Smith suggested that staff have a clear direction as to how to proceed.

Mayor Pro Tem Rudi asked City Manager Davis if the Study Session items are listed on the Cable channel?

City Manager Davis replied yes.

Mayor Pro Tem Rudi said as this issue would be a Study Session item, we need to be certain it is on there. We have Press here this evening, and it will be in our meeting minutes, so it appears we have done what we need to do. Mayor Pro Tem Rudi said

she does not believe we need to make a specific point of contacting the people who attended those meetings.

Mayor Revenaugh agreed.

Councilmember Suter agreed and said the public notification process is adequate. If whatever Council does in the Open Study Session is part of the public posting, then people know what we are going to talk about in the Open Study Session, and that is all that is needed. Councilmember Suter said people who are following the conversation are watching for that posting, she is sure, so they will show up to listen to the conversation.

**Item 7a. on the Agenda.**

**BOARD AND COMMISSION APPOINTMENTS.**

Mayor Pro Tem Carol Rudi moved to appoint and reappoint the people as listed (please see below) to the Boards and Commissions. Councilman Les Smith seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0)

**PLANNING COMMISSION**

**TERM EXPIRATION**

|                 |                  |               |
|-----------------|------------------|---------------|
| Reappointment   | Brian Hill       | December 2012 |
| Reappointment   | Barry McCullough | December 2012 |
| New Appointment | David Velasquez  | December 2012 |

**CAPITAL IMPROVEMENTS PROGRAM**

|               |                 |               |
|---------------|-----------------|---------------|
| Reappointment | Pete Hall       | December 2011 |
| Reappointment | Beverly Johnson | December 2011 |
| Reappointment | Bill Turnage    | December 2011 |

**BOARD OF ZONING ADJUSTMENT**

|               |               |               |
|---------------|---------------|---------------|
| Reappointment | Mark Bertholf | December 2013 |
| Reappointment | Jerry Menefee | December 2013 |

**CODE BOARD OF APPEALS**

Vacant (electrical)

**GLADSTONE INDUSTRIAL DEVELOPMENT AUTHORITY**

|               |              |               |
|---------------|--------------|---------------|
| Reappointment | Richard Conn | December 2014 |
|---------------|--------------|---------------|

**PARKS AND RECREATION ADVISORY BOARD**

|               |               |               |
|---------------|---------------|---------------|
| Reappointment | Teresa Farley | December 2011 |
| Reappointment | Donald Harper | December 2011 |
| Reappointment | Scott Peper   | December 2011 |

**TELECOMMUNICATIONS ADVISORY BOARD**

|                 |                 |               |
|-----------------|-----------------|---------------|
| Reappointment   | Paul Degenhardt | December 2011 |
| New Appointment | John Garner     | December 2010 |

**ENVIRONMENTAL MANAGEMENT ADVISORY COMMITTEE**

|                 |                     |               |
|-----------------|---------------------|---------------|
| Reappointment   | Donna Eisenbarth    | December 2011 |
| New Appointment | Richard Kirkpartick | December 2011 |
| New Appointment | Pam Windsor         | December 2012 |
| New Appointment | Arlene Segal        | December 2013 |

**TAX INCREMENT FINANCING (TIF)**

|                 |             |               |
|-----------------|-------------|---------------|
| Reappointment   | John Steuve | December 2012 |
| New Appointment | Marie Young | December 2012 |

**ARTS COMMISSION**

|               |                  |               |
|---------------|------------------|---------------|
| Reappointment | Ceresa Jackson   | December 2011 |
| Reappointment | Chris Yannitelli | December 2011 |

**THEATRE IN THE PARK**

|               |                  |               |
|---------------|------------------|---------------|
| Reappointment | Becky Clark      | December 2010 |
| Reappointment | Julic Crawford   | December 2010 |
| Reappointment | Jennifer Kessler | December 2010 |

## **CLAY COUNTY UNIVERSITY EXTENSION COUNCIL**

New Appointment                      Wayne Beer                      February 2011

The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0)

Mayor Revenaugh offered his thanks to the new appointees and reappointees.

Councilman Les Smith moved to appoint Mayor Pro Tem Carol Rudi as the Council Representative to the Friends of the Atkins-Johnson Farm. Councilmember Carol Suter seconded. The vote: "Aye" – Councilmember Carol Suter, Councilman Les Smith, and Mayor Mark Revenaugh. "Abstain" – Mayor Pro Tem Carol Rudi (3-0-1)

Mayor Pro Tem Rudi offered thanks to everyone who did apply for the Boards and Commissions, and if Council did not find a space for them at this time, they are still on the list.

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

City Manager Kirk Davis stated that Jerry Reilly was a long-term employee, who did a fine job in the Public Safety department. We are sorry to hear of his passing.

City Manager Davis reminded everyone that next Monday is the celebration of Martin Luther King's birthday, and City Hall will be closed, and open again on Tuesday morning.

### **Item 9. on the Agenda.      PRESENTATION OF THE FISCAL YEAR 2008 AUDIT REPORT.**

Mayor Revenaugh invited Dave Cochran, Managing Partner, of Cochran Head Vick & Company to give the presentation.

Mr. Cochran thanked the City for using their firm for the annual audit, and said they take their job very seriously. Mr. Cochran thanked Finance Director Debra Daily on the fine job she has done, and said he believes this is the best year yet. The Gladstone staff has improved each year, and he is pleased that substantial progress has been made. Mr. Cochran thanked City Manager Davis for his assistance.

Mr. Cochran stated that the Comprehensive Annual Financial Report was given to City Council members and staff. Mr. Cochran provided a Power Point presentation, and said he would be happy to answer any questions. Mr. Cochran read the Power Point presentation as follows:

*The Financial and Compliance Audit addresses three basic questions: Are the basic financial statements free of material misstatement? Are effective internal controls in place and do they work? Did the City of Gladstone, Missouri comply, in all material respects, with the finance-related laws and regulations? Mr. Cochran said these are the three questions his firm set out to answer.*

*The Audit Responsibilities are: Audit performed in accordance with generally accepted auditing standards and government auditing standards. The objective is to provide reasonable, not absolute, assurance that the basic financial statements are free of material misstatement. Report on internal control structure and compliance with laws and regulations. The Scope of the Audit is the Comprehensive Annual Financial Report. Mr. Cochran said Gladstone has received the Certificate of Achievement for Excellence in Financial Reporting for many, many years, and the City should be proud of that. It reflects very well on the City Administration in providing meaningful and timely information to its citizens.*

*Mr. Cochran continued by reading: The Auditing Standards Board of the American Institute of Certified Public Accountants recommended that we communicate the following matters to the Governing Board: Illegal Acts – None came to our attention as a result of performing our audit procedures. Changes in Accounting Policies – Adopted GASB 45 Postemployment Benefits other than Pensions. No Disagreements with Management. Cooperation – Full access to books and records.*

*Results – Financial Audit – Report is unqualified. Mr. Cochran said this is often referred to as a “clean” opinion. Internal control matter identified that is required to be reported under new Standards on Auditing Standards No. 112 – Communicating Internal Control Related Matters identified in an Audit. Management Letter Comments – contains suggestions for best practices and possible improvements in internal control noted in the conduct of the audit.*

*Summary – The answers to the basic questions: Yes, the basic financial statements are free of material misstatement. Internal control matter identified that is required to be reported under the new Statements on Auditing Standards No. 112. No material non-compliance was noted with finance-related laws and regulations that govern the City's operations.*

Mr. Cochran said, on behalf of Cochran Head Vick & Company, they appreciate the opportunity to serve the City of Gladstone, Missouri, an All America City.

There being no questions from Council, Mayor Revenaugh thanked Mr. Cochran.

**Item 10. on the Agenda.** **PUBLIC HEARING:** on an Ordinance proposed to regulate the placement, construction and modification of Telecommunication Towers, support structures and antennae.



Mayor Revenaugh opened the Public Hearing and immediately continued the Public Hearing to the January 26, 2009, City Council meeting, pending a recommendation from the Planning Commission.

**Item 11. on the Agenda.** **RESOLUTION 09-06**, approving the settlement agreement with Gladstone Special Road District No. 3, and the Commissioners of Clay County, Missouri, providing for additional disbursements of Road and Bridge taxes from the County for calendar years 2003 through 2007.

Mayor Pro Tem Carol Rudi said she gladly moved to adopt **RESOLUTION 09-06**, approving the settlement agreement with Gladstone Special Road District No. 3, and the Commissioners of Clay County, Missouri, providing for additional disbursements of Road and Bridge taxes from the County for calendar years 2003 through 2007. Councilmember Carol Suter seconded.

Mayor Pro Tem Rudi said it will be nice to have \$1.2 million come back to our city that belongs here.

Councilman Smith said that will be nice. What is not nice is the fact that various municipalities had to file suit against the County to validate the money that they owed the Road Districts, and to some extent the cities. It is not nice to know that it was negotiated down to where they will be allowed to make payments on \$1.2 million with no interest. It is not nice to know that going forward, the County still refuses to operate in a good faith manner, as validated by the courts, and we will once again have to litigate amounts for 2008, 2009 and most likely beyond. Councilman Smith said it is beyond him, although two of the three Commissioners are good friends of his, that we have had to jump through these hoops with the County to get the money that rightfully belongs to the citizens of Gladstone and other communities in the Northland. Councilman Smith said he does not understand it, and he is disappointed by it. That said, \$1.2 million is a lot of money.

Councilmember Suter said she seconded that emotion. The frustration with elected officials is unbearable some days, when one thinks that people seek office to do the jobs, and then to fly in the face of the law, is very frustrating, when there is nothing we can do but resort to the courts again and again. This is the most expensive way to get government to work.

All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0)

**Item 12. on the Agenda.** **OTHER BUSINESS.**

There was no other business to come before Council.


**Item 13. on the Agenda.** **QUESTIONS FROM THE NEWS MEDIA.**


There were no questions from the News Media.

**Item 14. on the Agenda. ADJOURNMENT.**

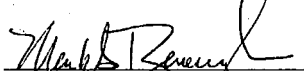
There being no further business to come before the January 12, 2009, Regular City Council meeting, Mayor Mark Revenaugh adjourned the Regular meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: 

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

  
Mayor Mark S. Revenaugh



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JANUARY 26, 2009**

**OPEN STUDY SESSION: 6:00 PM**

**REGULAR MEETING: 7:30 PM**

**AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of the Regular January 12, 2009, City Council Meeting Minutes.
5. PRESENTATION OF MAYOR'S CHRISTMAS TREE LIGHTING CHECKS to the Northland Christmas Store and Hillcrest Transitional Housing.
6. PRESENTATION OF BOARDS AND COMMISSIONS APPRECIATION PLAQUES:

**Burt Comstock, Environmental Management Advisory Committee**

December 2003 – October 2008

(Chairman: October 2004 - September 2008)

**James Shevling, Planning Commission**

December 2004-December 2008

**Dan Davis, Tax Increment Financing Commission**

January 2001 – December 2008

## 7. CONSENT AGENDA

**RESOLUTION R-09-07**, authorizing acceptance of work under the contract with Vanum Construction, Incorporated for the Gladstone Community Center Indoor Pool Project; and authorizing final payment in the total amount of \$93,529.40.

**RESOLUTION R-09-08**, accepting Temporary Construction Easements, Permanent Easements, and Quit-Claim Deeds from a property owner in conjunction with the Northeast 61<sup>st</sup> Terrace Reconstruction Project.

**RESOLUTION R-09-09**, accepting a Temporary Construction Easement from a property owner in conjunction with the Shoal Creek Bicycle/Pedestrian Trail Project.

**RESOLUTION R-09-10**, 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-09-11**, authorizing acceptance of work under the contract with Kansas City Structural Steel, Incorporated for the Gladstone Community Center Structural Steel Project; and authorizing final payment in the total amount of \$51,884.44.

**RESOLUTION R-09-12**, authorizing acceptance of work under the contract with Sellers and Marquis Roofing Company for the Gladstone Community Center Roofing and Sheet Metal Project; and authorizing final payment in the total amount of \$40,799.50.

**RESOLUTION R-09-13**, declaring certain City property as surplus and authorizing the sale of such property to the highest bidder via an Online Auction.

**RESOLUTION R-09-14**, approving the purchase of a tract of land located at 604 Northeast 69th Street, from William D. and Brenda S. Myers.

**RESOLUTION R-09-15**, authorizing acceptance of work under the contract with A2MG, Incorporated for the Gladstone Community Center Metal Wall Panels Project; and authorizing final payment in the total amount of \$500.00.

## **APPROVAL OF THE DECEMBER FINANCIAL REPORTS.**

### **REGULAR AGENDA**

- 8. Communications from the Audience.**
- 9. Communications from the City Council.**
- 10. Communications from the City Manager.**
- 11. CONTINUED PUBLIC HEARING:** on an Ordinance proposed to regulate the siting, placement and approvals of Telecommunication Towers, support structures and antennae.
- 11a. FIRST READING BILL 09-01**, amending Title VII, "Zoning and Planning Ordinance" of the City Code by enacting a new Chapter 166, "Communications Antennas and Support Structures" and other amendments relating to the siting, placement and approvals of such antennas and structures in the City
- 12. PUBLIC HEARING:** for consideration of a Sign Variance to allow construction of a sign with an electronic reader board at Antioch Bible Baptist Church, located at 800 NE 72<sup>nd</sup> Street. Applicant/Owner: Antioch Bible Baptist Church.

**MOTION BY CITY COUNCIL:** for consideration of a Sign Variance to allow construction of a sign with an electronic reader board at Antioch Bible Baptist Church, located at 800 NE 72<sup>nd</sup> Street. Applicant/Owner: Antioch Bible Baptist Church.

13. **DISCUSSION AND MOTION FOR ACQUISITION OF A LIGHTING TRUSS FOR THE GLADSTONE AMPHITHEATRE.**
14. Other Business.
15. Questions from the News Media.
16. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JANUARY 26, 2009**

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Mark Revenaugh  
Mayor Pro Tem Carol Rudi  
Councilman Les Smith  
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 Mark Revenaugh opened the Regular January 26, 2009, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda. ROLL CALL**

Mayor Mark Revenaugh noted that all City Council members were present, except for Councilman Wayne Beer, who could not attend, as he was ill.

**Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.**

Mayor Mark Revenaugh led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda. APPROVAL OF THE REGULAR JANUARY 12, 2009, CITY COUNCIL MEETING MINUTES.**

Councilmember Carol Suter moved to approve the Regular January 12, 2009, City Council Meeting Minutes as presented. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0)

**Item 5. on the Agenda.** **PRESENTATION OF MAYOR'S CHRISTMAS TREE LIGHTING CHECKS** to the Northland Christmas Store and Hillcrest Transitional Housing.

Mayor Revenaugh offered thanks to the public, and expressed his appreciation for the great business support, and for the great support from Antioch Bible Baptist of the Mayor's Christmas Tree Lighting Fund this year. Mayor Revenaugh reported that Gladstone hit a new high in donations for this year's Mayor's Christmas Tree Fund. Mayor Revenaugh stated that his heart goes out to all of the people who contributed, including the people who attended the tree lighting ceremony and contributed as the hat was passed around. Mayor Revenaugh added that it was a terrific event and said to the audience that if they had not attended before, to make it a point to attend next year because it is a fantastic way to begin the holiday season.

Mayor Revenaugh invited Katie Cramer Eck to join him at the Council dais where he introduced her as the Director of Hillcrest Transitional Housing, an organization founded in Clay County, which provides a program to move people who are homeless to self-sufficiency within a three-month program. It is like a boot camp, not easy, and not everyone gets in, but the success rate is 95%. Their motto is "a hand up, not a hand out", so it is not an agency where they take your money and give it to someone else. They run this program extremely efficiently. Mayor Revenaugh said that Ms. Cramer Eck could attest to that because she is the Executive Director. Mayor Revenaugh stated that he serves on the Board, and it is a tremendous organization. Mayor Revenaugh presented Ms. Cramer Eck with a check to Hillcrest Transitional Housing in the amount of \$3,834.00 from the Mayor's Christmas Tree Fund.

Ms. Cramer Eck said that she appreciated the support of the City of Gladstone and said that she is so proud to be able to work within our community to help families and to build our community by helping the families who are at risk of being homeless. Unfortunately, with the economy in the state it is, there is an upward trend in homelessness. Ms. Cramer Eck thanked Mayor Revenaugh for the opportunity to share information about the Hillcrest Transitional Housing program.

Mayor Revenaugh invited Ikey Harris, Chairman of the Northland Christmas Store, to step forward, and he presented her with a check in the amount of \$10,921.00, and thanked her for all the good work she does. Ms. Harris expressed her thanks to Mayor Revenaugh and City Council members.



**Item 6. on the Agenda.      PRESENTATION      OF      BOARDS      AND  
COMMISSIONS APPRECIATION PLAQUES.**

Mayor Revenaugh noted that Dan Davis, who served on the Tax Increment Financing Commission, and James Shevling, who served on the Planning Commission, were not able to attend this meeting, so their plaques would be mailed to them. Mayor Revenaugh said both Mr. Davis and Mr. Shevling's service to the community is greatly appreciated.

Mayor Revenaugh invited Burt Comstock, who served on the Environmental Management Advisory Committee as a former Chairman, to step forward. Mayor Revenaugh presented a plaque of appreciation to Mr. Comstock and asked if he had any comments he would like to make at this time.

Mr. Comstock thanked Mayor Revenaugh and Council, and said it was an honor to serve on this committee. It was a great committee, and it was a pleasure to work with Public Works Director Chuck Williams, Administrative Assistant Jennifer Stafford, and the entire team. Mr. Comstock stated he was honored and privileged to serve on the committee.

Mayor Revenaugh stated it is great that the city has citizens that serve on the Boards and Commissions, because the Council could not go into the kind of detail that is necessary when dealing with the many issues that come before the city.

**Item 7. on the Agenda.      CONSENT AGENDA.**

Following the Clerk's reading, Mayor Pro Tem Carol Rudi moved to accept the Consent Agenda as presented. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0)

Mayor Pro Tem Carol Rudi moved to adopt **RESOLUTION R-09-07**, authorizing acceptance of work under the contract with Vanum Construction, Incorporated for the Gladstone Community Center Indoor Pool Project; and authorizing final payment in the total amount of \$93,529.40. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0)

Mayor Pro Tem Carol Rudi moved to adopt **RESOLUTION R-09-08**, accepting Temporary Construction Easements, Permanent Easements, and Quit-Claim Deeds from a property owner in conjunction with the Northeast 61<sup>st</sup> Terrace Reconstruction Project. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0)

Mayor Pro Tem Carol Rudi moved to adopt **RESOLUTION R-09-09**, accepting a Temporary Construction Easement from a property owner in conjunction with the Shoal Creek Bicycle/Pedestrian Trail Project. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0)

Mayor Pro Tem Carol Rudi moved to adopt **RESOLUTION R-09-10**, 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. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0)

Mayor Pro Tem Carol Rudi moved to adopt **RESOLUTION R-09-11**, authorizing acceptance of work under the contract with Kansas City Structural Steel, Incorporated for the Gladstone Community Center Structural Steel Project; and authorizing final payment in the total amount of \$51,884.44. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0)

Mayor Pro Tem Carol Rudi moved to adopt **RESOLUTION R-09-12**, authorizing acceptance of work under the contract with Sellers and Marquis Roofing Company for the Gladstone Community Center Roofing and Sheet Metal Project; and authorizing final payment in the total amount of \$40,799.50. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0)

Mayor Pro Tem Carol Rudi moved to adopt **RESOLUTION R-09-13**, declaring certain City property as surplus and authorizing the sale of such property to the highest bidder via an Online Auction. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0)

Mayor Pro Tem Carol Rudi moved to adopt **RESOLUTION R-09-14**, approving the purchase of a tract of land located at 604 Northeast 69th Street, from William D. and Brenda S. Myers. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0)

Mayor Pro Tem Carol Rudi moved to adopt **RESOLUTION R-09-15**, authorizing acceptance of work under the contract with A2MG, Incorporated for the Gladstone Community Center Metal Wall Panels Project; and authorizing final payment in the total amount of \$500.00. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0)

Mayor Pro Tem Carol Rudi moved to approve the December Financial Reports. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0)

## **REGULAR AGENDA**

### **Item 8. on the Agenda.**

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

**John Garner, 111 Heatherton Court**, said on TBS Channel 14, one of the city promo ads was run, which was regarding the Community Center. It was very well made and it was very nice to see. Mr. Garner said it was very well done.

### **Item 9. on the Agenda.**

### **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilmember Carol Suter** stated on the Consent Agenda there was an easement for the trail project, and asked for an update on this project.

Public Works Director Chuck Williams reported that the redesign for the trail along old North Antioch, with the bridge, has just been resubmitted. This was done to avoid acquiring any easements beside what have already been obtained. This has been sent to MoDOT (Missouri Department of Transportation), who are expecting it to take a few weeks to review. They are currently reviewing the M-1 Highway trail that will go from Shoal Creek to the Fire Station on M-1 Highway. This is in an easement acquisition stage, and once that is received, the project can move forward. Director Williams said he is hopeful the old Antioch project may be able to go to bid in late spring or early summer. The M-1 Highway project would follow that.

Councilmember Suter thanked Mr. Williams and said it is an exciting project, and it was great work on staff's part to seize the opportunity for funding, and she knows the citizens are looking forward to the completion of this project.

Director Williams said that project also includes a couple of connections inside Happy Rock Park, on the west side, to connect it up to the trail. It will not yet connect to the one on M-1 Highway; another grant will need to be secured to accomplish that.

Councilmember Suter said it has been fun to catch some of the Gladstone's ads on the television. They are striking and inviting, and she likes the consistency of the message, so every time you hear one, you hear the same tag lines. Richard King did an excellent job on this project.

**Councilman Les Smith** said that old Antioch Road's redesign, on staff's part, is excellent, because we don't have to acquire easements from a couple of those property owners after all. Staff did a good job.

Councilman Smith congratulated Mayor Revenaugh on the Mayor's Christmas Tree Lighting Fund. Councilman Smith jokingly said it is the only time that he will be happy that Mayor Revenaugh exceeded one of his records. Councilman Smith offered a job well done to Mayor Revenaugh and said Mayor Revenaugh worked very hard on this project.

Mayor Revenaugh thanked Councilman Smith.

**Mayor Pro Tem Carol Rudi** reported that the one-year birthday event for the Community Center is coming up shortly. A date has not yet been set, but information will be forthcoming in the newspaper, or at the Community Center. The rotating art exhibit will be open on February 3, 2009, and will feature artist Frank Armato. There will be a light reception with hors d'oeuvres and a cash bar from 6:00 to 8:00 PM. The second annual Art Springs in Gladstone will be April 24 and April 25. It was great last year! Mayor Pro Tem Rudi encouraged all to attend. More than 164 applications have been mailed out to artists. It will be juried again this year, and it will be a really good show. The Friends of the Atkins Johnson Farm meets the first Thursday of every month at 6:30 PM, in City Hall. Mayor Pro Tem Rudi invited everyone to attend the meetings, and applications are available online at the City's website. The artists' applications for the Art Springs in Gladstone event are also online.

**Mayor Mark Revenaugh** welcomed visitors from Baker University's Political Science class, and asked them to introduce themselves as follows: Jason James, Kelli Smith, Erna Hadzibegovic, and Blake Walden. Mr. James said their assignment was to attend a City Council meeting, to observe the operations of a local government.

Mayor Revenaugh said a local government has more to do that affects the day-to-day lives of the citizens than any other level of government. The City Council will not decide the right to life issue, or whether or not to go to war, but the Council will be sure the streets are plowed, the trash is picked up, and other things that impact the day to day lives of the citizens. Mayor Revenaugh said Council was glad to have the group visiting this evening.

**Item 10. on the Agenda.**      **COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis had no comments at this time.

**Item 11. on the Agenda.**      **CONTINUED PUBLIC HEARING:** on an Ordinance proposed to regulate the placement, construction and modification of Telecommunication Towers, support structures and antennae.

Mayor Revenaugh opened the Public Hearing, and said comments would first be heard from the staff, followed by comments from those in favor of the application, and those who may be opposed to the application.

### **Staff Presentation**

Planning Specialist Chris Helmer stated this past June there was an Open Study Session that addressed the overall intent of this Ordinance and why staff is seeking to enact further regulation for cellular towers within the City of Gladstone. This Ordinance is a tiered system. The Planning Commission did hear this matter at their January 20, 2009, Public Hearing, and at that meeting, the Commission overall did speak in favor of this extended regulation, and have sent a positive recommendation to the City Council.

Mayor Pro Tem Rudi pointed out that on the second page of Chapter 166 of the Ordinance, under Design, (b.), it talks about "all equipment shall be either placed underground, contained in a single shelter or cabinet, or wholly concealed within a building". Mayor Pro Tem Rudi said in other places it talked about any kind of structure being compatible with its surroundings, and asked if this language needed to be added with this. On page 3, item (f.) it says "all towers, disguised support structures, and related structures, fences and walls shall be separated from the property line of any adjacent property zoned for a residential use, at least a distance equal to the height of the tower", and then it goes on to say that "it shall be separated from all other adjacent property lines at least a distance equal to one-half of the height of the tower or structure". Mayor Pro Tem Rudi asked why that height difference is in the paragraph. If a tower came down, even if there is no house nearby, it could possibly be in a neighboring yard, and asked why there are two height differences.

Mr. Helmer said there are specific differences between the actual structure itself and an adjacent property, as well as with what would be associated with the property line. Mr. Helmer said there was some discussion at the Planning Commission level regarding this matter. Typically these towers do not fall over, but if there were a problem, it would be a more "crumbling" effect. This provision is just an extra measure for a piece of property.

Mayor Pro Tem Rudi said as she was at another meeting, she was late for the Planning Commission meeting, and missed that discussion, for which she apologized. Mayor Pro Tem Rudi said there was discussion at the Planning Commission meeting about how we would know if a tower has been vacated, and how could we get a list of people who are sharing that use. When a request comes in, is it possible to make it part of the requirements that they provide that list to the city.

Mr. Helmer asked if that would be if the tower is not being used?

Mayor Pro Tem Rudi replied whoever is using it, because it would help us keep track of which companies already have some kind of a facility in our town, and also it would let us know if a tower becomes vacant.

Mr. Helmer said in the beginning part of the Ordinance it does state that upon adoption of this Ordinance a provider seeking co-location within the city, would have to seek out where the other providers are. As far as keeping tabs on the current providers, we do see lease agreements that come before the city, as well as Building Official Napoli has a good grasp on what's occurring as far as replacement and modifications. Mr. Helmer said he realizes there is a grey area there in some respects, but staff does keep a good handle on the various providers.

Mayor Pro Tem Rudi suggested that in the application process there is some kind of statement to provide this kind of information.

Mr. Helmer thanked Mayor Pro Tem Rudi.

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

Mayor Revenaugh closed the Public Hearing.

**Item 11a. on the Agenda.** **FIRST READING BILL 09-01**, amending Title VII, "Zoning and Planning Ordinance" of the City Code by enacting a new Chapter 166, "Communications Antennas and Support Structures" and other amendments relating to the siting, placement and approvals of such antennas and structures in the City.

Councilman Les Smith moved to place Bill 09-01 on its First Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 09-01, Waive the Rule and place the Bill on its Second and Final Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 09-01 and to enact the Bill as **Ordinance # 4.093**. Councilmember Carol Suter seconded.

Roll call vote: "All aye"– Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (4-0)

**Item 12. on the Agenda.**      **PUBLIC HEARING:** for consideration of a Sign Variance to allow construction of a sign with an electronic reader board at Antioch Bible Baptist Church, located at 800 NE 72<sup>nd</sup> Street. Applicant/Owner: Antioch Bible Baptist Church.

Mayor Revenaugh opened the Public Hearing.

**Staff Presentation**

Assistant City Manager Scott Wingerson began by saying staff has provided to Council a lot of information regarding this Sign Variance request, and he is going to try to simplify that, and asked Council to refer to two documents out of the packet. The first is a memorandum from Planning Specialist Chris Helmer, the second is a document provided by Antioch Bible Baptist Church that shows the final proposed sign with the landscaping and rockwork as proposed. Mr. Wingerson said he would try not to get into a discussion of a proposed amendment to the Sign Code that is currently at the Planning Commission level.

Mr. Wingerson said this variance was brought to the City Council several months ago, and at that time, staff anticipated that we would have a new amendment in place for the Sign Ordinance. Unfortunately, that has been delayed as it is extremely complex from a public policy matter; in fact, the same discussions that the focus group had, are now being held with the Planning Commission, and may be held by the City Council, in the future. Staff is going back and revisiting some of the issues that have been previously discussed. That is the front page of Mr. Helmer's memo. On the back page of Mr. Helmer's memo is a summary of how the proposed Antioch Bible Baptist Church sign would comply with the proposed Ordinance that is with the Planning Commission, and has not yet been sent to the City Council for consideration.

Mr. Wingerson continued by saying the proposed sign, as well as the church sign, indicate an electronic reader board that is at 30 percent. The specific variance for the Council to consider is the electronic portion of this sign. The other parts of this sign are allowed by right to the church. The sign was damaged by the tornado, so we are talking about an expansion only of the electronic reader board portion, which is only 30 percent of the sign. In this particular application, that is about 15.5 square feet, which is 3 feet by 5 feet. In this particular case, less than 2 feet tall by almost 8 feet long. The current code does not provide a requirement for the use of natural building stone to solidify the sign itself and make it part of the urban landscaping, and for sure the developed piece of property. The church, in this case, has proposed a stone that is very similar to the stone that is located on the existing church building, and that would be the foundation on which the sign is built. The overall sign copy – that is the illuminated portion that actually says Antioch Church on it – would be 40 percent of the total sign. The church has agreed to landscaping coverage of 240 square feet. There is also a provision in the proposed Ordinance that says that you can consider an electronic message center if you offset the consumption of electricity of that sign by

measures taken in the building. In this particular case, the church has agreed to Kansas City Power and Light's power reduction program, which means at certain times, during peak hours, the church will voluntarily turn back their electricity and allow Power and Light to serve other customers. This is a measure that far exceeds any consumption that this sign would ever generate in a year's period. There is also an electronic message timing restriction that is currently set in the Ordinance at eight seconds; therefore the message would only change at eight-second intervals. One of the points that the Planning Commission is discussing is whether or not that is long enough or whether it is too long. They will continue to discuss that and make their recommendation to the City Council. The church has agreed, as has the sign manufacturer, with the provision that restricts the intensity of the lighting of the electronic message center.

Mr. Wingerson said that staff is suggesting approval of this sign variance, and asks Council, at the conclusion of the Hearing, to make a motion and vote on the motion in whatever direction pleases the Council. Mr. Wingerson said members of the Antioch Bible Baptist Church were present, and they would be happy to speak if Council so desires.

Councilmember Suter stated she had a question about the lighting intensity compliance. As she reads the proposed Ordinance and then when she reads their technical contract, there is a significant difference.

Mr. Wingerson replied it is a different measurement. They are actually in compliance with both. Mr. Wingerson asked if Councilmember Suter was talking about the low end of that?

Councilmember Suter replied yes.

Mr. Wingerson stated staff is researching what that means, but the church, as well as Fast Signs, have agreed to comply with that provision, whatever it turns out to be.

Mayor Pro Tem Rudi asked, regarding the timing restrictions, if the applicant would be willing to change their timing to comply with the new Ordinance.

Mr. Wingerson said he did not wish to speak for the church, but he believes they would. Their intent is to comply with an Ordinance that does not yet exist.

Mayor Pro Tem Rudi said she was getting nods of yes from the applicant and she appreciated that.

**There were no comments from the Applicant**

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



Mayor Revenaugh closed the Public Hearing.

**MOTION BY CITY COUNCIL:** for consideration of a Sign Variance to allow construction of a sign with an electronic reader board at Antioch Bible Baptist Church, located at 800 NE 72<sup>nd</sup> Street. Applicant/Owner: Antioch Bible Baptist Church.

Mayor Pro Tem Carol Rudi moved to approve the Sign Variance to allow construction of a sign with an electronic reader board at Antioch Bible Baptist Church, located at 800 NE 72<sup>nd</sup> Street. Applicant/Owner: Antioch Bible Baptist Church. Councilman Les Smith seconded.

Mayor Pro Tem Rudi said she really does appreciate everything the applicant has done to comply with the Ordinance that is not yet in affect.

Mayor Revenaugh said he appreciated Antioch Bible Baptist Church's patience by allowing Council to try to defer until they could get the information regarding the new amendment to the Sign Code, and barring that, it appears the applicant has done a great job working with staff in coming up with something that the city is happy with, and Council members appreciate that.

The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0).

**Item 13. on the Agenda. DISCUSSION AND MOTION FOR ACQUISITION OF A LIGHTING TRUSS FOR THE GLADSTONE AMPHITHEATRE.**

Parks and Recreation Director Sheila Lillis stated when the Amphitheatre was constructed, there were no real provisions for exterior lighting, and once the amphitheatre burned, and it was rebuilt, there were provisions made for temporary lighting with boxes underneath, where lighting could be plugged in. Director Lillis said staff has been using a makeshift lighting system, and it is the biggest voids in our operation. The Theatre in the Park Advisory Council, the Amphitheatre Committee, and the Parks and Recreation Advisory Board have all reviewed this truss. Director Lillis pointed out the pictures attached to Council's packet, and said that is the Kearney Amphitheatre, which is very similar in design to Gladstone's. That is how the lighting truss looks. It is three, ten-foot sections. It would be erected in May, and it would be taken down at the end of the season. There is a climbing barrier that would be installed for security. Staff worked with a consultant, Advanced Automation and Design. Director Lillis said when she visited one of Kearney's productions, she was very impressed with the lighting truss, and she spoke with Mark Spurgeon, who designed our Amphitheatre and designed Kearney's. He said this is the company he used. Director Lillis said Assistant City Manager Wingerson suggested using a consultant to evaluate our lighting, and they came forward with this proposal. There is a secondary benefit with this lighting truss. It will be erected to allow for sound to be

enhanced. Director Lillis said this truss would be available for any production or event at the Amphitheatre. We will not have state of the art lighting right off the bat, but every year, we will strive to improve the lighting functions. There are different lights that can be purchased, depending on the effect you are looking for. The funding is available for the purchase of the truss through the Capital Improvements Fund, where there is \$25,000 allotted for this, as well as the Amphitheatre Committee, who does fund raising throughout the year for improvements and maintenance issues. They have also made available \$25,000 to pursue this purchase. Director Lillis said she believes the cost will be in the \$35,000 to \$40,000 range. Director Lillis said staff looked at renting, they looked at portable systems, they looked at permanent systems, and with the beauty of the park, it lends itself to put it up temporarily and staff can take it down each season. Van Ibsen, who provides our technical expertise, has visited Kearney, and believes it will be a good addition and suitable to our needs.

Mayor Pro Tem Rudi asked how the Park Board felt about this proposal.

Director Lillis replied that they were very positive, and made a recommendation to move forward with this.

Mayor Pro Tem Rudi asked if this light would glare into the neighbors' homes?

Director Lillis replied no, it would be directed toward the stage and productions, and would only be used when productions are ongoing.

Mayor Pro Tem Rudi said she has been at meetings where this was positively received by citizen groups, and she appreciates all the work Director Lillis has done. Mayor Pro Tem Rudi said she really likes the speaker factor, because although it has been improved, it can still use some improvement.

Director Lillis said City Manager Davis also took a trip to Kearney and was very adamant in beautifying the park, and he gave good direction to staff.

Councilman Les Smith made a motion to approve the acquisition of a lighting truss for the Gladstone Amphitheatre. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (4-0).

**Item 14. on the Agenda. OTHER BUSINESS.**

There was no other business to come before Council.


**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 January 26, 2009, Regular City Council meeting, Mayor Mark Revenaugh adjourned the Regular meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

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

  
Mayor Mark S. Revenaugh



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, FEBRUARY 9, 2009**

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

**REGULAR MEETING: 7:30 PM**

**AGENDA**

- 1. Meeting Called to Order.**
- 2. Roll Call.**
- 3. Pledge of Allegiance.**
- 4. Approval of the Regular January 26, 2009, City Council Meeting Minutes.**
- 5. CONSENT AGENDA**

**RESOLUTION R-09-16**, amending the 2009 Annual General Fund Budget for the City of Gladstone, Missouri and authorizing expenditures of funds.

**RESOLUTION R-09-17**, authorizing the destruction of certain records in accordance with RSMO Chapter 109 and applicable State Retention Schedules.

**RESOLUTION R-09-18**, authorizing execution of a contract with Fuller's All American for the Contractual Mowing of certain City of Gladstone Parks, Facilities, and Drainage areas for the 2009 Mowing Season.

**RESOLUTION R-09-19**, authorizing execution of a contract with S & S Lawn; Fuller's All American; and Field of Green for the Contractual Mowing of certain City of Gladstone property including Right-of-Way, Medians, Water Treatment Plant, Well Field, and Detention Basins for the 2009 Mowing Season.

**RESOLUTION R-09-20**, declaring certain City property as Surplus and authorizing the sale of such property to the highest bidder via an Online Auction.

**RESOLUTION R-09-21**, authorizing acceptance of work under the contract with Coreslab Structures (Missouri), Incorporated for the Gladstone Community Center Precast Concrete Project; and authorizing final payment in the total amount of \$48,721.22.

**RESOLUTION R-09-22**, authorizing acceptance of work under the contract with Jacor Contracting, Incorporated for the Gladstone Community Center Sealants and Waterproofing Project; and authorizing final payment in the total amount of \$5,810.40.

**RESOLUTION R-09-23**, authorizing acceptance of work under the contract with Carroll Seating Company, Incorporated for the Gladstone Community Center Bleachers Project; and authorizing final payment in the total amount of \$5,136.85.

**RESOLUTION R-09-24**, authorizing execution of a contract with Recreation Resources, Incorporated, in the total amount not to exceed \$94,332.00 for the Oak Grove Park Playground Replacement Project.

**RESOLUTION R-09-25**, adopting the 2009 State Legislative Program for the City of Gladstone, Missouri.

**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 7, 2009. Hours: 5:30 PM - 12:00 Midnight. Managing Officer: Michelle McDaniel.

## REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **FIRST READING BILL 09-02**, regulating air quality in certain public places within the City of Gladstone by prohibiting or restricting smoking; and amending Ordinance 3.208 to expand smoke free areas within the City; and further, imposing penalties for violations.
10. **PUBLIC HEARING:** for consideration of a request to Vacate Unimproved Rights-Of-Way; and for the Rezoning; and Site Plan Revision for property generally located at Northeast 72<sup>nd</sup> Terrace and North Euclid. Applicant/Owner: J.A. Peterson Enterprises, Inc. File #1326 and File #1330.
11. **FIRST READING BILL 09-03**, vacating the north section of "old" Euclid Street, Northeast 72<sup>nd</sup> Terrace, and North Brooklyn Street right-of-way, proposed streets immediately north and east of 72<sup>nd</sup> and Euclid Streets located in Clay County, Gladstone, Missouri. Applicant/Owner: J.A. Peterson Enterprises, Inc. File # 1326.
12. **FIRST READING BILL 09-04**, approving the Final Plat of a Replat of Stratford Park, Fourth Plat, Gladstone, Clay County, Missouri, and directing the appropriate officials to affix their signatures to said Plat for recording. Applicant/Owner: J.A. Peterson Enterprises, Inc. File #1329.
13. **FIRST READING BILL 09-05**, 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: J.A. Peterson Enterprises, Inc. File #1330.

14. **FIRST READING BILL 09-06**, approving a Site Plan Revision for property legally described as; a Replat of Stratford Park, Fourth Plat. Applicant/Owner: J.A. Peterson Enterprises, Inc. File #1330.
15. **FIRST READING BILL 09-07**, Declaring the results of the Gladstone Primary Election held on Tuesday, February 3, 2009, as certified by the Clay County Board of Election Commissioners; and declaring the names of the candidates to appear on the Tuesday, April 7, 2009 General Election Ballot.
16. Other Business.
17. Questions from the News Media.
18. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, FEBRUARY 9, 2009**

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Mark Revenaugh  
Mayor Pro Tem Carol Rudi  
Councilman Les Smith  
Councilman Wayne Beer  
Councilmember Carol Suter  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Mark Revenaugh opened the Regular February 9, 2009, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda. ROLL CALL**

Mayor Mark Revenaugh noted that all City Council members were present.

**Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.**

Mayor Mark Revenaugh led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda. APPROVAL OF THE REGULAR JANUARY 26, 2009, CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Carol Rudi moved to approve the Regular January 26, 2009, City Council Meeting Minutes as presented. Councilmember Carol Suter seconded. The



vote: "Aye" – Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. "Abstain" – Councilman Wayne Beer (4-0-1). *Note: As Councilman Beer was absent from the last City Council meeting, he abstained from voting on the approval of that meeting's minutes.*

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

Following the Clerk's reading, Councilmember Carol Suter moved to accept the Consent Agenda as presented. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-16**, amending the 2009 Annual General Fund Budget for the City of Gladstone, Missouri and authorizing expenditures of funds. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-17**, 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" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-18**, authorizing execution of a contract with Fuller's All American for the Contractual Mowing of certain City of Gladstone Parks, Facilities, and Drainage areas for the 2009 Mowing Season. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-19**, authorizing execution of a contract with S & S Lawn; Fuller's All American; and Field of Green for the Contractual Mowing of certain City of Gladstone property including Right-of-Way, Medians, Water Treatment Plant, Well Field, and Detention Basins for the 2009 Mowing Season. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-20**, declaring certain City property as Surplus and authorizing the sale of such property to the highest bidder via an Online Auction. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-21**, authorizing acceptance of work under the contract with Coreslab Structures (Missouri), Incorporated for the Gladstone Community Center Precast Concrete Project; and authorizing final payment in the total amount of \$48,721.22. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-22**, authorizing acceptance of work under the contract with Jacor Contracting, Incorporated for the Gladstone Community Center Sealants and Waterproofing Project; and authorizing final payment in the total amount of \$5,810.40. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-23**, authorizing acceptance of work under the contract with Carroll Seating Company, Incorporated for the Gladstone Community Center Bleachers Project; and authorizing final payment in the total amount of \$5,136.85. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-24**, authorizing execution of a contract with Recreation Resources, Incorporated, in the total amount not to exceed \$94,332.00 for the Oak Grove Park Playground Replacement Project. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-25**, adopting the 2009 State Legislative Program for the City of Gladstone, Missouri. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

Councilmember Carol Suter 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 7, 2009. Hours: 5:30 PM - 12:00 Midnight. Managing Officer: Michelle McDaniel. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

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

**Art Hammen, 7117 North Norton Avenue**, stated that he understood that the City Council would be voting on a smoking Ordinance this evening. Mr. Hammen said he had not seen the exact Ordinance, but based on an article that appeared recently in the Sun Tribune, the proposed Ordinance to him is extremely disappointing. Even though 79 percent of the general population does not smoke, this Ordinance will do very little to protect them from the damaging effects of second hand smoke. Mr. Hammen said our neighboring state of Kansas is currently considering a statewide ban on smoking in public. They estimate it will save the state over \$1 million per year, by reducing the cost of treating smoking related diseases. When enacted, Kansas will become the 36<sup>th</sup> state to impose a partial or full smoking ban.

Mr. Hammen continued by asking if banning smoking in Gladstone city parks is really the best that this Council can do. Gladstone residents have repeatedly stated that they want smoking banned in restaurants. The proposed Ordinance will not restrict smoking in the many restaurants that have liquor licenses. Mr. Hammen said he could think of only two – Perkins and Oak Street Café – who will have a smoking ban. Oak Street Café may fall into the “fewer than 75” exemption. If that is the case, then Perkins becomes the sacrificial lamb. An argument has been made that allowing smoking in restaurants will save jobs. Mr. Hammen said, “will it really?” What about the large number of non-smokers who choose to eat in restaurants located in cities that have a ban, rather than eating in Gladstone. Some of the 21 percent who do smoke and live in other cities will come to Gladstone, but will that be enough to offset the migration of non-smokers to restaurants in cities with a smoking ban? Are you really willing to take that gamble?

Mr. Hammen said as our elected officials, Council members know that the majority of Gladstone residents want smoking banned in restaurants. Mr. Hammen said it is the right thing to do, but if Council members cannot bring themselves to do that, then at least please consider one of these options: limit smoking in restaurants until after 9:00 PM, like Kansas City, or require smoking areas to be totally segregated from non-smoking areas, and be separately ventilated. Mr. Hammen said if nothing else is done, then please put a two-year sunset on the restaurant exemption. This will give restaurants time to make adjustments, and give Gladstone residents a definite time when they will be able once again to enjoy eating in this city’s restaurants.

### **Item 7. on the Agenda.**

### **COMMUNICATIONS FROM THE CITY COUNCIL.**

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

**Councilmember Carol Suter** stated she wished to comment on how busy we have been. It is apparent that City Council members have been working a lot by the volume of paperwork that comes with them, as some of the items on the agenda this evening have involved some significant work on the part of the Planning Commission and some other volunteer committees that Council has appointed. All of that work is really appreciated. It has also generated extra activity of late for people trying to contact City Council members. Councilmember Suter stated there have been technical problems with the City's website and people trying to e-mail City Council members, and it seems that it could be more self explanatory in how the website works to e-mail City Council members. Councilmember Suter said she has heard that people go to the website, and they do not know that if they click on the City Council members' names, they can e-mail Council members. Councilmember Suter suggested to Public Information Officer Richard King that a line be added to the City Council page that tells people how to e-mail City Council members. With all the activity going on of late, there seems to be more interest from people in trying to contact City Council members.

**Councilman Les Smith** stated that the lady he wished to address (Vickie Bowman) is never at City Council meetings, but was present at this meeting. On Saturday, the Gladstone Bowl, and the General Manager, Vickie Bowman, hosted a Bowl for Life for St. Jude's Children's Hospital, which has been done for the last few years at the bowling center. Councilman Smith said Ms. Bowman and her staff, with the cooperation of KFKF Radio Station, raised once again nearly \$7,000 for St. Jude's. Councilman Smith offered "good job" to Ms. Bowman, and asked she take that back to the folks who assisted with this effort.

**Mayor Pro Tem Carol Rudi** offered her thanks to the Community Center staff, who hosted the art exhibit opening last week. There were about 100 people who attended, and it was an excellent event, and the staff did a great job, as usual. Mayor Pro Tem Rudi announced that March 24<sup>th</sup>, from 6:00 to 8:00 PM, would be the next art exhibit opening. This is the rotating art that changes periodically. This will be a high school student show, and will be a special event, and not the first Tuesday, as usual. Mayor Pro Tem Rudi invited all to attend this event and the second annual Art Springs in Gladstone on April 24 and 25. This is a juried art show, and it was greatly attended last year, and was very popular. It promises to be a very good exhibit again this year. Mayor Pro Tem Rudi stated that if anyone is interested in sponsoring the show, they may contact Parks and Recreation Director Sheila Lillis.

**Mayor Mark Revenaugh** stated that, as he said at the last City Council meeting, nothing that is as divisive as a smoking Ordinance is going to make everybody happy, and two weeks ago he almost guaranteed that everyone would not be happy; in fact it was almost a sure thing that everyone would go away wanting more than what they were going to get. This is true of both sides of the issue. Mayor Revenaugh said he believed he was speaking in general for the Council that they would have much preferred that this issue had been on a state ballot, so everyone could vote the way they

wished; but unfortunately, with the state statutes being what they are, we did not have that option. City Council members are trying to represent all the citizens in the community, mindful of the fact that smoking is hazardous to one's health, but at the same time, trying to protect the rights of small business owners and their employees, while at the same time, creating a system for Gladstone to become a smoke free community.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reported that City Hall would be closed on President's Day, February 16, 2009.

**Item 9. on the Agenda.**

**FIRST READING BILL 09-02**, regulating air quality in certain public places within the City of Gladstone by prohibiting or restricting smoking; and amending Ordinance 3.208 to expand smoke free areas within the City; and further, imposing penalties for violations.

Councilman Les Smith moved to place Bill 09-02 on its First Reading. Councilman Wayne Beer seconded.

Councilmember Carol Suter stated she has been a really strong proponent for a really strong measure to protect the health of our citizens, but she would be voting against this Bill, not just in content, but in terms of process, which is why she spoke at this time. Councilmember Suter said this is because of three basic reasons; one is that it certainly is a disappointment in terms of protecting the health of Gladstone residents, and she believes she speaks clearly for a majority of Gladstone residents in expressing this. The Sun Tribune did an online survey recently, and a very significant majority of folks expressed the opinion of supporting a full ban. Councilmember Suter said she was willing to consider some compromise that came out of the Public Hearing sessions, but the Bill that is before Council is so absolutely replete with exemptions, exceptions, and grandfathering, that she objects to it as a piece of legislation. Councilmember Suter said she would like to see us do something clearer, more direct, easy to understand, and actually is what it purports to be. It does not go far enough.

Councilmember Suter said secondly, she believes it positions us in exactly the opposite place where we want to be in terms of the promotion of a progressive image for Gladstone. We are spending a lot of money this year in advertising Gladstone throughout the area and throughout the Midwest as a progressive and enlightened community that is for sustainability and a healthy environment. This Ordinance, because it is so deficient in its protections, puts us in a very negative light, and that is counter productive.

Councilmember Suter said thirdly, the part that is most egregious to her are the provisions that are grandfathered. They provide an uneven playing field with current

businesses in Gladstone, and certainly provide a disincentive to attract new business to Gladstone, when it is quite clear that we are not interested in treating all businesses fairly, and people have to take that into account when they decide to come here. One of the number one concerns of all of our citizens, and for every one of us, as we ran for office, is doing the best we can to increase the economic development opportunities in Gladstone – bring more business to Gladstone. This piece of legislation will do exactly the opposite. Councilmember Suter said for these reasons, she will be voting against the Bill in content and in terms of process.

The vote: "Aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. "Nay" – Councilmember Carol Suter. (4-1). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 09-02, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Wayne Beer seconded.

Councilman Smith referenced **Section 2.135.060 (8)** in the Bill, which is concerning hotels and motels. Councilman Smith said the draft Ordinance states that hotels and motels may permanently designate 25 percent of guest rooms as smoking rooms, and a higher percentage may be temporarily designated by the hotel or motel when, on a given date, there is a 75 percent or greater occupancy rate due to the booking of guests for conventions, and so forth. Councilman Smith said he believed the majority, at least at the last meeting, who supported this Ordinance, want us to get to a smoke free community. We just want to do that through attrition and not contraction. Councilman Smith suggested that leaving the hotels and motels at 25 percent is a bit too many rooms, and he believes that leaving that open ended to where they can change that basically at their will, based on their demand over the years, really doesn't do anything to keep this tied down.

Councilman Les Smith moved to **amend Bill 09-02** to include a revision provided by legal counsel that says **hotels and motels may permanently designate 10 percent of guest rooms as smoking rooms, and a hotel or motel may only change the specific rooms that are designated as smoking rooms once during any 12-month period.** Councilman Smith suggested that the rest of the paragraph in the revision provided by legal counsel be deleted in its entirety. This would be Amendment Number One. Mayor Pro Tem Carol Rudi seconded.

The vote: "Aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Mark Revenaugh. "Abstain" – Councilmember Carol Suter. 4-0-1.

Councilman Smith stated he asked legal counsel to draft an addition to the prohibition of smoking on or within all public park grounds. Councilman Smith said those who were present at the last meeting might recall that Council had some concern with the

viability of the special events held in the parks. The suggestion was made that part of the special event application for park event sponsors include that they designate a smoking area. Councilman Smith said he asked legal counsel to draft an amendment to **Section 2.135.040, paragraph 2**. City Council members received a copy of this draft amendment. Councilman Smith stated he would ask Council members to consider the addition that says that **the sponsor's plan shall include the designation of smoking areas acceptable to the Director of Parks and Recreation, the provision by the sponsor of containers within the designated smoking areas for disposal of smoking refuse and paraphernalia, and the assurance by the sponsor that the sponsor will remove all smoking containers and smoking refuse and paraphernalia from the designated smoking areas at the conclusion of the special event**. Councilman Smith proposed, for clarification, that this would be Amendment Number Two.

Councilman Les Smith moved to amend the draft Ordinance with Amendment Number Two, as read. Councilman Wayne Beer seconded.

The vote: "Aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Mark Revenaugh. "Abstain" – Councilmember Carol Suter.  
4-0-1.

Mayor Pro Tem Carol Rudi said she would suggest a third amendment, which is in **Section 2.135.030, Section L**, which reads **Restaurants seating more than 75 persons**. Councilman Rudi said she would like to return that amount to **more than 50 persons**. Councilman Rudi referenced **Section 2.135.060, Item Number 10**, suggesting that number be **changed from 75 persons to 50 persons**. Councilman Les Smith seconded.

Councilman Smith asked if this brings the number back to 50, which is in the Clean Air Act?

Mayor Pro Tem Rudi replied yes.

Councilman Smith stated for clarification that pursuant to legal counsel's opinion, we can increase that number, but we cannot lower the number, or make any more stringent requirements on those protected businesses, so this is bringing the number in both of the clauses down to where we actually started.

Mayor Pro Tem Rudi agreed that was correct.

The vote: "Aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Mark Revenaugh. "Abstain" – Councilmember Carol Suter.  
4-0-1.

Councilman Smith explained to the audience that although the number has been dropped to 50, those establishments in the community that hold a liquor license as of January 1, 2009, and hold it continuously under the same ownership, are still exempted from the smoking ban provisions in the Ordinance.

Mayor Mark Revenaugh asked for a vote to accept the First Reading, Waive the Rule and place Amended Bill 09-02 on its Second and Final Reading.

The vote: "Aye" - Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, Mayor Mark Revenaugh. "Nay" - Councilmember Carol Suter. 4-1.

Counselor David Ramsay explained that the effect of having a less than unanimous vote on the Waiver of the Rule will require that the Second Reading of this Bill be moved to the next City Council meeting.

**Item 10. on the Agenda.** **PUBLIC HEARING:** for consideration of a request to Vacate Unimproved Rights-Of-Way; and for the Rezoning; and Site Plan Revision for property generally located at Northeast 72<sup>nd</sup> Terrace and North Euclid. Applicant/Owner: J.A. Peterson Enterprises, Inc. File #1326 and File #1330.

Mayor Revenaugh opened the Public Hearing.

**Comments from Staff**

Planning Specialist Chris Helmer pointed out that there are four Ordinances to be considered relative to this project. Mr. Helmer reported that the Planning Commission held a Public Hearing on November 17, 2008, for the Stratford Park development proposal, as well as a follow up meeting on February 2<sup>nd</sup>. The Planning Commission recommendation is 9-2 in favor of the proposed development plan. Mr. Helmer stated there were a number of memorandums given to Council members in their meeting packet; one dated from him on January 26, 2009, that outlines a majority if not all of the issues that came about from the Commission, as well as from area residents.

Mr. Helmer said several different letters were provided to Council, one of which is an example letter that the applicant sent out as legal notification to those surrounding the property, for a meeting they held to inform the area residents of their proposed development plan. Council also received copies of several different letters on continuations for the application. That is predominantly a result of the issues that needed to be addressed from the Planning Commission, as well as from the area residents. Council members have also received a memorandum from Mr. Forquer, which states their proposal for the proposed full access on 72<sup>nd</sup> Street, and attached exhibits with their specifications. Mr. Helmer stated what is new, as the result of the Planning Commission meeting, and was included in Council's packet, is a covenant agreement regarding the stormwater maintenance. There was much discussion from the Planning Commission on making sure that the development proposal was going to



be maintained as well as possible into perpetuity, for stormwater and for the overall Peterson property. Mr. Helmer stated the usual information was also provided in Council's packet regarding the Staff report.

Councilmember Suter asked if a neighborhood meeting was held?

Mr. Helmer replied yes, not by the city, but the applicant held a neighborhood meeting.

Councilman Smith stated he would ask that he might digress for a moment, because he noticed some people in the audience who looked a bit confused with what occurred with the last Council agenda item, which was the smoking issue. Councilman Smith said he would like to explain to the audience where we are now with that issue. Councilman Smith explained that State law only allows City Council to give a Bill one reading in a meeting, unless we "waive the rule", which is waiving that particular rule that allows the City Council to move forward. However, it is a statutory requirement that this particular motion receive a unanimous vote of the Council, since there was not a unanimous vote of the Council, we cannot take that any further this evening, and it will be on the next City Council meeting's agenda for final disposition. Councilman Smith said Council would not be taking any more action on that item this evening; it will happen again at the next City Council meeting on February 23, which begins at 7:30 PM. That is why the City Council abruptly stopped.

#### **Comments from the Applicant**

Brian Forquer, Lutgen, Incorporated, 8350 N. Saint Clair Avenue, Kansas City, Missouri, stated that with him at this meeting was Chris Chancellor, and Bill Podrebarac, both from Lutgen. (Mr. Forquer utilized a PowerPoint presentation, as he made his remarks). Mr. Forquer stated that Stratford Park is a residential development at the corner of 72<sup>nd</sup> Street and Euclid Avenue. Family Video came through the process last year. Mr. Forquer said they are requesting a street vacation, a rezoning, a site plan, and a plat to go along with this plan. Currently, the property is bound by 73<sup>rd</sup> Terrace, Euclid, 72<sup>nd</sup> Street, and North Brooklyn. North Brooklyn and 72<sup>nd</sup> Terrace are not constructed at this point. Mr. Forquer said this property is zoned R-3, Garden Apartments; and C-1, Commercial, and what they are trying to do is to rezone this to RP-3, which ties the site plan to the rezoning. The zoning allows building height of two and one half stories, or 35 feet in height, maximum. The maximum building unit would be 24 units. Gross density of the project would be about 152 apartment units that could be done in this location.

Mr. Forquer said they have provided and required a 35-foot buffer from R-3 to R-1 on the east and the west sides. There are R-2 duplex units and RP-2 surrounding the property. Mr. Forquer pointed out in the PowerPoint presentation that the aerial view of the property at this point shows the duplex units at 73<sup>rd</sup> Terrace, and in yellow, is the platted Brooklyn Avenue, and 72<sup>nd</sup> Terrace, KinderCare, the proposed Family Video, prior to its construction, and 72<sup>nd</sup> Street. On the left is the vacation that is

being proposed. Family Video came in and vacated the old Euclid Street, prior to the realignment. Mr. Forquer said he would complete that vacation of the old alignment, vacate 72<sup>nd</sup> Street and Brooklyn Avenue as is platted currently, allowing them to get to a final plat that allows a realignment of a singular road with a cul-de-sac through the property that they are currently calling Brooklyn Avenue. Mr. Forquer pointed out that some of the site constraints in the existing plat are the vacated streets. There is a KCPL easement, which is about 100 feet wide down the middle of the property. There is a drainageway on the east property line, with existing vegetation, and a drainageway on the west property line. The current site plan proposes 98 townhome units, which are two and three bedroom townhomes. On November 13, 2008, his company conducted a neighborhood meeting. About 20 people attended the meeting, and there were about 48 letters of notification sent out. Mr. Forquer pointed out that split down the middle is the KCPL easement, and he is proposing a 20-foot building separation between the units. On the east side of the KCPL easement they are requesting a variance to a 15-foot building setback, trying to provide more of a buffer in the existing vegetation that they have provided there.

Mr. Forquer said a homeowners' association would be developed with this project; although, it will be a rental project, eventually there will be lots split for future homeowners, and single-family residences. Mr. Forquer pointed out the detention basins, and said one basin handles the east half, and another is at the northwest corner of 72<sup>nd</sup> Street and Euclid, and would be maintained by the homeowners' association, and initially by the developer. This is the maintenance agreement they have provided currently as a draft. Covenants, conditions, and restrictions will be provided with this, and as stated, market conditions currently dictate that this go to a rental property, and eventually would be converted to home ownership. Some of the discussions at the Planning Commission was that two stalls are required per unit, and he has provided that in the garage and in the driveway. Mr. Forquer pointed out that the areas colored brown are the additional off-street parking areas, and pointed out where 86 units would be located, and 78 additional off street parking spots will be provided for those residents, and they have provided "no parking" signage on the south side of 73<sup>rd</sup> Terrace.

Mr. Forquer said, based on the aesthetics of 72<sup>nd</sup> Street and Euclid, they have provided building upgrades, and he pointed out those areas where the upgrades are located. In addition, with the swale that is in the proposed stormsewer, they have provided upgrades to the back of those units for the existing single family residences to the west. Mr. Forquer pointed out that the top four images in the PowerPoint are what the standard unit would look like for a four plex - there are four plexes and six plexes. The bottom two are additional upgrades on the side and the rear, providing a cultured stone, and a first floor elevation of the units. In Johnson County, at Johnson and Woodland, this is a product that Peterson Company has built and currently manages as a rental type product, and this is the product that they are proposing in this development. An additional proposal of the architecture is that not more than two consecutive units will have a similar roofline, which will break up the architectural

features of the streetscape. Mr. Forquer pointed out the proposed trees to remain, and the existing landscaping that they are offering. The project has a pool and cabana in the middle. The drainageway on the west property line has been a point of numerous discussions between the applicant, neighbors, and City staff, and they have been working hard and long on this. Currently, at the north property line, is an existing stormsewer that erodes when it discharges out on to the other side of the property. It is cutting some of the bank. It is an open swale to the north of that point, and it comes on to the Peterson property. Currently, when that water backs up, it comes to the south corner and overflows across Lot 1 to the west. Mr. Forquer pointed out that looking at the overall watershed, in red is outlined the Stratford Park property. In Watershed A, the property drains to the point he just discussed. That property is approximately five acres of that watershed. Mr. Forquer pointed out the crossroad culvert to 72<sup>nd</sup> Street, and he pointed out the area that is 422 acres of watershed, and said their onsite property equals about one percent. Mr. Forquer pointed out that Watershed A is broken down further into the two drainageways that are on each side of the property. At the discharge point out of the detention basin there are 47 acres. Where the existing 30 inch stormsewer discharges, there is about 41 acres that come down the rear of the lot lines, and comes into the Peterson property, and their onsite percentage is about 10 percent of the watershed in this location.

Mr. Forquer continued by saying that their proposal at the southwest corner to protect adjacent properties and alleviate some of the stormwater, is to first take the existing stormsewer that is having some erosion in the bank cuts, and tie that into a stormwater box inlet. That box inlet will be an opening to match the existing swale so the water can drop in there, and it will then be outletted through a 66-inch pipe. This will bring the water underground, tying to the reconstructed structure, as an outlet to the detention basin, and then following down the system. If the water does get backed up, it can follow a swale down behind the homes and will fall into the proposed detention basin. Mr. Forquer said it is proposed to disconnect the street stormsewer from the outlet, and put that water into the detention basin, so we would have additional water from the KinderCare and the Family Video that would dump into that basin. Mr. Forquer said in an effort to buffer the single-family residents, they have done the architectural upgrades, provided landscape screening, and trees, and the detention basin will be maintained by the homeowners' association and the developer.

Mr. Forquer said there was discussion on their proposed access at North Brooklyn Avenue. Based on reviewing that access point, the intersection sight distance on making a left turn into the development meets AASHTO (American Association of State Highway and Transportation Officials) standards. Mr. Forquer said a car coming out and making a left turn meets the intersection sight distance requirements, and for marketing purposes and for resident access, they would prefer to see that continue to be a full access. If residents do determine that during peak hours they cannot get out, they can still go back to Euclid Avenue, through Brooklyn, come down to 72<sup>nd</sup> Street, at the stoplight, and make a left turn. Mr. Forquer said they are in agreement with all the conditions that the Planning Commission has sent to them.

Councilman Wayne Beer stated he still has a serious question in regard to stormwater management, and water that enters Rock Creek, and especially south of 72<sup>nd</sup> Street. Everything has been addressed north of 72<sup>nd</sup> Street, but the fact remains there will be at times additional water that is going to enter Rock Creek south. Rock Creek meanders, and under stormwater conditions, there is a good deal of erosion issues with which those neighbors must deal. Dumping the excess overflow of water onto 72<sup>nd</sup> Street will dump all that water into Rock Creek. Councilman Beer said those folks have some serious considerations and concerns, and he shares those same concerns. One of the things he has not heard from the applicant is addressing some of the sustainability or green issues that the Council has undertaken. One of the things that help to control stormwater is permeable surfaces. Councilman Beer said he does not see where those kinds of stormwater run-off issues have been addressed.

Mr. Forquer stated they currently do not have any permeable pavement in the plans.

Councilman Beer said that would be something to consider.

Councilmember Carol Suter said she agreed, and asked if the applicant had explored any nontraditional stormwater run-off strategies, other than putting the big tank underground to hold the water. There are a lot of exciting new strategies and approaches being developed that are more environmentally friendly and that deal with the water before it gets into the big tanks. Councilmember Suter said she was wondering if the applicant had explored any of those, and if there are any new techniques that have been incorporated into any of this run-off issue that would be nontraditional or more environmentally in tune.

Bill Podrebarac, of Lutgen, Incorporated, stated that with respect to nontraditional approaches, the overall stormwater management plan is more or less nontraditional in the sense that there is an awful lot of stormwater that is coming through the site, and we could separate the stormwater generated on-site, but it would not solve anything. The floodway that moves from north to south is really the big problem in this vicinity. Mr. Podrebarac said this is a pretty atypical approach, in that it is an open detention basin and a pipe, and the way it operates is very atypical, but it was the best solution that they were able to come up with in order to affect some sort of improvements at 72<sup>nd</sup> Street. Where the pipe is located on the northwest corner of the site – west of Euclid and east of Woodland Avenue – there is an existing channel out there that is eroding. Mr. Podrebarac said they had looked at the possibility of keeping an open channel and some of those options, but it appears by some of their models that there is too much water in there, so they would almost have to line it, and it would be a sort of Brush Creek affair. They left that opportunity and they considered putting in a pipe, and so they have a stormsewer that is a little larger than the downstream system. It collects most of the stormwater run-off for up to a one hundred year event. It begins to have some overtopping at that point. That is conveyed through an overland swale, and the overland swale is directed into the detention basin. The pipe itself connects to the

basin indirectly, in that the low flow events will predominantly go right into the existing system, and that will go into the box at Rock Creek. As soon as the precipitation event begins to get intense, the water will begin to back up; the pipe into the basin is more able to flow and provide additional capacity on the upstream side of the downstream pipe. It backs into the basin, and it is kind of a surcharge for the existing system. It does provide some detention effects, but the main thing it does is that it reduces the amount of water that is getting off the site onto 72<sup>nd</sup> Street. It is a little less than half the peak rate that is getting onto 72<sup>nd</sup> Street. Mr. Podrebarac said they have cut the amount in half from what is there in the existing condition. Currently, the ten-year and possibly the five-year events have quite a lot of overflow. Mr. Podrebarac said we have zero overflow; we have contained the ten-year within the system we have proposed.

Councilmember Suter said this is a major problem for Gladstone, because of the topography and underground springs. Water is a big issue in our community. Councilmember Suter said she does applaud the applicant, and she knows when Council was working on the Family Video piece, that they did more than was required around the drainage for that project, in anticipation, she suspects, of this, and that effort was appreciated.

Mayor Pro Tem Carol Rudi asked if the proposed units would have basements.

Mr. Forquer replied yes they would.

Mayor Pro Tem Rudi asked if there were samples available of the materials that would be used in this project.

Mr. Forquer replied they could provide those samples, but did not have samples with them at this meeting.

Councilmember Suter asked if there were existing properties that the applicant has that have the same materials as what is being proposed?

Mr. Forquer replied yes, it would be the Woodwin Townhomes in Johnson County.

Mayor Pro Tem Rudi asked if the proposed swale could erode over time?

Mr. Forquer replied it could erode, but there will be landscaping and plants in the area. The vegetation will be selected so as to limit the erosion, and it is part of the maintenance. The possibility of erosion in it would be very limited, because it only collects the flows from the north in a one hundred year event, or a fifty year event. Other than that, only the back yards are directly tributary to it. It is not a major conveyance, as the existing channel is.

Mayor Pro Tem Rudi asked if there were erosion, could it be repaired as it happened?

Mr. Forquer replied he did not have the verbage on hand as to how that was set up, but because that is part of the landscaping itself that would have been damaged by the erosion, then he believes that would be covered.

Councilman Les Smith stated the folks along North Woodland have been dealing with the erosion problem in their backyards since at least the early 1980's, and he believes the applicant was going to move some of their network to the east to retain some of the vegetation in those areas. Councilman Smith asked the applicant to explain that and to draw a mental picture of the existing channel versus what the entire area would look like at completion of the project.

Mr. Forquer stated the existing channel is an eroded ditch at this point that keeps getting cut deeper and deeper. There are existing vegetation and shrubs, and that is what the existing conditions look like. What is being proposed is a small retaining wall, and addressing plant material on the outside of the swale.

Councilman Smith inquired into further north off of 72<sup>nd</sup> Street, there is a pipe that t-bones into the ditch, and asked how that would be handled.

Mr. Forquer said they are proposing a stormsewer concrete box that will be open on three sides. It will match the swale so that the water will fall into it. There are bars across it for safety purposes. There are two small openings on the east and west sides. The existing stormsewer that is eroding a lot is going to be tied into that stormsewer box, so it is not an open channel at that point anymore. Once the water hits Euclid Avenue, will go straight into the structure and then move on down the system.

Councilman Smith said he believed the folks have been looking forward to this project in one regard for years, and that is to finally fix that problem. Councilman Smith said he did not have any grand expectations other than fixing that problem. Councilman Smith said there was discussion at the Planning Commission level regarding North Brooklyn, and its proximity to the Family Video drive or the drive between Brooklyn and Family Video, and inquired into the outcome of those discussions.

Mr. Forquer replied the outcome was a full access intersection based on meeting AASHTO requirements for stopping in an intersection.

Councilman Smith said he loves those parameters and requirements when they work, but was there discussion on moving North Brooklyn further to the east – would that help, or are there some egress or ingress adjustments that can be made on the existing properties?

Mr. Forquer replied that moving that to the east would start moving the buildings to the other side, and also that is where the existing curb cut is right now – we have matched into that location. That is also the location for the platted Brooklyn Avenue.

Councilman Smith asked Assistant City Manager Scott Wingerson if this has been further addressed since the Planning Commission meeting.

Mr. Wingerson replied that staff has not looked at moving Brooklyn to the east, but that can certainly be done, and see what impact that has on the overall development. Staff has looked at some traffic calming concepts having to do with Family Video and Stratford Park, and he is sure those will evolve and address the Council concern.

Chris Chancellor, Lutgen, Incorporated, stated one of the issues they have is as one looks at the center line of Brooklyn where they have it, and they start to slide that over to the east it drops that intersection further down into the sag, and one of the reasons he believes the right-of-way exists where it does today, and why that curb cut is where it is today is because of the sag location at 72<sup>nd</sup> Street. It meets AASHTO requirements now at that location. If you slid it further to the east, it would not meet AASHTO requirements and you would not have the necessary sight distance. This was looked at almost 15 months ago in the site planning of this project, and the outcome that they came away with was that the location where Brooklyn exists today with respect to the right-of-way, is ultimately the best location. Mr. Chancellor said they would have loved to have moved it further to the west, but there is an existing building there. That location is the best condition they could get for that intersection.

Councilman Smith asked, relative to Councilman Beer's question regarding permeable surfaces, would the applicant be willing to look at some modifications to their plans?

Mr. Forquer replied that from an engineering perspective, an issue for them is how well permeable pavements work in this area of soil types that we have. Mr. Forquer said they would certainly be glad to entertain other nontraditional ways of trying to mitigate volume and infiltrate water, but their concern is that they cannot clearly recommend to their client to do permeable asphalt or permeable pavements at this point, because in this area it is inconclusive as to whether or not they truly work in the long term. From the day they are installed, they can work for a short period of time, but the concern is over a long period of time, are you really getting the same benefit out of it. Mr. Forquer said they do not have enough evidence at this point to point one way or another, and so as a firm, they decided that they would not recommend those to their clients at this point, not being sure of the ultimate outcome.

Councilman Beer said perhaps on streets that are driven daily and have high volume of traffic that might be an issue right now. That is still to be decided as to its practicality. There are quite a lot of paved surfaces on driveways and patios in this plan that certainly perhaps could lend itself to a permeable type surface or intermittent paving or something such as that. Councilman Beer said that our City has Ordinances that do not permit that, but they surely could be entertained by the Council on an exception basis, and he would like for us to take a serious look at surfaces that do not carry high volumes of traffic, but still shed water.

Mayor Mark Revenaugh said he knows the applicant plans to build these units with the idea of eventually selling them, and plan to lease them until some point in time, and asked if there is a trigger at which time the applicant will begin to market the units for sale and create the homeowners' association that will transfer the liability of the property from the developer to the home owners' association?

Mr. Forquer replied that Mr. Reidemann is the President of Peterson Development and he was present at the Planning Commission meeting, and spoke to that. Mr. Forquer said he believed the comments he made were really that it becomes an investment issue of when is the ultimate time to get the best rate of return on the property. J.A. Peterson Enterprises owns and maintains several apartment complexes regionally. It is to their advantage to keep the project looking attractive, not only from a rentable standpoint, but also for the fact that they do know that at some point in the future they will be looking at splitting the lots and making those units for sale. Mr. Forquer said he did not know if there was a specific trigger in terms of time; it was really driven by the market, and when it becomes an attractive rate of return to be able to sell those. Mr. Forquer said that Mr. Reidemann would be able to speak more clearly and eloquently than he on this subject.

**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**

**Ronald Guglielmino, 7160 North Woodland Avenue**, stated he is a little bit behind the eight ball on this project not having learned about it until about ten days ago. Unfortunately, he was unable to attend the Planning Commission meeting, but thanks to the City's website, he was able to catch up on a lot of things. Mr. Guglielmino thanked Councilman Beer for pointing out one of the subjects he wished to point out this evening. After having looked at the summary of the Planning Commission's meeting, he had a couple of general comments and then some specific remarks related to some of the folks who live south of 72<sup>nd</sup> Street in the vicinity of the project. Mr. Guglielmino said as a general observation, the project signs that were posted on this project on 72<sup>nd</sup> Street are entirely too small. With the speed of traffic on 72<sup>nd</sup> Street, you can hardly notice that they even exist, unless you become aware of it, as he did, through the City's website. Mr. Guglielmino said he would encourage the City staff and Council to consider enlarging the minimum size for signs on any project that is on a heavily traveled arterial street such as 72<sup>nd</sup> Street.

Mr. Guglielmino stated the current project notification area, he is advised by the Community Development Department, is only 185 feet radius from the project location. As has been clearly pointed out this evening, there are significant impacts with this project potentially in terms of stormwater drainage south of 72<sup>nd</sup> Street. Mr.



Guglielmino said he believed the project notification area requirement should be enlarged, and he would leave it to the wisdom of the City Manager and his staff, and the Council as to what that should be. There is no reason why people like him should come to the realization of a project's existence this late in the game.

Mr. Guglielmino stated he thinks the Council should consider Planning Commissioner Anita Newsom's suggestion at the November 20<sup>th</sup> Planning Commission meeting, and reiterated last Monday evening, that the proposed Brooklyn location at 72<sup>nd</sup> Street be considered for a right turn in and a right turn out only during the peak hours. This would help the problem at the traffic light at 72<sup>nd</sup> Street, and would reduce the possibility of traffic accidents, that none of us want at that location.

Mr. Guglielmino said he is also concerned about the stormwater issues that were discussed at the Planning Commission meeting last Monday evening, and mentioned by Councilman Beer this evening, especially with the impact on Rock Creek, south of 72<sup>nd</sup> Street. Mr. Guglielmino said he was the first homeowner on North Woodland, south of 72<sup>nd</sup> Street, over 20 years ago, and he can remember looking at the traffic study that was done and the stormwater study at that point, and before he decided on a lot location, he wanted to be sure they were outside of the 500 year flood plane, which they are, and that they had a reasonable chance not to be inundated by a chance event that might occur affecting the stormwater.

Mr. Guglielmino said he is still concerned about the impact south of 72<sup>nd</sup> Street on Rock Creek, and he has observed Rock Creek when it was just about ready to overflow onto North Woodland, soon after it was constructed. The homeowners in that area, to his knowledge, none of whom were notified of this project, are equally concerned. Mr. Guglielmino stated he has been for some time working with the Public Safety Department on the excessive traffic volumes and speeds on North Woodland, south of 72<sup>nd</sup> Street. There is documented evidence that they could provide about the high volumes of traffic on what is supposed to be a residential street. North Woodland, between 69<sup>th</sup> and 72<sup>nd</sup> Street, now operates as a minor arterial, and if you look at the traffic study that was done for this project, the traffic volume in the peak hour and peak direction will increase from approximately 2.9 vehicles per minute on North Woodland to about ten percent over that. Mr. Guglielmino said an increase of that magnitude is not going to be that significant, because many of us now wait 90 seconds to two minutes before they can back out onto North Woodland to go either north or south.

Mr. Guglielmino said he worked for over 35 years before retiring as an Urban Transportation Planner, and he can say that having worked with these projects, that everything you see that appears in any project development report is probably going to be on the conservative side. Mr. Guglielmino thanked Council for the opportunity to speak, and said he is not opposing this project, and believes in this economic environment, the fact that the developer was willing to take the risk that he is willing

to take speaks well, and he generally favors the project, but he has a lot of concerns about some of the details.

**Marilyn Chavez, 2227 NE 73<sup>rd</sup> Street**, began by saying that 72<sup>nd</sup> Terrace becomes 73<sup>rd</sup> Street, so basically she is one house away from the eastern most townhouse project. Ms. Chavez said she has the same concerns about her street. It has become "go from Walmart anyplace over to Euclid trafficway", and with 98 units on that small piece of land, she has concerns about the traffic on her street. The Planning Commission could see no reason to not approve this, but she would ask if there was any way the number of units could be decreased. Ms. Chavez said she is in favor of the project, but just not so many units. Ms. Chavez said one of the Planning Commissioners said he lives close by, and he would not want the extra traffic, but it would be extra traffic for her every day, not just to and from work. Ms. Chavez said when he said they would not go down Brooklyn to 72<sup>nd</sup> Street, what they will do is they will turn and go down Euclid, when they are going to M-1 Highway, then they will turn right, go up 72<sup>nd</sup> Terrace, to 73<sup>rd</sup> Street, and cut through to the Walmart traffic light, which is what everyone does. Ms. Chavez said her concern is the density of units.

**As there were no further comments, Mayor Revenaugh closed the Public Hearing.**

**Item 11. on the Agenda.** **FIRST READING BILL 09-03**, vacating the north section of "old" Euclid Street, Northeast 72<sup>nd</sup> Terrace, and North Brooklyn Street right-of-way, proposed streets immediately north and east of 72<sup>nd</sup> and Euclid Streets located in Clay County, Gladstone, Missouri. Applicant/Owner: J.A. Peterson Enterprises, Inc. File # 1326.

Mayor Pro Tem Carol Rudi asked for Council to consider the possibility of continuing this action to the next City Council meeting. There are a number of issues still outstanding, and City Council members have asked questions for which they would like answers. Mayor Pro Tem Rudi said she would like to see some of the materials that would be used for construction.

Mayor Pro Tem Carol Rudi moved to continue the First Reading of Bills 09-03, 09-04, 09-05, and 09-06 to the next City Council meeting on February 23, 2009. Councilman Wayne Beer seconded.

Councilmember Suter said this is a very interesting project and she is excited that someone is wanting to take a risk in this economy, and it is the kind of housing that we keep hearing from Gladstone residents that they want to have more of in Gladstone, but she is also sensitive to what they really want is quality housing. If there is any question or lack of comfort at this point around the materials, because that is really the issue, it looks nice on paper, but sometimes things look good on paper, but when you see them for real, they are not so good, then she believes it is worth a little time just to

be certain we have that done. There were a couple of other issues about drainage and so forth, so if there are any other assurances to come back to Council that all avenues have been explored, that would be worth the time from Council's perspective; although, she knows it is hard on the developer.

The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

**Item 12. on the Agenda.**      **FIRST READING BILL 09-04**, approving the Final Plat of a Replat of Stratford Park, Fourth Plat, Gladstone, Clay County, Missouri, and directing the appropriate officials to affix their signatures to said Plat for recording. Applicant/Owner: J.A. Peterson Enterprises, Inc. File #1329.

**Note: Continued to the February 23, 2009, City Council Meeting.**

**Item 13. on the Agenda.**      **FIRST READING BILL 09-05**, 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: J.A. Peterson Enterprises, Inc. File #1330.

**Note: Continued to the February 23, 2009, City Council Meeting.**

**Item 14. on the Agenda.**      **FIRST READING BILL 09-06**, approving a Site Plan Revision for property legally described as; a Replat of Stratford Park, Fourth Plat. Applicant/Owner: J.A. Peterson Enterprises, Inc. File #1330.

**Note: Continued to the February 23, 2009, City Council Meeting.**

**Item 15. on the Agenda.**      **FIRST READING BILL 09-07**, Declaring the results of the Gladstone Primary Election held on Tuesday, February 3, 2009, as certified by the Clay County Board of Election Commissioners; and declaring the names of the candidates to appear on the Tuesday, April 7, 2009 General Election Ballot.

Mayor Pro Tem Carol Rudi moved to place Bill 09-07 on its First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0). The Clerk read the Bill.

Mayor Pro Tem Carol Rudi moved to accept the First Reading of Bill 09-07, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0). The Clerk read the Bill.

Mayor Pro Tem Carol Rudi moved to accept the Second and Final Reading of Bill 09-07 and to enact the Bill as **Ordinance # 4.094**. Councilman Wayne Beer seconded.

Roll call vote: "All aye"- Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

**Item 16. on the Agenda. OTHER BUSINESS.**

There was no other business to come before Council.

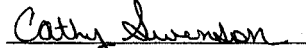
**Item 17. on the Agenda. QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

**Item 18. on the Agenda. ADJOURNMENT.**

There being no further business to come before the February 9, 2009, Regular City Council meeting, Mayor Mark Revenaugh adjourned the Regular meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

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

  
Mayor Mark S. Revenaugh



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, FEBRUARY 23, 2009**

**OPEN STUDY SESSION: 7:00 PM**

**REGULAR MEETING: 7:30 PM**

**AGENDA**

- 1. Meeting Called to Order.**
- 2. Roll Call.**
- 3. Pledge of Allegiance.**
- 4. Approval of the Regular February 9, 2009, City Council Meeting Minutes.**

**REGULAR AGENDA**

- 5. Communications from the Audience.**
- 6. Communications from the City Council.**
- 7. Communications from the City Manager.**
- 8. RESOLUTION R-09-26, authorizing acceptance of work under the contract with Intec Construction Company for the Gladstone Community Center Concrete Project; and authorizing final payment in the total amount of \$35,095.33.**

- 9. ACCEPTANCE OF THE JANUARY 2009 FINANCIAL REPORT.**
- 10. SECOND READING AMENDED BILL 09-02**, regulating air quality in certain public places within the City of Gladstone by prohibiting or restricting smoking; and amending Ordinance 3.208 to expand smoke free areas within the City; and further, imposing penalties for violations.
- 11. FIRST READING BILL 09-08**, allowing the "Show Me Green Sales Tax Holiday" to apply to the local sales taxes of the City of Gladstone between April 19 and April 25, 2009.
- 12. FIRST READING BILL 09-09**, amending Schedule VIII of the Model Traffic Code (Gladstone Municipal Code Section 4.100.020) to establish "Stop" Sign locations at the Northeast and Southwest corners of the intersection at NE 69<sup>th</sup> Street and North Holmes Street.
- 13. Other Business.**
- 14. Questions from the News Media.**
- 15. Adjournment.**



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, FEBRUARY 23, 2009**

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Mark Revenaugh  
Mayor Pro Tem Carol Rudi  
Councilman Les Smith  
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 Mark Revenaugh opened the Regular February 23, 2009, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda. ROLL CALL**

Mayor Mark Revenaugh noted that all City Council members were present.

**Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.**

Mayor Mark Revenaugh led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda. APPROVAL OF THE REGULAR FEBRUARY 9, 2009, CITY COUNCIL MEETING MINUTES.**

Councilman Wayne Beer moved to approve the Regular February 9, 2009, City Council Meeting Minutes as presented. Mayor Pro Tem Carol Rudi seconded.

The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0).

## **REGULAR AGENDA**

### **Item 5. on the Agenda.      COMMUNICATIONS FROM THE AUDIENCE.**

There was no communication from the audience.

### **Item 6. on the Agenda.      COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilmember Carol Suter** thanked Public Information Officer Richard King and related staff for making the slight change to the website to help people understand how to communicate with City Council members. Councilmember Suter said it obviously did some good, because her e-mail has gone up dramatically in the last week, and she attributes that to people being able to find her contact information. Councilmember Suter said one person said she kept getting error messages, and she does not know if that was her problem or just an unusual episode. Councilmember Suter said she found it fun to be able to communicate with residents so easily in a way that is individualized, and hopes citizens like this functionality as well.

**Councilman Wayne Beer** reported that he was part of a delegation who went to Jefferson City this week to meet with our area legislators, and he believes that his group had some positive influence. Councilman Beer said he appreciated having the opportunity to go.

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

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

**Mayor Mark Revenaugh** stated he wished to thank the representatives who were so gracious to meet with them while they were attending the Legislative Conference in Jefferson City. They were able to meet with State Senator Ridgeway, Representative Nolte, Representative Silvey, Representative Flook, Representative Irvin, and Representative Skaggs. Mayor Revenaugh said they had access to all the Northland legislators, and they were also able to team up with the Cities of North Kansas City, Liberty, and Riverside. It was a very nice meeting, and good to partner up with our sister cities. We are all Northlanders, we all have that common bond, and as a group, we were able to project our concerns to our State elected officials. Mayor Revenaugh said he appreciated Mayor Pro Tem Rudi and Councilman Beer making the trip with him.



**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

Assistant City Manager Scott Wingerson had no comments at this time.

**Item 8. on the Agenda.**

**RESOLUTION R-09-26**, authorizing acceptance of work under the contract with Intec Construction Company for the Gladstone Community Center Concrete Project; and authorizing final payment in the total amount of \$35,095.33.

Mayor Pro Tem Carol Rudi moved to adopt **RESOLUTION R-09-26**, authorizing acceptance of work under the contract with Intec Construction Company for the Gladstone Community Center Concrete Project; and authorizing final payment in the total amount of \$35,095.33. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0).

**Item 9. on the Agenda.**

**ACCEPTANCE OF THE JANUARY 2009 FINANCIAL REPORT.**

Councilmember Carol Suter moved to accept the January 2009 Financial Report. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0).

**Item 10. on the Agenda.**

**SECOND READING AMENDED BILL 09-02**, regulating air quality in certain public places within the City of Gladstone by prohibiting or restricting smoking; and amending Ordinance 3.208 to expand smoke free areas within the City; and further, imposing penalties for violations.

Councilman Les Smith stated he would like to offer an amendment to the amended Bill, and said this Council has tried very hard to deal with this issue in a manner that addresses all the interests of the community, including the business community. That is nothing to take lightly – the business community is struggling right now. Revenues are in the tank. We have dealt with this for a year, and will deal with it for at least another year, by all accounts, and yet there is an interest in the community that wants the City to move towards a smoke free position. Councilman Smith said he believed that most of them believed that we were moving in that direction; however, he would like to suggest an amendment that would put a "date certain" on that day. Councilman Smith said that a provision of the current Bill allows for those exemptions that are mandated by the Indoor Clean Air Act, but then there was a provision for businesses who held a liquor license as of January 1, 2009, that they may continue to offer a smoking environment until such time when that business ownership is transferred, and then there would be an immediate switch to a smoke free environment.

Councilman Les Smith said he would like to amend Section 2.135.070 of the Bill to read:

(1) Businesses existing as of the date of enactment of this Ordinance shall be required to fully comply with the provisions of this Ordinance within ninety (90) days after its enactment.

(2) Businesses existing as of January 1, 2009, that hold current liquor licenses issued by the City and have customarily allowed smoking on the premises prior to the date when this Ordinance is enacted, shall be exempt from the restrictions on smoking imposed by this Ordinance for a period of 36 months after the date of enactment. Signs shall be conspicuously posted that state "Non smoking areas are not available" near each entrance.

Councilman Smith said this would remove the provision that said those businesses not covered under the Indoor Clean Air Act were going to be allowed to remain smoking establishments until the transfer of ownership. That provision would be repealed to be replaced with the provision that states those businesses shall be exempt from the restrictions on smoking until a date certain of 36 months after the enactment of this Ordinance. At that point in time, they must become smoke free.

Councilman Wayne Beer seconded the motion.

Mayor Pro Tem Rudi asked for clarification as to whether this is with the exception of those exempted by the Indoor Clean Air Act?

Councilman Smith replied that was correct. Those businesses included in the Indoor Clean Air Act remain as they were before.

Mayor Revenaugh said he felt it was important to remind the audience that we can take the Indoor Clean Air Act and we can make it easier, but we cannot make it tighter. In other words, it would be impossible for Council to outlaw smoking in a billiard hall, without crossing State law. Those were specifically written into the Missouri Clean Air Act, and there is nothing this Council can do about those provisions.

Councilmember Suter stated she would like to say for the record that this has been the advice of our Solicitor. Other cities have found a different position. There is an Attorney General's opinion that speaks directly to this issue about the Clean Indoor Act, and says that in fact municipalities can have more stringent requirements. Cities like North Kansas City, which is a Class 3 statutory city, has much more stringent requirements than the Missouri Indoor Clean Air Act requires. Councilmember Suter said, for the record, we have accepted the advice of our City Solicitor on this, but there

is a division of opinion about whether or not we are required to comply, and many cities have chosen not to comply with the Missouri Indoor Clean Air Act.

Councilmember Suter said she had a question about the language that says signs have to be posted that state "non smoking areas are not available" in any place that holds a liquor license. Applebee's has a liquor license, but in theory they supposedly have non-smoking areas available, and she is not sure of the application of that. Councilmember Suter said she understood this language where we are talking about the bars and taverns and restaurants seating fewer than 50, who do not have non-smoking areas, but this would seem to not work for a business like Applebee's or Tommy's.

Councilman Smith said he would assume that language was taken off of the Missouri Indoor Clean Air Act (MICA) provisions, and asked what language Councilmember Suter was suggesting.

Councilmember Suter replied she was just raising the question, because as she read it, she realized that the establishments that this applies to are those that currently now have what are called smoking and non-smoking areas.

Councilman Smith said he believed this was a valid point, and asked Councilmember Suter if she were thinking of a sign that read "smoking allowed on these premises" or language of that sort.

Councilmember Suter replied that stating the message in the positive would probably be a better warning to the public, notifying them that smoking is allowed.

Councilman Smith said if the second would concur, he would change the amendment to read "smoking allowed on the premises".

Councilman Beer suggested that "smoking areas are available" might be a bit more definitive to those who would be coming into the establishment; otherwise, it might be construed that it is only a smoking establishment, and could be confusing to some people.

After discussion by Council, Councilman Smith asked City Counselor David Ramsay to weigh in on the subject.

Mayor Revenaugh stated that some places have what they call a non-smoking area or smoking area, but there is really nothing dividing the smoking area from the non-smoking area.

Councilmember Suter suggested that if there is no physically separate smoking area, then the truth is that smoking is allowed on the premises and everyone is exposed to the second hand smoke.

City Counselor David Ramsay stated that Council did not adopt any provisions requiring a separate physically isolated area for smoking within a combined smoking/non-smoking facility, so it could be worded "smoking is allowed on these premises", or the Assistant City Manager has suggested "smoking permitted at this establishment".

Councilman Beer suggested that the maker of the motion make a suggestion.

Councilman Smith said he believed that "smoking allowed on premises" would be his suggestion.

Councilman Beer said the second concurs.

Mayor Revenaugh asked Counselor Ramsay what amendment number this would be.

Counselor Ramsay replied this would be amendment number four.

Mayor Revenaugh said there had been a motion and a second on the amendment to Amended Bill 09-02, and asked for a vote on the amendment.

The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0).

Councilman Les Smith moved to place the further amended Bill 09-02 on its Second Reading. Councilman Wayne Beer seconded. The vote: "Aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. "Nay" – Councilmember Carol Suter. (4-1).

Counselor Ramsay pointed out that included in amendment number four was a change in the effective date. Originally, it was said the effective date would be sixty days after passage of the Ordinance, and within this amendment it is stated that would be changed to "effective immediately after passage", since there is a ninety day waiting period built in. Counselor Ramsay asked if this was going to be adopted as part of the amendment.

Councilman Smith stated it was his intent to adopt the amendment as it was written on the document that he gave to Council members.

Mayor Revenaugh asked if that would be ninety days from tonight's date, assuming passage?

Counselor Ramsay said the ninety days is listed in the first portion of the amendment.

Councilmember Suter said it applies to all businesses except those that are excepted, and this is an exception, so the ninety days does not apply to these; anyone who holds a liquor license is not subject to the ninety days. They are subject to the 36 months.

Counselor Ramsay said the effective date was originally stated in the Bill as being sixty days from passage, which would in effect, make it 120 days.

Mayor Revenaugh said he did not believe the intent was to go out 120 days.

Counselor Ramsay suggested there could be an amendment number five, which would amend Section 3 – Effective Date, to say the provisions of this Ordinance shall become effective from and after its passage.

Councilman Beer stated the amendment, which was just passed, modifies Section 3 in the original copy, so it looked to him that we are immediate, and there is no need for another motion.

Mayor Revenaugh agreed that he did not believe it was necessary to amend the motion.

Councilmember Suter stated that Council has gone to great lengths to give liquor license holders three years advance notice, but everyone else must comply tomorrow, and it seems that some notice to businesses would be appropriate.

Counselor Ramsay pointed out that all businesses, under Subsection One of the amendment, would have ninety days to comply.

Council members agreed that was correct.

Mayor Revenaugh stated that Council was in agreement and asked the Clerk to read the Amended Bill. The Clerk read the Amended Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Amended Bill 09-02 and to enact the Bill as **Ordinance # 4.095**. Councilman Wayne Beer seconded.

Councilmember Suter said she appreciated Councilman Smith's efforts in continuing to find ways to push the envelope a little bit on this Ordinance, and so she gives him "A for Effort". but unfortunately, it still does not go far enough in her mind. She

really still strongly prefers that we do something that is in line with North Kansas City and Kansas City's Ordinances to make the area consistent, easier for citizens to navigate and understand what is going on in their community, and protect the citizens, which she certainly believes, and has been demonstrated by public survey, that a vast majority of our citizens would prefer. Councilmember Suter said she would be voting against this Ordinance.

Councilman Beer said he would be voting yes on this Ordinance, but needed to make the comment that he is opposed to any Ordinance; however, he is not going to vote against this Ordinance, because he is afraid his vote would be construed as having support for a ban, and he certainly does not have that kind of support. Councilman Beer said it is his opinion that this is an issue that is none of this City Council's business. Councilman Beer said he would swallow his distaste and accept that an Ordinance is inevitable, and that this is probably the least intrusive of what he believes is an intrusion of the free choice rights of our businesses and our residents. Councilman Beer said, while he is opposed to the Ordinance, he will be accepting of it.

Councilman Smith stated that perhaps Council has staggered through this process, but he believes Council has come out in the end with a product. Councilman Smith said he knows that Councilmember Suter is following her convictions, and he believes we should all appreciate folks who believe in their convictions, and push forward getting what they believe. Councilman Smith said he did not disagree with Councilman Beer, and in fact agrees fully, because there is an issue of choice, and there is an issue of no hidden public danger, and we can go on and on.

Councilman Smith said we all have volumes of research that we can quote, but the fact of the matter is that business people are real people too. They have real bills and mortgages; they have real families; they have real employees who all have the same. This as amended does put some burden on them to plan for the future, but it also gives them an opportunity if they wish to not "roll the dice" with the future, that they might be able to get out in good manner now, but we just cannot lose sight of the fact that these business owners and employees are real people. There is a lot going on right now to help business people. Hopefully, there is a lot of stimulus going on to create jobs, keep people employed, and maybe we have done just a little bit of that. Councilman Smith said the bottom line is that he cannot justify turning our backs on those folks, and he feels pretty good about the Ordinance as it is written, but he would prefer no Ordinance, as well.

Councilman Smith said as elected officials, in a representative form of government, we have a responsibility to represent everyone, and he feels Council has done that pretty well. Councilman Smith said he was especially proud of Councilman Beer, who has not supported anything like this, and he feels strongly about that, but he has met that responsibility in the middle, and the Mayor had the opportunity to "run for cover",

as it is an election year, and he chose not to do that. Councilman Smith said Mayor Pro Tem Rudi is probably in the worse spot; her significant other has been lobbying Council to ban smoking and her mother says she will disinherit her if she does, so she is in a really tough spot. Councilman Smith said he commended them all for trying to meet in the middle, and he also recognizes that Councilmember Suter is doing what she believes in as well, and he expressed his thanks.

Mayor Pro Tem Rudi said this is one of those situations where we have groups who wanted it totally one way or totally the other way, so she believes Council has succeeded in finding a compromise Ordinance that probably makes absolutely no one happy, which keeps us on a level playing field throughout the City. Mayor Pro Tem Rudi said, personally and as she has said before, this is not something that she would like to see as watered down as it is, but as a Councilman for the entire City, she also believes she has a duty to do what is best for the City. Mayor Pro Tem Rudi said promoting a pro-business atmosphere is what is best for the City. Even though it is not the kind of an atmosphere that a non-smoker would want to go into, they do not have to go into it. Mayor Pro Tem Rudi said what she would recommend to all the non-smokers, who would like to see this stronger to make an attempt to contact the management of any place you would like to go into, and tell them that you would be happy to go in there and be patrons, but the smoking is preventing that, and that you are taking your money elsewhere. That will have as much of an impact on businesses as anything that Council can do.

Mayor Pro Tem Rudi said the City has held public forums and has tried to do everything possible to listen to all sides of this issue, and she hopes everyone understands how difficult this was for everyone on this Council. Mayor Pro Tem Rudi said she knows Council has spent hours and hours agonizing over this issue, and personally, she has lost a lot of sleep worrying about this. Mayor Pro Tem Rudi said she hopes that everyone will take this into consideration, and as things progress, it may become necessary to either loosen or strengthen this Ordinance in the future, but only time will tell. Other than that, folks may contact their State legislators and let them know how they feel about this particular issue.

Mayor Revenaugh said as he was preparing for tonight's meeting, he was reminded that democracy, itself, is messy. There is just nothing very clean about it. There is no perfect law, as evidenced by the number of laws that are constantly coming from Washington, D.C. When the seeds of democracy were sown during the Boston Tea Party, Boston Harbor did not look too good at the time either. Mayor Revenaugh said while this process may have been flawed, he would like to go on record as saying that he, and he is sure the rest of Council, appreciate the public providing the input that they did, and those who e-mailed well thought out reasoned e-mails. Those types of communications were greatly appreciated. Those who denigrated to name-calling were probably less so. The point is that one of the things that makes this City great is the fact that we do have involved citizens.

Mayor Revenaugh stated that if they were not concerned, they would not be here, but he wants to assure the public that health is an important topic for the entire Council. It is not something that is taken lightly. The fact that there is a three-year sunset provision for all of Gladstone businesses to become non-smoking will devalue the businesses of those business owners who have the liquor license permits. Mayor Revenaugh said make no mistake about that; they are going to receive less for those businesses if they try to sell them anytime within the next three years, because when they sell and the three years are up, there will not be any more smoking establishments.

Mayor Revenaugh said he guaranteed at earlier meetings that no one was going to be completely happy with the outcome of whatever Council came up with, but the fact is he believes the Council has done a great job coming up with a system for transitioning Gladstone to a smoke free city, and that transition will occur over the next three years, and also, there is no law that says a current establishment that allows smoking cannot go non-smoking. This goes to Mayor Pro Tem Rudi's statement. Mayor Revenaugh said he spoke to the Senior Vice President of Operations for Applebee's, and found that the business owners are fairly content, because they enjoy the profits they derive from their bar areas, which allow smoking, which seems to go hand in hand for some folks. Mayor Revenaugh said that the Senior Vice President of Operations for Applebee's told him that they would go along with whatever the community tells them they need to do. Mayor Revenaugh said if you are not happy with the restaurant you want to eat in, because of smoking, there is nothing more effective than letting that business know that. If half the effort that people spent directing e-mails to the Council over the past three months were directed towards telling restaurant owners that they would enjoy a smoke free establishment, the sheer numbers would get to those owners, and there is nothing to keep them from becoming a smoke free establishment within the three year sunset provision, exemption or no exemption.

Mayor Revenaugh said, like Mayor Pro Tem Rudi, he would encourage people to let those owners know that they will not enjoy their business as long as they allow smoking in their establishments, and to him that is closer to how democracy is supposed to work, rather than relying upon government to try and tell businesses how to run their business, especially when it is a legal product. The state of Kansas is considering a statewide smoking ban. There is no interest in Jefferson City of enacting a statewide smoking ban. They feel like it is best left up to the individual communities to decide for themselves what is in their best interests. Mayor Revenaugh said that responsibility has been charged to Gladstone's five City Council members, and at times, it is easy to forget that we are your neighbors. We share the same concerns; we live next door to you. While this Ordinance may not be perfect, it goes a long way towards accomplishing what a lot of citizens care about, which is keeping jobs. The state and federal government's focus is not on smoking, but on keeping jobs for people and creating new jobs for people, so it did not make sense to enact an Ordinance that



would cost anyone their job, even if it is a server in a bar. There are health risks associated with that, but no one is forcing that person to work in the bar. It comes down to free choice.

Mayor Revenaugh said, personally, he is glad to live in a country where we can still exercise free choice, without having the government tell us what we can do and cannot do. They do way too much of that the way it is. The Council was dangerously close to going back to the status quo, and just saying "to heck with it", we are not going to make anybody happy. It took no small amount of compromise on Councilman Beer's part. Even though he detests any kind of smoking Ordinance, he recognizes that this Ordinance is generally in the best interest of this community. He lives in the same neighborhoods we do, and he was willing to compromise and do what it took to ensure passage of some kind of legislation that would try and make the folks of Gladstone if not happy, at least move us ahead in the direction that many people feel we should be going. Mayor Revenaugh, said this Council had extreme views from *we should be smoke-free overnight to we do not want a ban at all*, and for Council to come together like this and come close to passing something that protects small business owners, protects their employees, and at the same time moves us toward a smoke-free community, he sees as a win-win situation all around.

Councilman Beer stated, for the record, that he is a non-smoker, and he seldom frequents businesses that do permit smoking, but again, it is a free choice.

Councilmember Suter stated she would like to make it clear that she is not a hardhearted person who does not understand small business. The interesting thing about being newer in a community is that people do not know about your history or background. Councilmember Suter said in her life she has been the owner/operator/partner of four small businesses; one of which, she saw outside influences beyond the control of the owners, contribute to the complete demise of the business. Councilmember Suter said she has worked beside some really wonderful, hard working people, who worked so long and hard, yet they got so far beyond the point that even bankruptcy could not help, and lost everything, business and personal, and stood beside them in tears during the day when every single asset was auctioned off. At the end of the day, there still was not enough money to pay the bank. The unmitigated stress that they lived through for those two and one half years, ultimately led to the death of her father-in-law. Councilmember Suter said she understands small business, and she understands risk taking, and she understands that they are real people.

Councilman Smith stated this has been a very divisive issue, to the extent that folks here do not realize, and yet there are a lot of folks here with differing opinions. We have not built Community Centers, developed Village Center Master Plans, and a lot of the great things that have been done by being at great odds. This has been a tough issue for a lot of folks, and it has put a lot of stress on this Council, and it has put a lot

of stress on the community. Councilman Smith said that hopefully in a couple of minutes we will have it behind us, and let's all lay down our guard a bit, and get back to doing business the way this community has done business the last six or seven years that has made us very successful, and quite frankly, the envy of the great part of the region. That is how we got here. This is a minor blip. We have worked it out. Let's be done with it, and let's get back to the business of making Gladstone great.

Roll call vote: "Aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. "Nay" – Councilmember Carol Suter (4-1).

**Item 11. on the Agenda.**      **FIRST READING BILL 09-08**, allowing the "Show Me Green Sales Tax Holiday" to apply to the local sales taxes of the City of Gladstone between April 19 and April 25, 2009.

Councilman Les Smith moved to place Bill 09-08 on its First Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 09-08, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 09-08 and to enact the Bill as **Ordinance # 4.096**. Councilman Carol Rudi seconded.

Roll call vote: "All aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

**Item 12. on the Agenda.**      **FIRST READING BILL 09-09**, amending Schedule VIII of the Model Traffic Code (Gladstone Municipal Code Section 4.100.020) to establish "Stop" Sign locations at the Northeast and Southwest corners of the intersection at NE 69<sup>th</sup> Street and North Holmes Street.

Councilman Wayne Beer moved to place Bill 09-09 on its First Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the First Reading of Bill 09-09, Waive the Rule and place the Bill on its Second and Final Reading. Councilmember Carol Suter

seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh (5-0). The Clerk read the Bill.

Councilman Wayne Beer moved to accept the Second and Final Reading of Bill 09-09 and to enact the Bill as **Ordinance # 4.097**. Councilmember Carol Suter seconded.

Roll call vote: "All aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (5-0)

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

There was no other business to come before Council.

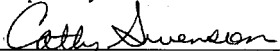
**Item 14. on the Agenda. QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

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

There being no further business to come before the February 23, 2009, Regular City Council meeting, Mayor Mark Revenaugh adjourned the Regular meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

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

  
Mayor Mark S. Revenaugh



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MARCH 9, 2009**

**OPEN STUDY SESSION: 6:45 PM**

**REGULAR MEETING: 7:30 PM**

**AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of the Regular February 23, 2009, City Council Meeting Minutes.
5. **SPECIAL PRESENTATION** of Tree Resource and Maintenance (T.R.I.M. II) grant checks from the Department of Conservation.

**REGULAR AGENDA**

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

9. **RESOLUTION R-09-27**, amending the 2009 Annual General Fund, Combined Water and Sewerage System Fund, Transportation Sales Tax Fund, and the Community Center and Park Fund for the City of Gladstone, Missouri, and authorizing expenditures of funds.
10. **RESOLUTION R-09-28**, authorizing acceptance of work under contract with Ideker, Incorporated, for the 2008 Mill and Overlay Program; and authorizing final payment in the amount of \$10,000.00 for Project TP0901.
11. **RESOLUTION R-09-29**, authorizing execution of a contract with Clay County Sanitary and Ditching Service, Incorporated, in the total amount not to exceed \$35,430.40 for the Rock Creek Slope Stabilization North Park; Project CP0940.
12. **RESOLUTION R-09-30**, accepting Temporary Construction Easements and Quit-Claim Deeds from property owners in conjunction with the Northeast 61<sup>st</sup> Terrace Reconstruction Project TP0614.
13. **RESOLUTION R-09-31**, accepting Permanent Easements from certain property owners in conjunction with the 3700 Northeast 57<sup>th</sup> Terrace Storm Sewer Project CP0650.
14. Other Business.
15. Questions from the News Media.
16. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MARCH 9, 2009  
7:30 PM**

**PRESENT:** Mayor Mark Revenaugh  
Mayor Pro Tem Carol Rudi  
Councilman Les Smith  
Councilman Wayne Beer  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
Deputy City Clerk G. Diane Whitaker

**ABSENT:** Councilmember Carol Suter  
City Clerk Cathy Swenson

Mayor Mark Revenaugh opened the Regular March 9, 2009, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda. ROLL CALL**

Mayor Mark Revenaugh noted that all City Council members were present with the exception of Councilmember Carol Suter.

**Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.**

Mayor Mark Revenaugh led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda. APPROVAL OF THE REGULAR FEBRUARY 23, 2009, CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Carol Rudi moved to approve the Regular February 23, 2009, City Council Meeting Minutes as presented. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (4-0).

**Item 5. on the Agenda. SPECIAL PRESENTATION** of Tree Resource and Maintenance (T.R.I.M. II) grant checks from the Department of Conservation. Mayor Revenaugh welcomed Ms. Helene Miller from the Department of Conservation.

Ms. Miller stated that she is happy to be here tonight to present checks on behalf of the Department of Conservation for two projects. The first check is awarded for the work done by Chris Helmer and Melinda Mehaffy for the Atkins-Johnson Farm where eight trees were removed and 14 pruned which were identified in a previous inventory done by the City and were known to be old and dangerous. This will make it much safer for public use and less likely that the one hanging over the house would not come down on the house; we were happy to partner on that. The other project went to Parks and Recreation staff members Rise McGarvey, Matt Hoops and crew, and Beth Houlihan for the planting of 30 trees in four different parks to replace some of those destroyed by tornadoes and other removals.

Ms. Miller said that the Parks project was \$5,370 and the A J Farm project was \$4,875 making a grand total of \$10,245 from the Missouri Department of Conservation. Ms. Miller stated that she is always happy to partner with Gladstone to help promote community forestry and make Gladstone a safer and better place to live and work. Ms. Miller stated that she has "real" checks to present. Mayor Mark Revenaugh, Chris Helmer, and Sheila Lillis came forward to accept the checks.

**Councilman Wayne Beer** commented that we always love when the Department of Conservation or Natural Resources comes around with money in hand; we love having you come here, Helene. The City has always had a pretty good partnership and relationship with the state and he really appreciates what is going on in the state and the City of Gladstone. Councilman Beer thanked Ms. Miller for being a mighty big part of that.

Mayor Revenaugh said thank you and that was very nice.

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

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

**Jennifer Sumner, 2224 NE 73<sup>rd</sup> Street**, stated that the proposed rezoning for Stratford Park has been postponed for a month or so or no date has been set yet. Ms. Sumner stated that first of all, she was not in favor of it. She asked if she is allowed to ask questions.

Mayor Revenaugh asked if she had a whole list of questions, then asked City Manager Kirk Davis' opinion on the matter.

Ms. Sumner said she had only two questions.

City Manager Davis said that is fine, whatever she is more comfortable with; when she sits down they would be happy to make sure they understand what the questions are and answer them.

Mayor Revenaugh said if she wants the questions answered publicly, we would not necessarily have the answers right now but would have to do some research.

Ms. Sumner commented that she wanted to have it on the books. One of the main issues of the building is the water runoff and they were curious to know if the builders seemed to say the water runoff would be X-Y- and Z and fine. She was curious and wanted to make sure the City had someone employed to verify the amounts.

The second question from Ms. Sumner is how or can a group of citizens, since the owner is asking it to be allowed to rezone for the type of building they want, can they as residents be allowed to make it zoned for single family residents which is what many neighbors want to see done. Mayor Revenaugh stated that Assistant City Manager Scott Wingerson will get with Ms. Sumner after the Council meeting to get some answers for her.

Mayor Revenaugh asked if anyone else wanted to speak from the audience.

**Bruce Ogden, 2306 NE 60<sup>th</sup> Street**, expressed his concern regarding neighborhood water run-off and the neighborhood shopping center that sits directly behind his house. There is only one drain for the entire shopping center. Last Sunday morning the rain clogged causing flooding and caused flooding two houses down from him and washed out his garden and rocks. He showed photos to the Council depicting the salt/sand pile after the rain and the clogged drain with leaves, road salt and sand clogging the drain. Mr. Ogden cleaned the drain and showed a picture of the cleaned drain. He stated that there should be a better design that would allow the drain to wash through without clogging the drain.

The shopping center has another problem with salt. There is a very large, giant pile of salt, at least 20 tons which some has washed into the pipes and their yards. We are not sure we will have grass this spring with all the salt. He was wondering if Council or City could do something; if the salt is stored properly or what.

Councilman Beer asked if it was Meadowbrook Shopping Center. Mr. Ogden replied "yes."

Mr. Ogden also said he has pictures where the salt is going around the barriers. There is property behind the residents and shopping center. He is not sure who owns the property but there are weeds you cannot walk through. Mr. Ogden knows the City has guidelines for noxious weeds and for cutting. You can't walk through it or get through it. He hopes the property owner can at least clean up the property just as they do in their areas.

Councilman Smith asked Assistant City Manager Scott Wingerson to address the salt storage.

Assistant City Manager Wingerson stated as with the first speaker, there are long-standing historical issues that go along with this. There are several shopping centers north of the river and probably throughout the metro area that have adjusted to last year's snow and ice frequency. Many shopping centers had contracts but did not get salt. Council will recall that last year from the City's operation, we had trouble getting salt as did many others because it was just not available even though it was contracted, so the response from shopping center owners was that many property owners stock-piled it at their location and contract to spread it when the time comes.

We did speak to the owner of this shopping center before about moving the salt and was told it would be going away. Of course, there was not much definition there; the salt would naturally be going away at some point. Now we have great information that will help us in discussions with the owner this week about erosion control so-to-speak of the salt; the vegetation down by the retaining wall, I am assuming, without looking at the pictures, and any damage down stream caused by the clogged drain. We will have all those discussions with the owner and get the gentleman's phone number to give him an update.



Mayor Revenaugh commented that he knows DNR has strict regulations about salt storage, being on impermeable pads, being covered when not being pulled off and loaded on a truck. He confirmed that Mr. Wingerson would check into the drain problem and get back with Mr. Ogden. He asked Mr. Ogden if he was ok with that.

Mr. Ogden replied yes, and that Council could keep the pictures to look at them.

Councilman Les Smith asked if we have local guidelines on salt storage.

Mr. Wingerson stated he would need to look more closely at that; he does not think so because it is open storage and Council just passed an open storage ordinance and he is not sure if it specifically points to the salt issue.

Councilman Smith stated that could be a more immediate hammer on the issue; no one wants to live in that situation. Councilman Smith stated that he understands the weeds and we should be on that; he understands the drain is a maintenance issue. They should be able to call any time and get relief on these issues and we should be able to get relief from this problem.

Mr. Ogden commented that the redesign of the drain would make a lot of difference.

Councilman Smith quickly stated that we don't want salt going down the drain.

Mr. Ogden chuckled and stated, no they do not use salt at all; it tends to kill plant life. He thinks the state or someone would have some kind of guidelines.

Councilman Smith stated that unfortunately to get some relief for that, the state, and no offense to them, but we can move more quickly to solve the problem more immediately or even better to prevent a bad situation and give more immediate relief. By having something on our books makes more sense.

Councilman Beer asked City Manager Davis about a project proposal a few years ago that included the issue of the "unknown" property ownership there; that it does, in fact, belong to the shopping center and they promised to take care of that issue, maybe we can use that to strong-arm them in that regard too.

Councilman Smith commented if they are looking to get rid of the salt, we can haul it cheaper than we can buy it and we have plenty of storage, so we may have found some cheap salt for our residents.

Mayor Revenaugh asked Mr. Wingerson to make sure they do something with the salt. He then thanked Mr. Ogden for the pictures.

#### **Item 7. on the Agenda.**

#### **COMMUNICATIONS FROM THE CITY COUNCIL.**

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

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

**Mayor Pro Tem Carol Rudi** stated that she would be gone at the next Council meeting, but wanted to share some upcoming events. March 21 from 10:00 a.m.—4:00 p.m. will be the celebration of the Community Center's first birthday. Ms. Rudi also mentioned that March 24 at 6:00 p.m. would be the rotating art show opening for the high school students. She stated that the last turn-out was great and encouraged everyone to attend.

**Mayor Mark Revenaugh** had no comments at this time.

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

**City Manager Davis** had no comments at this time.

**Item 9. on the Agenda.**      **RESOLUTION R-09-27**, amending the 2009 Annual General Fund, Combined Water and Sewerage System Fund, Transportation Sales Tax Fund, and the Community Center and Park Fund for the City of Gladstone, Missouri, and authorizing expenditures of funds.

Councilman Wayne Beer moved to adopt **RESOLUTION R-09-27**, amending the 2009 Annual General Fund, Combined Water and Sewerage System Fund, Transportation Sales Tax Fund, and the Community Center and Park Fund for the City of Gladstone, Missouri, and authorizing expenditures of funds. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (4-0).

**Item 10. on the Agenda.**      **RESOLUTION R-09-28**, authorizing acceptance of work under contract with Ideker, Incorporated, for the 2008 Mill and Overlay Program; and authorizing final payment in the amount of \$10,000.00 for Project TP0901.

Councilman Les Smith moved to accept **RESOLUTION R-09-28**, authorizing acceptance of work under contract with Ideker, Incorporated, for the 2008 Mill and Overlay Program; and authorizing final payment in the amount of \$10,000.00 for Project TP0901. Councilman Wayne Beer seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (4-0).

**Item 11. on the Agenda.**      **RESOLUTION R-09-29**, authorizing execution of a contract with Clay County Sanitary and Ditching Service, Incorporated, in the total amount not to exceed \$35,430.40 for the Rock Creek Slope Stabilization North Park; Project CP0940.

Mayor Pro Tem Carol Rudi moved to accept **RESOLUTION R-09-29**, authorizing execution of a contract with Clay County Sanitary and Ditching Service, Incorporated, in the total amount not to exceed \$35,430.40 for the Rock Creek Slope Stabilization North Park; Project CP0940. Councilman Les Smith seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (4-0).

**Item 12. on the Agenda.**      **RESOLUTION R-09-30**, accepting Temporary Construction Easements and Quit-Claim Deeds from property owners in conjunction with the Northeast 61<sup>st</sup> Terrace Reconstruction Project TP0614.

Councilman Wayne Beer moved to authorize **RESOLUTION R-09-30**, accepting Temporary Construction Easements and Quit-Claim Deeds from property owners in conjunction with the Northeast 61<sup>st</sup> Terrace Reconstruction Project TP0614. Mayor Pro Tem Carol Rudi seconded. The

vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (4-0).

**Item 13. on the Agenda.**      **RESOLUTION R-09-31**, accepting Permanent Easements from certain property owners in conjunction with the 3700 Northeast 57<sup>th</sup> Terrace Storm Sewer Project CP0650.

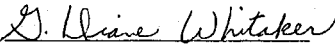
Councilman Les Smith moved to authorize **RESOLUTION R-09-31**, accepting Permanent Easements from certain property owners in conjunction with the 3700 Northeast 57<sup>th</sup> Terrace Storm Sewer Project CP0650. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (4-0).

**Item 14. on the Agenda.**      **OTHER BUSINESS.**  
There was no other business to come before Council.

**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 March 9, 2009, Regular City Council meeting, Mayor Mark Revenaugh adjourned the Regular meeting.

Respectfully submitted:

  
G. Diane Whitaker, Deputy City Clerk

Approved as submitted: ☒  
Approved as corrected/amended:

  
Mayor Mark S. Revenaugh



**NO  
MEETING  
ON THIS DATE!**

**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MARCH 23, 2009**

**OPEN STUDY SESSION: ??? PM**

**REGULAR MEETING: 7:30 PM**

***CLOSED EXECUTIVE SESSION (SEE KIRK)***

**AGENDA**

- 1. Meeting Called to Order.**
- 2. Roll Call.**
- 3. Pledge of Allegiance.**
- 4. Approval of the Regular March 9, 2009, City Council Meeting Minutes.**
- 5. PROCLAMATION: Arbor Day**

**REGULAR AGENDA**

- 6. Communications from the Audience.**
- 7. Communications from the City Council.**
- 8. Communications from the City Manager.**
- 9. FIRST READING BILL 09-03, vacating the north section of "old" Euclid Street, Northeast 72<sup>nd</sup> Terrace, and North Brooklyn Street**

right-of-way, proposed streets immediately north and east of 72<sup>nd</sup> and Euclid Streets located in Clay County, Gladstone, Missouri. Applicant/Owner: J.A. Peterson Enterprises, Inc. File # 1326.

10. **FIRST READING BILL 09-04**, approving the Final Plat of a Replat of Stratford Park, Fourth Plat, Gladstone, Clay County, Missouri, and directing the appropriate officials to affix their signatures to said Plat for recording. Applicant/Owner: J.A. Peterson Enterprises, Inc. File #1329.
11. **FIRST READING BILL 09-05**, 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: J.A. Peterson Enterprises, Inc. File #1330.
12. **FIRST READING BILL 09-06**, approving a Site Plan Revision for property legally described as; a Replat of Stratford Park, Fourth Plat. Applicant/Owner: J.A. Peterson Enterprises, Inc. File #1330.
13. **PUBLIC HEARING: Special Use Permit/hair salon/Tall Timber?**
- 13a. **FIRST READING BILL 09-**, Special Use Permit/hair salon...?
14. Other Business.
15. Questions from the News Media.
16. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, APRIL 10, 2009**

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION  
8:30 AM**

Mayor Mark Revenaugh opened the City Council Meeting to adjourn to a Closed Executive Session on April 10, 2009, at 8:30 AM. Councilman Les Smith 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 Carol Rudi seconded.

Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (4-0).

Following the meeting, Councilman Wayne Beer moved for adjournment. Mayor Pro Tem Carol Rudi seconded. Roll Call Vote: All "aye" – Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi, and Mayor Mark Revenaugh. (4-0).

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, APRIL 13, 2009**

**REGULAR MEETING: 7:30 PM**

**A G E N D A**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Regular March 9, 2009, City Council Meeting Minutes.
5. **PROCLAMATION:** recognizing May 2009, as **OLDER AMERICANS MONTH.**
6. **FIRST READING BILL 09-10**, declaring the results of the Tuesday, April 7, 2009, Gladstone General Election as certified by the Clay County Board of Election Commissioners that City Council Candidates Mark S. Revenaugh and Barry McCullough have been elected to Three Year Terms on the Gladstone City Council.
7. **SPECIAL PRESENTATION** to outgoing **Councilman Wayne Beer** recognizing his service as Councilman and Mayor.
8. REMARKS FROM THE CITY COUNCIL.
9. MAYOR'S STATE OF THE CITY ADDRESS.

10. CITY COUNCIL OATH OF OFFICE: MARK S. REVENAUGH AND BARRY McCULLOUGH.
11. ELECTION OF MAYOR AND OATH OF OFFICE.
12. ELECTION OF MAYOR PRO-TEM.
13. REMARKS FROM THE CITY COUNCIL.

**REGULAR AGENDA.**

14. Communications from the Audience.
15. Communications from the City Council.
16. Communications from the City Manager.
17. **RESOLUTION R-09-32**, authorizing execution of a contract with Insituform Technologies USA, Inc. for the Mill Creek Sanitary Sewer Rehabilitation Project-Phase 3.
18. **RESOLUTION R-09-33**, authorizing execution of a contract with Harvest Productions, Incorporated, in the total amount not to exceed \$60,143.00 for the Oak Grove Park Amphitheater Lighting Truss Project.
19. **BUILDING PERMIT** for the Oakhill Day School property located at 7019 North Cherry Street, for the addition of a classroom/library and also a storage facility. Applicant: Wolfgang Trost, AIA. Owner: Oakhill Day School.
20. Other Business.
21. Questions from the News Media.
22. Adjournment.

Following the Adjournment  
of the Regular City Council Meeting,  
you are cordially invited to a Reception  
in the North and South Conference Rooms  
honoring Past and Present City Council Members





**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, APRIL 13, 2009**

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Mark Revenaugh  
Mayor Pro Tem Carol Rudi  
Councilman Les Smith  
Councilman Wayne Beer  
Councilmember Carol Suter

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Mark Revenaugh opened the Regular April 13, 2009, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.      ROLL CALL**

Mayor Mark Revenaugh noted that all Council members were present.

**Item 3. on the Agenda.      PLEDGE OF ALLEGIANCE.**

Mayor Mark Revenaugh led the Pledge of Allegiance, in which all joined.

**Item 4. on the Agenda.      APPROVAL OF THE MARCH 9, 2009, CITY COUNCIL MEETING MINUTES.**

Councilman Wayne Beer moved to approve the Regular March 9, 2009, City Council Meeting Minutes as presented. Mayor Pro Tem Carol Rudi seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0)

**Item 5. on the Agenda.**      **PROCLAMATION:** recognizing May 2009, as **OLDER AMERICANS MONTH.**

Mayor Revenaugh read and presented the Proclamation recognizing May 2009, as **Older Americans Month.** Councilman Wayne Beer accepted the Proclamation, and said he serves on the Clay County Senior Services Board, and this Proclamation will go to their offices. Councilman Beer thanked Mayor Revenaugh and City Council members.

**Item 6. on the Agenda.**      **FIRST READING BILL 09-10,** declaring the results of the Tuesday, April 7, 2009, Gladstone General Election as certified by the Clay County Board of Election Commissioners that City Council Candidates **MARK S. REVENAUGH** and **BARRY MCCULLOUGH** have been elected to Three Year Terms on the Gladstone City Council.

Councilman Les Smith moved to place Bill 09-10 on First Reading. Councilman Wayne Beer seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the First Reading of Bill 09-10, 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 Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0). The Clerk read the Bill.

Councilman Les Smith moved to accept the Second and Final Reading of Bill 09-10 and enact the Bill as **Ordinance 4.098.** Councilman Wayne Beer seconded.

Roll call vote: All "aye" – Councilmember Carol Suter, Councilman Wayne Beer, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (5-0).

**Item 7. on the Agenda.**      **SPECIAL PRESENTATION** to outgoing **Councilman Wayne Beer** recognizing his service as Councilman and Mayor.

Mayor Revenaugh and City Council members invited Councilman Beer to join them in front of the dais for the presentation. Mayor Revenaugh explained that the first presentation is a City of Gladstone flag that was flown over the City during Councilman Beer's tenure on the City Council. Mayor Revenaugh read the inscription on the framed flag, and presented it to Councilman Beer.

Mayor Revenaugh began the second presentation by saying this is a special presentation that is not presented to everyone and is not presented very often, but in his and all the City Council members' view, there is no one who is more entitled to be

presented with a Key to the City of Gladstone than Councilman Wayne Beer. Mayor Revenaugh read and presented the Key to the City of Gladstone to Councilman Wayne Beer. The presentations were met with a standing applause from the audience.

Councilman Beer expressed his appreciation for both awards.

**Item 8. on the Agenda.**

**REMARKS FROM THE CITY COUNCIL.**

**Councilmember Carol Suter** congratulated Councilman Beer on his wonderful term of service to the City of Gladstone, and said he richly deserves the Key to the City. Councilmember Suter said Wayne is one of the big influences in her decision to apply for the appointed seat on the City Council and to run for office. Councilmember Carol Suter said she remembers a conversation with Councilman Beer about the philosophy of governance, and she has always appreciated his interest in the City and his ability to hold his own opinion and do it with dignity and respect, and his way of always treating everyone fairly – plus he is a whole lot of fun, which makes the job easier! Councilmember Suter said Councilman Beer will be missed.

**Councilman Les Smith** said he shared some personal thoughts with Councilman Beer prior to the meeting. Councilman Smith said he does not think anyone can appreciate what Wayne has meant to this community. It is difficult to understand what we go through, until you sit up here, because the most sensitive issue has your best friend involved in it or your mother, or whoever it might be. It is not an easy job. Councilman Smith said he remembered when Councilman Beer came onto the City Council, there was one particular item on which he stated his opinion, and he said he would never waiver, and what he most respects about Wayne Beer is the fact that when new information is presented, he is willing to listen and reconsider. Councilman Beer has done so on a couple of occasions that have meant some pretty big things for this community.

Councilman Smith said he learned a lot from Wayne while he was on the Council; he learned how to conduct himself, and how to take care of business, and how to treat people, and probably the best thing he can say about Wayne Beer doesn't have anything to do with him being a Councilman; it has to do with the fact that he is a good person. Councilman Smith directed his comments to Councilman Beer by saying this community is going to miss your leadership on this Council; hopefully, we will not miss your leadership entirely, because you will continue to be involved with this community that you love so dearly – it has been an honor to serve with you. Councilman Smith thanked Councilman Beer.

**Mayor Pro Tem Carol Rudi** stated that seven years ago she and Councilman Beer stood in front of the Council dais and took their oath of office together. Mayor Pro Tem Rudi said she knew Wayne from campaigning, and from before that, because they served on the Planning Commission together. Mayor Pro Tem Rudi said she always respected his opinions, and valued what he had to say. That has become more

important to her every year. Wayne is not only a Councilmember, but a very good friend. Mayor Pro Tem Rudi said they have worked very hard together on this Council, and she will miss him tremendously. He is an excellent friend and a wonderful person, and if you are ever lucky enough to work with him, you will find out what we are talking about. Mayor Pro Tem Rudi said Councilman Beer is genuine and honest; he is one of the most honest people she has ever met and she respects that tremendously. He is a wonderful family man and would do anything for anybody – you just have to ask. Mayor Pro Tem Rudi said she will miss him a lot.

**Mayor Mark Revenaugh** said he would not try to repeat the eloquence that has already been shared, so he would like to add that he likes Wayne, respects him, and it has been a pleasure serving with him.

**Councilman Wayne Beer** said he has enjoyed the service he has given to this City; in fact, his entire adult life has been devoted to one form of service or another, either the Army, or the schools, or the Planning Commission and the City. Councilman Beer said he served on the City Council in his hometown of Adair, Iowa. Councilman Beer said in his times of service, some of the best recollections he has have been with the City Council of the City of Gladstone. Every City Councilman with whom he has worked, as a Councilman, have all been great Councilpersons. We all have our differences in one form or another, but the fact remains that we have all been good partners in the interests of this City.

Councilman Beer said he is not going away; as he mentioned, he serves on the Clay County Senior Services Board, as a Board member, and he also serves on Clay County's University of Missouri Extension Council, as a Board member, and he is hoping to be appointed to the silver haired legislature, which would be a close tie with the Extension office and the Senior Citizens Board. Councilman Beer said his interests now are in especially improving the interests of Seniors in Clay County.

Councilman Beer said if Public Safety Director Mike Hasty is still willing to take him on, he hopes to be working in the Public Safety Department on a volunteer basis; although, he is not entirely certain of what he wants him to do, but he thinks that Director Hasty is interested in bringing back volunteer efforts to the Public Safety Department. Councilman Beer said he hopes he will be a part of putting that together, so he is not going away; he will still be serving in different capacities, and he will continue to see many folks. Councilman Beer said he is a member of the Gladstone Area Chamber of Commerce, and he has had significant volunteer opportunities with the Chamber and he hopes that continues. It has been a great ride, and while it will not be the same ride, the ride will continue for him in Gladstone and Clay County. Councilman Beer asked the audience to recognize his wife, Judy, and said without her support things would not have gone nearly so well, and he thanked her for all her support.

**Item 9. on the Agenda.**

**MAYOR'S STATE OF THE CITY ADDRESS.**

Mayor Revenaugh stated some years ago Councilman Smith instituted this program, whereas, one of the last duties of office the Mayor provides to the citizens is an update of what has been going on for the last year in Gladstone. It has been a great tradition, and one he would like to continue.

Mayor Revenaugh said he would like, at this time, to introduce past Councilmembers as follows: Shirley Smith, Anita Newsom, Dick Davis, and Jack McCausland. These introductions were met with applause from the audience.

Mayor Revenaugh began by saying that although being on the City Council, and being Mayor was never on his radar, it has been an experience unlike any that he could have imagined. His life has been much enriched over the last three years, and he is grateful to the residents and the voters of Gladstone, who have seen fit to give him the opportunity to serve three more years.

Mayor Revenaugh utilized a Power Point presentation with his remarks, and said it was May 2, 2008, when Gladstone became the victim of another devastating tornado for the second time in five years. Once again we saw our City come together in support of one another, as people began the process of recovery. Volunteers came from all over the State to help us with the clean-up, using their own equipment and their own vehicles. They cut and hauled the brush away, and their immediate focus was to help those who were unable to help themselves.

Our City was able to bring home the distinction of being an All America City, after being successful in the competition held in Tampa. That was not seamless; our first attempt did not work very well. We had a person who tripped and was injured, and people were upset, but the team pulled through. We recovered, and we marched out there like nothing had happened, and came away as one of the only ten cities named an All America City.

One of our major Capital Improvement projects this year was substantially completed and opened. The new Gladstone Community Center and North Kansas City Schools Natatorium officially opened in February 2008. Mayor Revenaugh said he was happy to report that after its first year of operation, the center currently has 5,026 members and was profitable in the first year of operation. It has been a true success in the community that meets the needs of many people and provides our swimming students a place to call home.

The Neighborhood Commission has worked diligently to provide small enhancement grants to neighborhoods and weatherization grants to individual homeowners. The Commission is working in a support role to our ongoing Neighborhood Renewal Program for overall improvement with a specific focus on post World War II housing stock and aging neighborhoods. Our Neighborhood Revitalization Program has done a

great deal to improve things in our community. This program promotes and supports ownership, preservation and renewal of neighborhoods by encouraging people to know their neighbors and to simply help one another. The multi-family housing plan, when completed and adopted, will provide great assistance in improving the quality of life for those residents.

A major Council goal has been one of becoming a sustainable community. We have been able to restructure our fleet, replacing large gas guzzling vehicles with fuel efficient Ford Escape Hybrids. We have also begun the process of downsizing our police vehicles to smaller more economical vehicles that will continue to reduce our carbon footprint. Our sustainability efforts have reached far beyond hybrid vehicles. The new Water Treatment Plant Master Plan will allow us to produce our water in an environmentally friendly manner with a high degree of efficiency. The amount of recycling being encouraged is growing steadily. We have hosted a regional yard waste recycling facility, offered metal recycling, and we continue to be a Tree City.

A part of the sustainability work being done includes new trails that will continue to interconnect our citizens with different areas of the City. We anticipate starting with \$2 million in trail construction this summer. We are also repurposing equipment when feasible. The old play structure that has been replaced at Oak Grove Park was redesignated to Flora Park, and will continue to serve children in that area. Capital Improvement projects continue to be in the forefront with water main replacements, street enhancements, and new street design projects.

It has been a busy year in Gladstone. We continue to work on the development of the Downtown Village Center and a number of infill and redevelopment projects. We are extremely proud to announce that our general merchandise Walmart store will become a new super center. We will be the first Clay County community expanding to the new super center. Over the last year we engaged One KC Voice to conduct a series of public engagement sessions to determine the feelings of citizens regarding a potential ban on smoking in Gladstone. A series of public meetings were held to engage the citizens of Gladstone in revising the Comprehensive Plan, which has now been adopted and will guide future development. We are hosting the second annual Art Springs in Gladstone, a juried fine art show. The first show was a great success and this one has all the indications that it will be every bit as good if not better. It is also a way to open the Community Center to folks, who may not be members. We have folks from all over attending this event, who will see what we offer in our City, and what a wonderful Community Center we have built.

Architectural work is in progress for restoration of the Atkins Johnson Farm, a Nationally Registered Historic Site, to a 1900 to 1910 farmstead. The roof was replaced to stop water leakage and reduce damage to the interior. Emergency stabilization of the chimneys was necessary to prevent them from falling. The front porch, which was collapsing, was rebuilt. A grant was received from the Missouri Department of Conservation that allowed for the removal of dead and diseased trees

and shrubs from around the house. Security lights were added to reduce vandalism and to make any required nighttime response by Public Safety even safer. Mayor Revenaugh invited everyone to meet at City Hall from Noon to 5:00 PM on Saturday, May 9, for an exciting look at this historic site. Bus rides will be provided to the farm for a first look at the house and grounds before the renovation begins. There will be family descendants with whom to visit at City Hall on this day, and artifacts for folks to see. This should be an exciting look into the past, as well as a glimpse into the future.

While the economy has been in a downturn, we believe it is important to continue to market our community, and let folks know that we are here and willing to continue to invest in our community. To help us do that, we have initiated a television advertising program that promotes the qualities of Gladstone, not just in the Northland, but also throughout the metro area. Gladstone truly is the Jewell of the Northland! We have continued to produce and distribute the highly acclaimed magazine "Coming Home to Gladstone", which is enjoyed by all our residents and provides us with one more tool to market our community.

Mayor Revenaugh closed by inviting everyone to continue to shop in Gladstone and keep our property taxes low!

**Item 10. on the Agenda.**      **CITY COUNCIL OATH OF OFFICE: MARK S. REVENAUGH AND BARRY McCULLOUGH.**

City Clerk Cathy Swenson administered the oath of office to **Mark S. Revenaugh and Barry McCullough** for three-year terms on the Gladstone City Council. The audience applauded the newly elected City Council members.

**Item 11. on the Agenda.**      **ELECTION OF MAYOR AND OATH OF OFFICE.**

Mayor Mark Revenaugh presided and opened nominations for the office of Mayor of the City of Gladstone. Councilman Les Smith nominated **Carol Rudi** as Mayor of the City of Gladstone, Missouri. Councilmember Carol Suter seconded the motion.

The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Les Smith, Mayor Pro Tem Carol Rudi and Mayor Mark Revenaugh. (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**. The audience applauded the newly elected Mayor.

**Item 12. on the Agenda.**

**ELECTION OF MAYOR PRO-TEM.**

Mayor Carol Rudi presided and opened nominations for the office of Mayor Pro Tem of the City of Gladstone. Councilman Mark Revenaugh nominated **Les Smith** as Mayor Pro Tem of the City of Gladstone, Missouri. Councilman Barry McCullough seconded the motion.

The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Councilman Les Smith and Mayor Carol Rudi.  
(5-0).

**Item 13. on the Agenda.**

**REMARKS FROM THE CITY COUNCIL.**

**Councilman Barry McCullough** offered his thanks to everyone, and said he appreciates the opportunity to serve the City of Gladstone.

**Councilmember Carol Suter** welcomed Councilman McCullough, and said we have a great slate of new members at this time. We have excellent experience in Councilman Revenaugh and a set of new eyes, which she believes is helpful. Councilmember Suter said she looks forward to working with Councilman McCullough, and she has enjoyed getting to know Councilman McCullough the last couple of years, and she looks forward to his input. Councilmember Suter said she looks forward to Mayor Rudi's leadership again on this Council, and her representation of the City and the region.

**Councilman Mark Revenaugh** welcomed Councilman McCullough, and said he thinks Councilman McCullough will find service to the City as rewarding as he has found. What makes Gladstone a great place to live is our citizens, and our City and community are so fortunate to have the five people up here willing to commit the incredible number of hours, as well as those who have in the past served in this capacity. It does not just stop with the Council, it also goes to all the Boards and Commissions and the Road District. Council is also fortunate to have an excellent staff to back them up, because it takes the entire team working together. Councilman Revenaugh congratulated Mayor Rudi and Mayor Pro Tem Smith, because they just took on additional duties over and above what it takes to sit on the Council.

**Mayor Pro Tem Les Smith** stated he wished to first and foremost thank Councilman Revenaugh for the year that he served as Mayor. It is not an easy chore, and it takes an inordinate amount of time to be a Councilmember and you step it up a notch when you become Mayor of this community. Former Mayor Revenaugh represented our community very well with the light rail issue on a regional basis. Mayor Pro Tem Smith said he hopes it was a rewarding experience for Councilman Revenaugh and offered "job well done".



Mayor Pro Tem Smith congratulated Mayor Rudi on her election as Mayor, and said he knows she will do an equally good job. Mayor Pro Tem Smith said Councilman McCullough ran against him two years ago, and he thought he was a pretty good guy then, but he just could not tell anyone! Mayor Pro Tem Smith said he was glad that the Council could get Councilman McCullough involved in a couple of things, including the Planning Commission, because it was evident even two years ago that he really wanted to serve this community.

Mayor Pro Tem Smith said when people ask him if they should run for office, he says if they are willing to do and want to do the right things for the right reasons, then yes, they should run, and he does believe that Councilman McCullough wants to do the right things for the right reasons, and he will be an excellent Council member. Mayor Pro Tem Smith said Councilman McCullough has proven to be an excellent Planning Commissioner, and he looks forward to serving with him.

**Mayor Carol Rudi** thanked the City Council for their belief in her in serving as the Mayor for the next year, and she appreciates Mayor Pro Tem Smith's willingness to serve as Mayor Pro Tem, because she knows she will need to call on him to fill in when she cannot attend certain events, and he is always willing and able to help. Mayor Rudi said former Mayor Revenaugh has put in a tremendous amount of time and effort serving as Mayor this past year and attending things that when she was Mayor in the past, she did not have to attend. Mayor Rudi said she appreciated that and knows that he had to take a lot of time away from work, and she is sure they will be glad to get him back, but his duty to the City came first, and Council appreciates that.

Mayor Rudi said she is glad to be working with Councilmember Suter another year and she looks forward to this upcoming year as well, and she thanked her for her comments. Mayor Rudi welcomed Councilman McCullough, and said she is really glad to have him on the Council. Mayor Rudi said Councilman McCullough is sitting in a very important seat, as he knows; he will have a lot to do to fill that seat, but she is confident that he will do it.

## **REGULAR AGENDA**

### **Item 14. on the Agenda.**

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

Larry Newport, 2002 NE 69 Terrace, thanked Parks and Recreation Director Sheila Lillis and staff for the wonderful breakfast they had last Thursday. It was outstanding and certainly was good.

John Liberto said he was present to represent his family from Giovanni's Italian Deli at 6100 NE Antioch Road. Mr. Liberto said he and his family wish to send their warmest regards to the City Council for the write-up that was in the spring 2009 issue of "Coming Home to Gladstone". Mr. Liberto said they have been in business for 16

years, eight of which have been in Gladstone. Mr. Liberto said they have enjoyed a wonderful injection of new business since the article was printed. Mr. Liberto said they have had a wonderful solid customer base for a number of years, and he sees a number of people who he recognized as being in their business in the past, and they appreciate it. To see a community recognize a business and to have been chosen to be represented in this article makes them truly grateful to the City. Mr. Liberto said thank you, thank you very much.

Mayor Rudi thanked Mr. Liberto for sharing his remarks. Council does not always hear whether or not the things that they do are beneficial.

**Item 15. on the Agenda.**      **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Barry McCullough** had no comments at this time.

**Councilmember Carol Suter** stated that April is the month when there is a lot of emphasis nationally and locally on going green, and there are a couple of events in which we are participating. One is that there is a national Green Cities conference coming up, and we have a delegation going from staff. North Kansas City received some nice publicity for their delegation that is going, and luckily one of their representatives in on Gladstone's Environmental Management Advisory Committee (EMAC), so that will be helpful to give us ideas to keep us on the cutting edge of how to make sure that Gladstone is doing the best it can for the environment.

Councilmember Suter said there is a regional event coming up on April 22, called Imagine KC, and it is being hosted by One KC Voice, which is an organization we used and is a citizen facilitation organization. They are part of the Mid-America Regional Conference (MARC). Councilmember Suter said she used to be on their advisory board until just recently, and we are working with a large federal grant with KCPT in doing a live regional town hall, where there will be meetings going on simultaneously around the region and talking about sustainability efforts and the plans for the greater Kansas City area. It is open to the public and food will be served. The closest one will be at the Maple Woods campus.

Councilmember Suter said if folks would just go online to [OneKCVoice.org](http://OneKCVoice.org) they can register online. It's free and the website provides all the information. Councilmember Suter said she will be attending and she knows that some of the members of the EMAC Committee will be attending the event and will be participating. Councilmember Suter said they will be looking for ideas to bring back to Gladstone and also to share. We have done some remarkable things here, especially, this past year, in upgrading our fleet, and doing some really flashy kinds of things of which others have taken notice. This will be a good opportunity to network and to be better informed of what is going on, and how we all connect.

Councilmember Suter said she really appreciates all the Gladstone residents who show up to vote in our municipal elections, but she does have to say that it is always a little disappointing that more people don't participate. Councilmember Suter said we are all noticing that the print media in the Kansas City area, like the rest of the country, are being reorganized and downscaled, we will have less and less opportunity for publicizing what is going on, and she ran into so many Gladstone residents who did not know there was an election, because so few read the newspapers anymore.

Councilmember Suter said she visited with Public Information Officer Richard King about using the City website as a newspaper type emphasis, and maybe that would be a good way for us to up the importance and relevance of the City's website, so people can find news items there, which may help in keeping people engaged and turning out to support the actions and activities of the community. Councilmember Suter said she looks forward to working on that.

**Councilman Mark Revenaugh** had no comments at this time.

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

**Mayor Carol Rudi** said she would like to remind everyone that April 23 through April 25 is the City's Spring Clean-Up. This is a time for you to clean up your garages and get rid of things you no longer need. That same weekend, April 24 and 25, will be the Art Springs in Gladstone Second Annual Show, which will be held in the Community Center. The first weekend in May is the City's Brush Drop-Off. May 9 will be tours of the Atkins Johnson Farm, which will begin here at City Hall at Noon. A bus will be taken to the farm. Do not drive to the farm, as there will be no parking. June 6 will be the Household Hazardous Waste Drop-Off, from 8:00 AM to Noon.

**Item 16. on the Agenda.**  
**MANAGER.**

**COMMUNICATIONS FROM THE CITY**

City Manager Kirk Davis congratulated Councilman McCullough and Councilman Revenaugh on their recent election, and said he looks forward to working with Councilman Revenaugh for another three years, and with Councilman McCullough for the next three years.

**Item 17. on the Agenda.**

**RESOLUTION R-09-32**, authorizing execution of a contract with Insituform Technologies USA, Inc. for the Mill Creek Sanitary Sewer Rehabilitation Project-Phase 3.

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-32**, authorizing execution of a contract with Insituform Technologies USA, Inc. for the Mill Creek Sanitary Sewer Rehabilitation Project-Phase 3. Councilman Mark Revenaugh seconded.

The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith and Mayor Carol Rudi.  
(5-0).

**Item 18. on the Agenda.**      **RESOLUTION R-09-33**, authorizing execution of a contract with Harvest Productions, Incorporated, in the total amount not to exceed \$60,143.00 for the Oak Grove Park Amphitheater Lighting Truss Project.

Mayor Pro Tem Les Smith moved to adopt **RESOLUTION R-09-33**, authorizing execution of a contract with Harvest Productions, Incorporated, in the total amount not to exceed \$60,143.00 for the Oak Grove Park Amphitheater Lighting Truss Project. Councilman Barry McCullough seconded.

The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith and Mayor Carol Rudi.  
(5-0).

**Item 19. on the Agenda.**      **BUILDING PERMIT** for the Oakhill Day School property located at 7019 North Cherry Street, for the addition of a classroom/library and also a storage facility. Applicant: Wolfgang Trost, AIA. Owner: Oakhill Day School.

Mayor Pro Tem Les Smith moved to approve a **BUILDING PERMIT** for the Oakhill Day School property located at 7019 North Cherry Street, for the addition of a classroom/library and also a storage facility. Applicant: Wolfgang Trost, AIA. Owner: Oakhill Day School. Councilmember Carol Suter seconded.

The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith and Mayor Carol Rudi.  
(5-0).

**Item 20. on the Agenda.**      **OTHER BUSINESS.**

There was no other business.

**Item 21. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

**Item 22. on the Agenda.**      **ADJOURNMENT.**

Mayor Rudi invited everyone to a reception in the North and South Conference Rooms. There is some good looking food for everyone to enjoy, and she hopes everyone can join in congratulating our new Councilmember Barry McCullough and former Mayor Mark Revenaugh.

There being no further business to come before the April 13, 2009, Gladstone Regular 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, APRIL 27, 2009**

**OPEN STUDY SESSION: 5:30 PM**

**REGULAR MEETING: 7:30 PM**

**AGENDA**

- 1. Meeting Called to Order.**
- 2. Roll Call.**
- 3. Pledge of Allegiance.**
- 4. Approval of the Special April 10, 2009, City Council Meeting Minutes.**
- 5. Approval of the Regular April 13, 2009, City Council Meeting Minutes.**
- 6. Recognition of Leadership Academy Graduates.**
- 7. PROCLAMATION: recognizing Building Safety Week in the City of Gladstone, Missouri.**

## **8. CONSENT AGENDA**

**APPROVAL OF PARK FESTIVAL USE PERMITS** for the 13th Annual Gladstone Summertime Bluesfest in Oak Grove Park, 76th & North Troost, Friday and Saturday, June 5-6, 2009, including approval of designated smoking areas; and the 30th Annual Gladfest Celebration on Friday, Saturday and Sunday, October 2-4, 2009, 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.

**APPROVAL OF BEER LICENSE** for the Gladstone Summertime Bluesfest in Oak Grove Park, 76th & North Troost, (2-day license), June 5-6, 2009, Managing Officer: Amy Harlin; and the Gladfest Celebration in the Gladstone Central Park area, near 69th & N Holmes, (3-day license) October 2-4, 2009, Managing Officer: Amy Harlin.

**RESOLUTION R-09-34**, authorizing acceptance of work under contract with Wilson Plumbing Company, for the 6800 Block of North Holmes Drainage Improvements Project; and authorizing final payment in the amount of \$9,685.84.

## **APPROVAL OF THE MARCH FINANCIAL REPORT.**

### **REGULAR AGENDA**

- 9. Communications from the Audience.**
- 10. Communications from the City Council.**
- 11. Communications from the City Manager.**
- 12. PUBLIC HEARING:** for consideration of an application for a Justice Assistance Grant under the United States Department of Justice Grant Program.

13. **RESOLUTION R-09-35**, authorizing the Director of Public Safety to make application for a Justice Assistance Grant under the United States Department of Justice Grant Program authorized by the Federal Recovery Act; approving the cooperative agreement between the cities of Gladstone and North Kansas City for the joint application for such grant; and authorizing the execution of all necessary documents to complete the application process.
14. **RESOLUTION R-09-36**, authorizing the City Manager of the City of Gladstone to enter into negotiations with the Villages of Oakwood, Oakwood Park, Oakview, and The Oaks for provision of fire and emergency medical services for such villages by the Gladstone Public Safety Department.
15. **FIRST READING BILL 09-03**, vacating the north section of "old" Euclid Street, Northeast 72nd Terrace, and North Brooklyn Street right-of-way, proposed streets immediately north and east of 72nd and Euclid Streets located in Clay County, Gladstone, Missouri. Applicant/Owner: J.A. Peterson Enterprises, Inc. File # 1326.
16. **FIRST READING BILL 09-04**, approving the Final Plat of a Replat of Stratford Park, Fourth Plat, Gladstone, Clay County, Missouri, and directing the appropriate officials to affix their signatures to said Plat for recording. Applicant/Owner: J.A. Peterson Enterprises, Inc. File #1329.
17. **FIRST READING BILL 09-05**, 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: J.A. Peterson Enterprises, Inc. File #1330.
18. **FIRST READING BILL 09-06**, approving a Site Plan Revision for property legally described as; a Replat of Stratford Park, Fourth Plat. Applicant/Owner: J.A. Peterson Enterprises, Inc. File #1330.



19. **FIRST READING BILL 09-11**, repealing Ordinance Number 4.019 which prohibits picketing or other protest activities in front of or about the location at which a funeral is being held within the City of Gladstone.
20. **FIRST READING BILL 09-12**, repealing Ordinance No. 4.072, and enacting a new Ordinance levying Sewer Service Charges and Commodity Rate Charges in the City of Gladstone, Missouri.
21. Other Business.
22. Questions from the News Media.
23. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, APRIL 27, 2009  
7:30 PM**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Les Smith  
Councilman Mark Revenaugh  
Councilmember Carol Suter  
Councilman Barry McCullough

Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** City Manager Kirk Davis

Mayor Carol Rudi opened the Regular April 27, 2009, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.      ROLL CALL**

Mayor Carol Rudi noted that all City Council members were present.

**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 SPECIAL APRIL 10, 2009, CITY COUNCIL MEETING MINUTES.**

Councilmember Carol Suter moved to approve the Special April 10, 2009, City Council Meeting Minutes as presented. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 5. on the Agenda.      APPROVAL OF THE REGULAR APRIL 13, 2009, CITY COUNCIL MEETING MINUTES.**

Councilmember Carol Suter moved to approve the Regular April 13, 2009, City Council Meeting Minutes as presented. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 6. on the Agenda.**

**RECOGNITION OF LEADERSHIP ACADEMY GRADUATES.**

Mayor Rudi and City Councilmembers invited the following Leadership Academy Graduates to join them at the dais, where they presented to them All America City pins and Certificates of Recognition:

Barry McCullough  
A. Marie Young  
Richard Viets, Sr.  
Cathy Viets  
Kevin Freeman  
Kirk Forslund  
Sydney Bradford  
John Burris  
Patricia Hodges  
John Houlihan  
Everett Jones  
Ronald Murphy  
David Perryn  
Alan Ringhausen

The presentation was followed by applause from the audience.

Mayor Rudi explained to the audience that the graduates spent several weeks in City Hall and other places, learning about all aspects of City government, so they were very dedicated to complete this course. Mayor Rudi said City Council members now have their name, address, phone number, and other contact information, so when City Council needs help on Boards and Commissions or other projects, they will be able to reach the graduates of the Leadership Academy. This is called a Leadership Academy and this is where the City gets its leadership. Mayor Rudi thanked the graduates for all their time and hard work, which is very much appreciated by the City and City Council.

**Item 7. on the Agenda.**

**PROCLAMATION:** recognizing Building Safety Week in the City of Gladstone, Missouri.

Mayor Rudi read and presented a Proclamation recognizing Building Safety Week in the City of Gladstone, Missouri to Building Official Alan Napoli. Mr. Napoli thanked the Mayor and City Council.

**Item 8. on the Agenda.**

**CONSENT AGENDA**

Following the Clerk's reading of the Consent Agenda, Mayor Pro Tem Les Smith asked that the Approval of the Park Festival Use Permits be removed from the Consent Agenda for consideration under the Regular Agenda as Item 8a.

Mayor Carol Rudi asked that the approval of the March Financial Report be removed from the Consent Agenda for consideration under the Regular Agenda as Item 8b.

Mayor Pro Tem Les Smith moved to accept the Consent Agenda as amended. Councilmember Carol Suter seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Mayor Pro Tem Les Smith moved to approve a **BEER LICENSE** for the Gladstone Summertime Bluesfest in Oak Grove Park, 76th & North Troost, (2-day license), June 5-6, 2009, Managing Officer: Amy Harlin; and the Gladfest Celebration in the Gladstone Central Park area, near 69th & North Holmes, (3-day license) October 2-4, 2009, Managing Officer: Amy Harlin. Councilmember Carol Suter seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Mayor Pro Tem Les Smith moved to adopt **RESOLUTION R-09-34**, authorizing acceptance of work under contract with Wilson Plumbing Company, for the 6800 Block of North Holmes Drainage Improvements Project; and authorizing final payment in the amount of \$9,685.84. Councilmember Carol Suter seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

## **REGULAR AGENDA**

**Item 8a. on the Agenda.**      **APPROVAL OF PARK FESTIVAL USE PERMITS** for the 13th Annual Gladstone Summertime Bluesfest in Oak Grove Park, 76th & North Troost, Friday and Saturday, June 5-6, 2009, including approval of designated smoking areas; and the 30th Annual Gladfest Celebration on Friday, Saturday and Sunday, October 2-4, 2009, in the Gladstone Central Park area, near 69th & North Holmes, under the sponsorship of the Gladstone Area Chamber of Commerce and the City of Gladstone.

Mayor Pro Tem Les Smith moved to approve the **PARK FESTIVAL USE PERMITS** for the 13th Annual Gladstone Summertime Bluesfest in Oak Grove Park, 76th & North Troost, Friday and Saturday, June 5-6, 2009, including approval of designated smoking areas; and the 30th Annual Gladfest Celebration on Friday, Saturday and Sunday, October 2-4, 2009, in the Gladstone Central Park area, near 69th & North Holmes, under the sponsorship of the Gladstone Area Chamber of Commerce and the City of Gladstone. Councilmember Carol Suter seconded.

Mayor Pro Tem Smith said the reason he asked that this item be considered under the Regular Agenda was to discuss the designated smoking areas for Bluesfest. The Chamber has submitted two possible areas for smoking to be permitted in the park. Mayor Pro Tem Smith said one area is east of the pond and south of the Bluesfest seating tent, which if it is far enough from the play structure, which he believes it is, would seem to be a reasonable request. The other area is the VIP area, which is the park shelter on the north side of the park. With any breeze coming out of the north and the west, that seems close to the general seating area for folks near the Amphitheatre. It seems to be a bit of an unreasonable request to have the

smoking area permitted there. Mayor Pro Tem Smith said his recommendation would be that the smoking area by the seating tent be approved, but the VIP park shelter smoking area not be approved, mainly because of its proximity to the crowd, who most likely will be expecting a smoke free environment, based on the passage of the recent Ordinance.

Councilmember Suter said she agreed with Mayor Pro Tem Smith, that most of the residents will be expecting the park to be smoke free, so as much as we can do to limit smoke that will float across or interfere with the enjoyment of many of our attendees she would support.

Mayor Pro Tem Smith said the proposed smoking area in the VIP area is also near a walking path that goes behind the shelter and towards the stage, and is also adjacent to the area where people will be purchasing their food and beverages.

Councilman Revenaugh asked if Mayor Pro Tem Smith was suggesting limiting the smoking area to one site or if he was suggesting an alternative site.

Mayor Pro Tem Smith replied that he believed that the other area that has been requested is reasonable, and he would suggest limiting it to the one area, which is in the southeast quadrant of the festival area.

Councilman Revenaugh said that area would certainly be far enough away for anyone who is expecting a smoke free environment, and maybe it will discourage those who do not want to make the "hike" from smoking.

Mayor Pro Tem Les Smith withdrew his first motion and made a new motion to approve the **PARK FESTIVAL USE PERMITS** for the 13th Annual Gladstone Summertime Bluesfest in Oak Grove Park, 76th & North Troost, Friday and Saturday, June 5-6, 2009, with the site plan that was submitted for smoking areas to be amended to include approval of only one designated smoking area, which will be east of the pond; and eliminating the proposed smoking area in the VIP shelter area, and the 30th Annual Gladfest Celebration on Friday, Saturday and Sunday, October 2-4, 2009, in the Gladstone Central Park area, near 69th & North Holmes, under the sponsorship of the Gladstone Area Chamber of Commerce and the City of Gladstone. Councilmember Carol Suter agreed and withdrew her second to the original motion and seconded the amended motion. The vote: All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 8b. on the Agenda.**

**APPROVAL OF THE MARCH FINANCIAL REPORT.**

Councilman Mark Revenaugh moved to approve the **MARCH FINANCIAL REPORT**. Councilmember Carol Suter seconded.

Mayor Rudi said she wished to discuss this, because in the report there is an item that mentions the fact that part of the City's expenses were in regard to the City Council's Primary Election. Mayor Rudi inquired into the election costs from Finance Director Debra Daily.

Finance Director Daily replied that there was an original bill from the Clay County Election Board in the amount of \$13,900.00 and there was an additional bill of \$1,280.00, for a total bill of \$15,188.70.

Mayor Rudi said the reason that the bill was not more was because North Kansas City also had a Primary Election on that date. If they had not had that Primary, it would have cost our city even more, because there would have been no Clay County Election Board staff involved with an election other than our own. If you are the only entity, you bear the entire cost. Mayor Rudi asked if that was correct.

Finance Director Daily said she believed that was correct; although, City Clerk Cathy Swenson is more of an authority on that aspect than she.

Mayor Rudi said, as she remembered, a former estimate of what that cost could have been was around approximately \$30,000.00.

City Clerk Swenson agreed that was correct, and said that amount was confirmed in the past by an Election Board Director.

Mayor Rudi said she had been asked about this by residents who do not understand why we had to have a Primary Election to eliminate only one person from the race in April. Mayor Rudi said she had spoken to a State legislator about this issue, and it would take quite a bit of work to make some changes, but it is something she would like to see Council members add to the Goal Setting Session agenda in October. Mayor Rudi suggested that if anyone from the public has an opinion on this, to please contact City Council members to share their thoughts. Mayor Rudi said she believes it needs to be a good blend, and she does not believe that we want one election with ten candidates, where voters pick the top two – that would be very difficult. On the other hand, when we have one election with five candidates, and we have to move it down to four for the final election, that is pretty expensive. Mayor Rudi said she believes some cities have filing fees, and she does not know if those are high or low fees, and does not know if the City of Gladstone would be allowed to do this without State approval. There are a lot of different sides to this question. Mayor Rudi said she brought this issue up so Council may begin thinking about it, and asked if other Council members had any comments at this time.

Mayor Pro Tem Smith stated that it would be good to know all of our options, but he does not know if there should necessarily be a cost to file for office in a small city government. If we can move for legislation in Jefferson City and tweak it a bit, that would be fine. Mayor Pro Tem Smith, said he would like to take the opportunity to "get on the soap box" a little bit, because there were so many graduates present from the Leadership Academy, and we have two members of the City Council who were graduates from this Academy.

Mayor Pro Tem Smith said the reason this issue is being discussed tonight is because only 623 people out of over 17,000 registered voters voted in the Primary Election this year. It cost \$24 per vote for each person who did vote in the election this year. Had there not been the North Kansas City Primary, it would have cost probably twice that amount. That is fine, there should be no price on democracy. Mayor Pro Tem Smith said what happened this year and what happened in 2004, was that people filed to run for office who did not participate in the

process. In 2004, two gentlemen filed to run for City Council, one of whom moved out of the City three weeks after he filed for office and two months before the election. Mayor Pro Tem Smith said he does not know the person, and does not wish to cast aspersions on the person or the person's motivation, but in this past election cycle, we had a candidate who did not participate in the process; meaning the candidate did not return phone calls from the press, would not answer questions submitted by the press, and did not participate in the candidate forums that were presented for the public. Mayor Pro Tem Smith said a candidate does have an obligation to participate in the process. If one files for City Council, or any other office, and you say you want to run, you should participate in the process. Mayor Pro Tem Smith said this was his "two cents worth".

The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Mayor Rudi said the March Financial Report has been approved and thanked the audience for their patience.

**Item 9. on the Agenda.**

**COMMUNICATIONS FROM THE AUDIENCE.**

**Jennifer Sumner, 2224 NE 73 Street**, began by saying that she had an issue with Item Numbers 15, 16, 17 and 18 on this meeting's agenda.

Mayor Rudi said she did not wish to begin a Public Hearing on this matter, because a Public Hearing has already been held and has been closed, and asked if Ms. Sumner had a question that Council could answer in their discussion.

Ms. Sumner said she was disappointed in the Public Hearing. She was one of the citizens who was within the 180 feet, and did not receive the Public Hearing notice due to the previous owner being listed on the mail, and it was forwarded to them. Ms. Sumner said she was not allowed to attend the Public Hearing, and at that time, she had lived in the house well over one year. Ms. Sumner said she did later receive notice for the February meeting, which was cancelled, and she showed up here. Ms. Sumner said she saw the stack that Assistant City Manager Scott Wingerson had of all the returns from people who were not notified of the Public Hearing. Ms. Sumner said she wished to express her disappointment that so many people were not notified of the Public Hearing for this item.

Ms. Sumner said after reading the Minutes of November on the City's website, and she believes a previous meeting from some other time, one of the two items she wished to discuss was the builder's choice of only giving the town homes one car limits for the at home parking of the renters. This would force renters on the north side of the project to park on 72<sup>nd</sup> Terrace, Brooklyn Avenue, and 73<sup>rd</sup> Street. Any parking on 72<sup>nd</sup> Terrace is dangerous due to the hill just before the stop sign; also, there is no streetlight to illuminate the area at night between Brooklyn and Euclid, where people would be parking.

Ms. Sumner said the second item is the drainage issues that have been well stated at previous meetings. The builders have previously said that they believed that permeable surfaces had durability issues, but she has found and hoped to provide to Council members the study of the University of Washington, Seattle, who found that permeable surfaces were durable and do

reduce the stress on nearby streams and creeks, while having long lasting effects. Ms. Sumner gave a copy of the report to Assistant City Manager Wingerson.

Assistant City Manager Wingerson stated he certainly understands the desire for a streetlight at 72<sup>nd</sup> Terrace and Brooklyn or in that general vicinity; regardless of Council's action on Stratford Park – those are somewhat unrelated. As staff, we will ask Public Works to take a look at that. If it meets the streetlight policy, it will be prioritized and put into the process separate from any discussion on Stratford Park.

Assistant City Manager Wingerson said in one of Council's Public Hearings, there was discussion of permeable surfaces. As the Council is aware, staff is continually researching the appropriateness of permeable surfaces in City applications, as well as development applications. At the time, Council heard testimony about permeable surfaces, and the design engineer would not recommend that to his client. Separate from the Stratford Park discussion, what is not generally considered in some of the studies that occur on the west coast is their application over time and in different climatic and seismic zones, both of which have a massive impact on the appropriateness of impervious surfaces. Assistant City Manager Wingerson said he would suggest to Council, separate from the Stratford Park discussion, that we need to continue to look at that and work with the design community, until there is an appropriate solution that can be implemented along those lines. Assistant City Manager Wingerson said these are a lot of words to say staff will look at the streetlight and would suggest to Council that staff is studying the surface issue.

Mayor Rudi asked if staff would be looking into the problem of notices being delivered.

Mr. Wingerson said staff did look at that, and he believes that Ms. Sumner would agree that once staff was aware of the problem, the County Tax Roll, from which staff pulls the 185 foot residents, was corrected, and she received the rest of the notices after that. Mr. Wingerson said they have talked several times here in the building.

Ms. Sumner said not to the point that she got to see the presentation by the builders or that she got to input her own statements of disapproval.

Mr. Wingerson said staff corrected the ones they knew to correct and that they take the list from the 185 foot boundary list, and when those are not correct, staff hopes the neighbors will be talking enough to say there is a meeting coming up that folks would want to go to. Mr. Wingerson said it is not a perfect system, and he apologized to Ms. Sumner and anyone surrounding Stratford Park for any errors.

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

**Councilman Barry McCullough** thanked the City staff and City Manager Davis for their time in making sure he was caught up to speed on Council issues.

**Councilmember Carol Suter** reported that she attended the Imagine KC event last week, which she found to be very helpful and interesting. Several members of the EMAC Committee (Environmental Management Advisory Committee) participated as well. Councilmember Suter said it was helpful in a number of ways; she really appreciates the



process, which is trying to prioritize issues around sustainability, so one can figure out where to get started. That is what we are trying to figure out here, as a City Council, in trying to figure out how to attack some of these issues. It was also good to hear the conversations from other Northlanders in terms of their priorities, and a number of the issues discussed are items that are in our Council goals and were seen as a review in the Study Session this evening in terms of the budget implications. Walkability was one of the major issues. Some people say in a tough economy we should not be worrying about issues like trails, but overwhelmingly, the audience was strongly interested in the development of trails, and any way to increase the connectivity of citizens in our communities. Councilmember Suter said it was good affirmation for her that we are on the right track, and that we are consistent with what the overwhelming opinion seems to be in the Northland.

Councilmember Suter said she hoped Mr. Wingerson had a good experience at the Green Cities Conference and that we might hear some feedback as to how that went as well.

**Councilman Mark Revenaugh** said he was remiss at the last meeting for not recognizing now Mayor Pro Tem Smith for bringing the prescription drug program to Gladstone. Council saw the program at a National League of Cities Conference, and Mayor Pro Tem Smith said it would be perfect for Gladstone citizens, and he shepherded it through the process, and now, as a result, all of our residents have access to discount prescription drugs. Councilman Revenaugh said if there was anyone in the audience who is not familiar with this program, to please contact City Hall.

Councilman Revenaugh congratulated Mayor Pro Tem Smith on his nuptials last Friday. Councilman Revenaugh jokingly said they had several conversations prior to him getting married, and he did it anyway, so his heartfelt congratulations to Mayor Pro Tem Smith. Councilman Revenaugh said we had another successful Art Springs in Gladstone, which was our second annual event. If you did not make it, you missed a great show. There were all kinds of art there. The weather was not cooperative, but indoors, it was very pleasant, and the people who came saw a quality show that the City has put on for the second year in a row. Councilman Revenaugh said he wished to congratulate and commend the Art Springs in Gladstone Committee, and Parks and Recreation Director Sheila Lillis and her group.

Councilman Revenaugh said the City hosted a spring clean-up event in Happy Rock West, and when he worked Sunday, there was a steady stream of cars. He was told Sunday was nothing compared to the pandemonium on Saturday. It was a perfect opportunity for anyone who lives in Gladstone to get all of their junk out of their house and take it to Happy Rock Park, where it was recycled or given to Deffenbaugh to haul off, and it cost citizens nothing. This is another benefit of living in Gladstone and what makes our City special. Councilman Revenaugh reported that this weekend is the brush drop-off, so if anyone has brush, this is the weekend to get rid of it at no cost. Councilman Revenaugh said if anyone wishes to volunteer, to please call City Hall.

**Mayor Pro Tem Les Smith** thanked Councilman Revenaugh, and said the only person who really needs to have their intelligence questioned is not him, but the young lady who said "yes"!

Mayor Pro Tem Smith reported that our own esteemed Assistant City Manager Scott Wingerson received the Assistant Manager of the Year Award at the Missouri City Managers Association Conference this past week. Mayor Pro Tem Smith congratulated Mr. Wingerson, which was followed by applause from the audience. Mayor Pro Tem Smith said he sat on the interview panel when Mr. Wingerson first came to town 15 years ago, and he was very impressive from the first day he walked into City Hall, and he is very happy that Mr. Wingerson has decided to stay here for as long as he has; he is sure he has had many other opportunities. Our residents may not know Mr. Wingerson, but they have a lot for which to thank him for in the quality of life they enjoy. Mayor Pro Tem Smith thanked Mr. Wingerson for his services.

**Mayor Carol Rudi** offered her congratulations to Mr. Wingerson.

Mayor Rudi jokingly said that while Councilman Revenaugh was talking to Mayor Pro Tem Smith, she was talking to Mayor Pro Tem Smith's fiancée, Laura, and she went ahead with it as well, so they must be destined to be together.

Mayor Pro Tem Smith said it works for him!

Mayor Rudi reported that there would be tours of Atkins Johnson Farm on May 9, which will run from Noon to 5:00 PM. They start at City Hall, and folks may take a bus from City Hall to the farm. There will be no onsite parking at the farm. The last bus will leave City Hall at 4:00 PM, and while folks are in City Hall, there will be information about the farm and what is going on. At the farm, there will be re-enactors, tours of the home, and activities for the children. It promises to be a great event. Mayor Rudi said the Household Hazardous Waste Disposal event would be held on June 6, and will run from 8:00 AM to Noon. Mayor Rudi asked Parks and Recreation Director Sheila Lillis for a report on what is going on in the parks in May.

Parks and Recreation Director Sheila Lillis stated that the next event is this coming weekend, and is called "Touch a Truck". It should be very popular for our three to seven year old residents. They will get to climb on and touch limousines, and a street sweeper. Larry Brown Excavating is bringing his paver, and there will be all kinds of neat equipment that the children can touch. This event will be from 10:00 AM to Noon, and there is only room for 100 children, and at this point, there is space for about 20 more.

Director Lillis continued by saying the Hy-Vee Hornel Triathlon will be held at the Community Center on May 16, and begins at 9:00 AM. It is a great opportunity for the youth in our community. On May 5, the Northland Art League will have art exhibited. That is when the opening reception will be held, from 6:00 PM to 8:00 PM, at the Community Center. The Gladstone Amphitheatre season begins May 17, with a wonderful concert from our middle schools, beginning at 1:00 PM, and it will conclude with the Northwinds Symphonic Band concert, at 5:30 PM. This is a wonderful group, and many local residents and educators who are in our Northland Schools are part of this group. That will conclude the events for the month of May.

Mayor Rudi said these events are listed on the City's website.

**Item 11. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

Assistant City Manager Wingerson said the Beautification event was approaching 1,500 loads. The Public Works and Parks staff, and all the volunteers did a fantastic job. That is a lot of stuff. More details will be coming to Council in their informational newsletter, as it becomes available, in terms of the tonnage and loads and so forth.

Mr. Wingerson said Councilmember Suter asked him to mention Green Cities, and said he was fortunate to get to go to Portland, Oregon, last Saturday through Wednesday, and attend the National League of Cities Green Cities Conference. It was the first one ever, and it was really neat, and Portland is an amazing town, in terms of their efforts for sustainability. Mr. Wingerson said he would provide a comprehensive report or summary that will be in one of Council's packets soon. There were two main themes that were really interesting. One is the consensus across the country is that the climate change argument isn't an argument anymore. Wherever you were or are in that argument, it's not relevant anymore. The argument now is about doing the right thing, and doing the right thing from a planetary perspective, but almost as importantly, if not exactly as importantly, from a business perspective. That is what really got the attention from the other staff people who were present from across the country. Even the people who originally began the Green movement, the Sierra Clubs of the world, believe that argument is no longer resonating with people and it needs to evolve to do the right thing.

Mr. Wingerson said the issue is so much fundamentally bigger than changing a light bulb, although everyone should do that, but that is not the point. The point is it is about rebuilding community, and when you look at sustainability from a community strengthening perspective, then you are really hitting on something valuable, that enhances the quality of life for everyone who participates. Mr. Wingerson said with those two themes in mind, he is sure we will be forging ahead strategically to really make sure that our sustainability efforts are integrated in all that we do, from our policing and firefighting to our neighborhood building or any other of the City's many services.

Mr. Wingerson thanked Mayor Pro Tem Smith and the rest of Council for their kind words about his recent award. Mr. Wingerson said he wished to thank and jokingly promised "to get even" with City Manager Kirk Davis and Public Information Officer Richard King for their work with this. Mr. Wingerson said it really is quite an honor, but as he was walking up to receive the award, he was thinking of the people of Gladstone, the leadership over the years, the elected leadership over the years in Gladstone, and all the people who work here. Those are the people and things he thought about, and he politely talked about "rabbit stew", and said thank you. Mr. Wingerson said he appreciated everyone's kind thoughts and words regarding the award.

**Item 12. on the Agenda.**

**PUBLIC HEARING:** for consideration of an application for a Justice Assistance Grant under the United States Department of Justice Grant Program.

Mayor Rudi opened the Public Hearing and said first there would be a report from staff, Public Safety Director Mike Hasty, followed by comments from anyone in favor of the application and finally comments from anyone opposed to the application.

Public Safety Director Mike Hasty began saying the American Recovery and Reinvestment Act of 2009 was signed into law on February 17 of this year. As a result of that, a number of programs were initiated. Our Public Safety Department was identified and is eligible to receive a grant through the Justice Department, and it would be funded through this recovery act. After reviewing all the conditions and stipulations outlined in the program, staff has asked to apply for funds to purchase an on-line citizen police reporting system. This will enable our citizens of Gladstone to be able to file minor police reports on line on minor offenses, and the system will be integrated with our current police reporting system. Director Hasty said Public Safety staff has researched this and believe that Coplogic is the most suitable vendor, and is currently used by over 80 departments across the United States and in Canada, so it is a proven system.

Director Hasty said reports would be reviewed by staff and integrated within the department's database. This grant must be coordinated with other Law Enforcement agencies within the County. Those being the Sheriff's Department of Clay County, Liberty Police Department, Excelsior Springs Police Department, and North Kansas City Police Department. This grant must be handled through one entity, and North Kansas City has graciously offered to be the fiscal agent to handle and process this grant. The cost of the program will be \$29,748.00. The conditions of the grant indicate that this application must be presented to our governing body and that there be an opportunity for public comment. Director Hasty concluded his remarks by saying he would be happy to answer any questions regarding this issue.

Councilman Revenaugh asked for bullet points as to what this program will do.

Director Hasty replied this would enable citizens who may not want to wait for a police officer to respond, or go to the police station, but has a minor offense to report, such as a stolen license plate tab, or some minor vandalism that has occurred, to make a police report on line. They would be able to get online on the City's website, and they would be able to answer some preliminary questions to screen it, and once it fits the guidelines of the reporting process, they can actually fill out the police report online. Public Safety would then receive the report, and it would be reviewed to be sure it fits within the guidelines, and the citizen would then receive an e-mail response from Public Safety, and if they need it for insurance purposes or something like that, they do not need to make a trip to City Hall or the Police Department to actually get a copy of the report. The report may be e-mailed back to the citizen, and they can print it off and be able to use it.

Councilman Revenaugh asked for clarification if it is in effect filing a police report online.

Director Hasty replied that was correct; you just do not have to see the police officer to do it.

**There was no one to speak in Favor or in Opposition of this proposal.**

**Mayor Rudi closed the Public Hearing.**

**Item 13. on the Agenda.**      **RESOLUTION R-09-35**, authorizing the Director of Public Safety to make application for a Justice Assistance Grant under the United States Department of Justice Grant Program authorized by the Federal Recovery Act; approving the cooperative agreement between the cities of Gladstone and North Kansas City for the joint application for

such grant; and authorizing the execution of all necessary documents to complete the application process.

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-35**, authorizing the Director of Public Safety to make application for a Justice Assistance Grant under the United States Department of Justice Grant Program authorized by the Federal Recovery Act; approving the cooperative agreement between the cities of Gladstone and North Kansas City for the joint application for such grant; and authorizing the execution of all necessary documents to complete the application process. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 14. on the Agenda.** **RESOLUTION R-09-36**, authorizing the City Manager of the City of Gladstone to enter into negotiations with the Villages of Oakwood, Oakwood Park, Oakview, and The Oaks for provision of fire and emergency medical services for such villages by the Gladstone Public Safety Department.

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-36**, authorizing the City Manager of the City of Gladstone to enter into negotiations with the Villages of Oakwood, Oakwood Park, Oakview, and The Oaks for provision of fire and emergency medical services for such villages by the Gladstone Public Safety Department. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 15. on the Agenda.** **FIRST READING BILL 09-03**, vacating the north section of "old" Euclid Street, Northeast 72nd Terrace, and North Brooklyn Street right-of-way, proposed streets immediately north and east of 72nd and Euclid Streets located in Clay County, Gladstone, Missouri. Applicant/Owner: J.A. Peterson Enterprises, Inc. File # 1326.

Councilman Mark Revenaugh moved to place Bill 09-03 on its First Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Mark Revenaugh moved to accept the First Reading of Bill 09-03, Waive the Rule and place the Bill on its Second and Final Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Mark Revenaugh moved to accept the Second and Final Reading of Bill 09-03 and to enact the Bill as Ordinance # 4.099. Mayor Pro Tem Les Smith seconded.

Roll call vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 16. on the Agenda.**      **FIRST READING BILL 09-04**, approving the Final Plat of a Replat of Stratford Park, Fourth Plat, Gladstone, Clay County, Missouri, and directing the appropriate officials to affix their signatures to said Plat for recording. Applicant/Owner: J.A. Peterson Enterprises, Inc. File #1329.

Mayor Pro Tem Les Smith moved to place Bill 09-04 on its First Reading. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 09-04, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final Reading of Bill 09-04 and to enact the Bill as Ordinance # 4.100. Councilman Mark Revenaugh seconded.

Roll call vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 17. on the Agenda.**      **FIRST READING BILL 09-05**, 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: J.A. Peterson Enterprises, Inc. File #1330.

Councilman Mark Revenaugh moved to place Bill 09-05 on its First Reading. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Mark Revenaugh moved to accept the First Reading of Bill 09-05, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Mark Revenaugh moved to accept the Second and Final Reading of Bill 09-05 and to enact the Bill as Ordinance # 4.101. Councilman Barry McCullough seconded.

Roll call vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 18. on the Agenda.**      **FIRST READING BILL 09-06**, approving a Site Plan Revision for property legally described as; a Replat of Stratford Park, Fourth Plat. Applicant/Owner: J.A. Peterson Enterprises, Inc. File #1330.

Mayor Pro Tem Les Smith moved to place Bill 09-06 on its First Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 09-06, Waive the Rule and place the Bill on its Second and Final Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final Reading of Bill 09-06 and to enact the Bill as Ordinance # 4.102. Councilmember Carol Suter seconded.

Mayor Pro Tem Smith said he would be voting in favor of this Bill, but there is something about this development as a whole that he does not like. He does not know what it is, and he cannot put his finger on it, and he does not have a legal basis to deny it. Mayor Pro Tem Smith said he not only hopes, but also he believes we need to insist that this Council and the residents hold staff, the consultants, and the developer accountable for anything that transpires that has not been promised. Mayor Pro Tem Smith said that has to start with traffic concerns, quality of the development, and especially storm drainage issues. Mayor Pro Tem Smith said he does not mean to sound like he is the only one who has been around here, but he "cut his teeth" on storm drainage issues in this City in the late 1970's and early 1980's, when we passed the first ever bond issue for stormwater improvements in the City – thirty some odd million dollars ago. This has been a problem area since day one. This might be an opportunity to fix a problem that the City has been unable to fix, because of the cost and so forth involved. Mayor Pro Tem Smith said he knows Assistant City Manager Wingerson is the best in the business, but he is going to implore everyone in this room and everyone who lives anywhere near that property to hold the City accountable for what we have told them will happen over there.

This was followed by applause from the audience.

Mayor Pro Tem Smith stated he did not say this to elicit that response, but he just means it. There is a lot that can go on over there, and he is supporting it. Mayor Pro Tem Smith said he has confidence in Mr. Wingerson and the other folks who have worked on this. Mayor Pro Tem Smith said Council members are still going to be here as this project is developed, at least the four other Council members. The other four Council members are under long-term contracts at this point. Mayor Pro Tem Smith said bird dog it and watch it, because if it is done right, it will be a good project. Mayor Pro Tem Smith said there is something there that he is uneasy about, but he is going to take that leap of faith, because he has confidence in our folks and the developer. Peterson Company is a good company, and he believes they will do what they have said they would do.

Councilman Revenaugh said his major concern is the fact that we talk about how big we are in participative government and getting the citizens to participate. The fact that we rely on County tax rolls to get the addresses, and Ms. Sumner mentioned a stack of returned addresses, he does not know what we can do to improve that, but he feels it is important that

every citizen in the neighborhood that is affected gets the opportunity to attend all the meetings and be notified up front. Councilman Revenaugh said he knows no system is perfect, and Mr. Wingerson admitted that ours is not, but that is one area where there should be some way we can close that loop going forward.

Councilmember Suter said in the very first Leadership Academy they participated in a planning chirette that was a fun exercise, and it was a process that allowed participants to prioritize for City staff what the types of housing the group was interested in for the City of Gladstone. Some of that same activity happened in the Comprehensive Plan process, which involved many in the room. Councilmember Suter said that process reiterated and confirmed the very same kind of priorities that her Leadership Academy came to, and that is that Gladstone needed more multi-family housing – quality multi-family housing. That is easy to say when you are in a chirette, and you are talking about it in theory. It is always a little harder when it is in your own back yard. Councilmember Suter said she agreed with Mayor Pro Tem Smith that the geography and topography of this site is the challenge around it, and she has appreciated the extra time and energy that the developer has gone to in responding not only to the concerns of the Council, but the Planning Commission, who put them through their paces over months of asking questions and having them respond and look again at their plans and come back with more complete plans, and plans that have more capacity for managing that topography.

Councilmember Suter said she appreciated that good energy has gone into this all the way around, and she trusts also that the good planning and the good will of everyone involved will produce a really good result for the City of Gladstone. It is the kind of thing that our residents would like to see more of, and she hopes it turns out to be a good addition for those who live in the area. Councilmember Suter said she realizes there are some traffic issues all along 72<sup>nd</sup> Street and Antioch, as she lives off of that intersection, and over time we need to address those in a bigger kind of master plan, but these kinds of developments will spur our attention to get that done. That will be good for all of us. Councilmember Suter said she looks forward to a good result from this, and thanks all the participants for energy above and beyond the call of duty.

Mayor Pro Tem Smith stated the J. A. Peterson Company are good folks, and he believes that can be seen by what they have been willing to do to make this project work. There is one area in Councilmember Suter's neighborhood, where they could have developed some property that would not have been such great neighbors. Mayor Pro Tem Smith said they have a track record of doing what they say they will do, and he believes we need to have faith in them and in our folks, and he believes we will be pleased with the end result, but watch it, none-the-less.

Councilman McCullough said he had the opportunity to see this project all the way through from the Planning Commission to today, and he has to commend Peterson. They have worked really hard to make sure that we have full understanding of what they will do and regarding the promises that they have made, we expect them to be able to deliver on those. Councilman McCullough said his biggest areas of concern have been fully addressed by Mr. Wingerson; although, he may not really understand all the details, but Mr. Wingerson assures him that they have been covered. Councilman McCullough said he looks forward to the project and he believes that we have everything in place to make sure that it is a successful project.



Mayor Rudi said for those who have not been with us from the beginning on this project, the reason that Council did not allow the public to speak this evening is because a Public Hearing was held a couple of months ago, and the Public Hearing was closed, so this is the time for discussion strictly by the Council. We did make one exception because of the unusual delivery process. Mayor Rudi said she agrees with Mayor Pro Tem Smith that it looks like a good project, but she cannot put her hands on exactly what it is that bothers her. It may possibly be the fact that they were really hoping for individually owned, maintenance provided housing in this area. We are not getting that, but we have great hopes that is what this will become, and we have some assurances from the Peterson Company that is the direction they want it to go, and because of that they will maintain this to high standards. Mayor Rudi said that will allow her to vote in favor of this, but the biggest thing is, and this is for the Peterson Company - you said it in one of our meetings - this is one of our last areas to be developed in Gladstone; this has to be an excellent project, so keep this in mind, because staff will be breathing down your necks, because Council will be breathing down their necks.

Roll call vote: All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 19. on the Agenda.**      **FIRST READING BILL 09-11**, repealing Ordinance Number 4.019 which prohibits 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 Mark Revenaugh moved to place Bill 09-11 on its First Reading. Councilman Barry McCullough seconded.

Mayor Rudi invited Counselor David Ramsay to provide some information as to why this action is being taken.

City Counselor David Ramsay stated that the original Ordinance, which regulated picketing or other protest activities in the area of a funeral while it is being held was enacted by this Council in January of 2007. It is based on a State Statute that was enacted in 2006, providing for the same type of regulation. Counselor Ramsay said as Gladstone is a statutory City, we can only enact what the State legislature allows us to, which is why we followed the State's direction in this matter. In October 2008, in a case involving Shirley Phelps-Roper, who is involved with a church organization out of Topeka, Kansas that has picketed several funerals of deceased service members, the Federal Court of Appeals issued a temporary restraining order indicating that they thought that Ms. Roper's challenge to the State Statute would be likely to be successful. In February of 2009, Ms. Roper filed suit against the City of Gladstone, also in Federal Court, challenging our Ordinance, and as a practical matter, as the State is involved in litigation over whether or not the restrictions in the picketing Statute are constitutional, or whether they are over reaching as far as First Amendment rights of free speech are concerned, and that the City's Ordinance will rise or fall on the State action, we are suggesting that this Ordinance be repealed.

Counselor Ramsay also pointed out that within the last two weeks the Federal Court for the Western District of Missouri has issued a preliminary injunction against enforcement of this Ordinance by Gladstone. The repeal of the Ordinance will allow us to terminate this litigation

and the expense of it, and allow the underlying issues of the Constitutionality and extent of regulation of picketing and protesting at funerals to be determined through the lawsuit between Ms. Phelps-Roper and the State of Missouri.

The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Mark Revenaugh moved to accept the First Reading of Bill 09-11, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Mark Revenaugh moved to accept the Second and Final Reading of Bill 09-11 and to enact the Bill as Ordinance # 4.103. Councilman Barry McCullough seconded.

Mayor Pro Tem Smith said he hopes that should the courts deem such an Ordinance enforceable, that this Council will reconsider and put it back on our books as quickly as possible.

Mayor Rudi agreed.

Roll call vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 20. on the Agenda.** **FIRST READING BILL 09-12**, repealing Ordinance No. 4.072, and enacting a new Ordinance levying Sewer Service Charges and Commodity Rate Charges in the City of Gladstone, Missouri.

Councilmember Carol Suter moved to place Bill 09-12 on its First Reading. Councilman Barry McCullough seconded.

Mayor Rudi stated the only reason that the rates are being raised on sewer is because Kansas City, Missouri is the organization that accepts our sewer, and they are raising the rates, so we are simply passing along the increase to the residents, regrettably, but true.

The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the First Reading of Bill 09-12, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the Second and Final Reading of Bill 09-12 and to enact the Bill as Ordinance # 4.104. Councilman Barry McCullough seconded.

Roll call vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 21. on the Agenda.      OTHER BUSINESS.**

There was no other business to come before Council.


**Item 22. on the Agenda.      QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

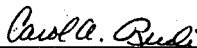
**Item 23. on the Agenda.      ADJOURNMENT.**

There being no further business to come before the April 27, 2009, Regular 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, MAY 11, 2009**

**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.

**AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of the Regular April 27, 2009, City Council Meeting Minutes.
5. **PROCLAMATION:** designating May 2009, as **YOUTH MONTH**. Sponsored by the Northland Elks Lodge #2376.
6. **PROCLAMATION:** recognizing May 17-23, 2009, as **NATIONAL PUBLIC WORKS WEEK**.

## **7. CONSENT AGENDA**

**RESOLUTION R-09-37**, authorizing execution of a contract with Miller Paving and Construction, LLC, in the total amount not to exceed \$160,701.60 for the 2009 Curb and Sidewalk Program, Phase One.

**RESOLUTION R-09-38**, accepting a Temporary Construction Easement from a property owner in conjunction with the Northeast 61st Terrace Reconstruction Project.

**RESOLUTION R-09-39**, accepting a Temporary Construction Easement from a property owner in conjunction with the M-1 Bicycle Pedestrian Trail Project.

**RESOLUTION R-09-40**, authorizing acceptance of a proposal from Independent Salt Company for the purchase of snow removal salt.

## **REGULAR AGENDA**

### **8. Communications from the Audience.**

### **9. Communications from the City Council.**

- 9a. Board and Commission Appointments.
- 9b. Special Presentation.

### **10. Communications from the City Manager.**

- 11. **PUBLIC HEARING:** for consideration of an Ordinance amending Sections of the Gladstone Code of Ordinances relating to the regulation of signage employing digital electronic technology, including monument signs.

- 12. **FIRST READING BILL 09-13**, amending sections of the Gladstone Code of Ordinances relating to the regulation of signage employing digital electronic technology, including monument signs.

13. Other Business.
14. Questions from the News Media.
15. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MAY 11, 2009  
7:30 PM**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Les Smith  
Councilman Mark Revenaugh  
Councilmember Carol Suter  
Councilman Barry McCullough  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Carol Rudi opened the Regular May 11, 2009, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.      ROLL CALL**

Mayor Carol Rudi noted that all City Council members were present.

**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 27, 2009,  
CITY COUNCIL MEETING MINUTES.**

Councilman Mark Revenaugh moved to approve the Regular April 27, 2009, City Council Meeting Minutes as presented. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 5. on the Agenda.      PROCLAMATION: designating May 2009, as **YOUTH MONTH.** Sponsored by the Northland Elks Lodge #2376.**

Mayor Rudi read and presented a **PROCLAMATION**, designating May 2009, as **YOUTH MONTH.** Sponsored by the Northland Elks Lodge #2376 to Mr. Dean Gromer, of the Northland Elks Lodge #2376.

Mr. Gromer thanked the Mayor and Council, and also thanked everyone who attended the Elks breakfast. Mr. Gromer reported that the Elks raised \$8,000 for scholarships again this year.

**Item 6. on the Agenda.**      **PROCLAMATION:** recognizing May 17-23, 2009, as **NATIONAL PUBLIC WORKS WEEK.**

Mayor Rudi read and presented a **PROCLAMATION** recognizing May 17-23, 2009, as **NATIONAL PUBLIC WORKS WEEK** to Public Works Director Chuck Williams. Director Williams stated, on behalf of the Public Works staff, he wished to thank the Mayor and Council. Director Williams said he is prejudiced, but he does believe that Public Works is extremely important, and he also recognizes the fact that they cannot do their job without the assistance from all the other departments, City Manager Davis, and the City Council.

**Item 7. on the Agenda.**      **CONSENT AGENDA.**

Councilmember Carol Suter moved to accept the Consent Agenda as presented. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-37**, authorizing execution of a contract with Miller Paving and Construction, LLC, in the total amount not to exceed \$160,701.60 for the 2009 Curb and Sidewalk Program, Phase One. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-38**, accepting a Temporary Construction Easement from a property owner in conjunction with the Northeast 61st Terrace Reconstruction Project. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-39**, accepting a Temporary Construction Easement from a property owner in conjunction with the M-1 Bicycle Pedestrian Trail Project. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-40**, authorizing acceptance of a proposal from Independent Salt Company for the purchase of snow removal salt. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, 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 Barry McCullough** had no comments at this time.

**Councilmember Carol Suter** had no comments at this time.

**Councilman Mark Revenaugh** stated he participated Saturday in the Atkins Johnson Farm Tour, and it was just amazing. There were re-enactors, and there were ladies dressed in period dresses, who knew a lot of the history, which made the farm area come alive. It was an interesting walk-through. It is fun to see what it looks like now, because by the time it is finished, it will look so much better. Councilman Revenaugh encouraged everyone who has not had the opportunity to visit the farm, to be sure to do so, when such a tour is again scheduled.

**Mayor Pro Tem Les Smith** stated he would defer to Mayor Rudi in regard to the Atkins Johnson event, and had no further comments at this time.

**Mayor Carol Rudi** reported that it was a great day at the Atkins Johnson Farm on Saturday. The committee worked very hard to put this event together, and it was a wonderful time. Committee members worked from 9:00 AM to 5:00 PM that day, and there was also set-up and take-down before and after that. Mayor Rudi said City staff, Economic Development Administrator Melinda Mehaffy and Planning Specialist Chris Helmer, put in more hours than probably anyone, and Council thanks them heartily for their help. It is much like Art Springs, where Parks and Recreation Director Lillis and her department help so much. We could not do these things without our City staff. Mayor Rudi said she understands there were between 200 and 225 people who went through the farm. There were a number of memberships sold, and there was a really good pot of donations, which is very much appreciated. Mayor Rudi encouraged anyone who is not a member of Atkins Johnson Farm, to please see Ms. Mehaffy, Mr. Helmer or Friends of the Atkins Johnson Farm Committee Secretary Freddie Nichols after the meeting. It is really inexpensive; it starts at \$10 for a membership. More money would be gladly accepted from corporations or larger donors. There will be more events in the future.

Mayor Rudi asked Parks and Recreation Director Sheila Lillis to give a report on activities in the parks.

Parks and Recreation Director Lillis reported the triathlon with Hormel and Hy-Vee will be held this Saturday. Enrollment has more than doubled for this event; there are about 160 children enrolled, which is very exciting. The Northwinds Symphonic Band concert will

be held at 5:30 PM, this Sunday, at the Gladstone Amphitheatre. The outdoor municipal pool will be opened on Saturday, May 23.

Mayor Rudi reported that the Household Hazardous Waste event will be held from 8:00 AM to Noon, on June 6, at Happy Rock Park. Public Works Director Williams can assist anyone who might have questions. If anyone has questions on what they may bring, they may check the City's website or with City staff.

Mayor Rudi stated that Gladstone resident, Chris Yannitelli, would have her garden included in the Briar Cliff Garden Tour, which will be held June 6. Information on this event can be found from Chris Yannitelli. The website address for this event is [www.GardensatBriarCliff.org](http://www.GardensatBriarCliff.org).

**Item 9a. on the Agenda. BOARD AND COMMISSION APPOINTMENTS.**

Mayor Pro Tem Les Smith moved to appoint the following people to Boards and Commissions:

Kathy Timmerman, to the Code Board of Appeals, to fill the Electrician position, with a term to expire December of 2011.

Julie Conn, to the Environmental Management Advisory Committee, with a term to expire December 2009.

Mary Cross, to the Gladstone Neighborhood Commission, with a term to expire December 2010.

Councilman Mark Revenaugh seconded.

Mayor Rudi remarked that these are all very good people.

The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Mayor Rudi appointed the Council liaisons to the Boards and Commissions as follows:

**Councilman Mark Revenaugh** – Capital Improvements Program Committee, Code Board of Appeals, Environmental Management Advisory Committee, and the Gladstone Economic Betterment Council.

**Councilmember Carol Suter** – Board of Zoning Adjustment, Industrial Development Authority, and the Telecommunications Advisory Board.

**Mayor Pro Tem Les Smith** – Tax Increment Financing Commission, Neighborhood Commission, and the Gladstone Special Road District No. 3.

**Councilman Barry McCullough** – Planning Commission, Parks and Recreation Advisory Board, and the Community Development Corporation Board.

**Mayor Carol Rudi** – Arts Commission, Planning Commission, and Capital Improvements Program Committee.

**Item 9b. on the Agenda.**

**SPECIAL PRESENTATION.**

Mayor Rudi invited Chris Yannitelli to join her at the dais to help make the presentations.

Ms. Yannitelli said the certificates of appreciation that were to be presented this evening were for people who have supported the Arts in Gladstone, and their support is very much appreciated, as is the support of the City Council. Without City Council including Art Springs in Gladstone in the City's budget, it would not exist. Ms. Yannitelli thanked the Mayor and City Council. Ms. Yannitelli said she found three quotes that are so appropriate for people who have supported the Arts and Art Springs in Gladstone. The quotes are as follows:

*"All art requires courage."*

*"An artist never really finishes his or her work – they just put it on hold for awhile."*

*"Being good in business is the most fascinating kind of art."*

Ms. Yannitelli said so many of our patrons are good in business and support the arts, and that in itself is an Art. Ms. Yannitelli said we cannot thank you enough. Ms. Yannitelli presented the Certificates of Appreciation as follows:

**Gladstone Hy-Vee** – the certificate was received by Steve Bindseil, who stated he was happy to accept this on behalf of the employees of Gladstone Hy-Vee, and he is proud to be a supporter of anything that goes on in our community, and he is proud to be a part of Art Springs in Gladstone. Mr. Bindseil expressed his thanks for the certificate.

Ms. Yannitelli thanked Mr. Bindseil and said Hy-Vee helped tremendously with advertising and with the receptions, that are always a wonderful success.

**DST Systems, Inc.** – the certificate was received by Rachel Pacubas, who said she is a DST employee and is glad to be on the Art Springs in Gladstone Committee.

Ms. Yannitelli thanked Ms. Pacubas, and said she coordinated the Sponsorship Committee, so she was instrumental in helping to get the patrons for the Arts and was certainly instrumental in getting the DST Systems, Inc. to join in assisting.

**Gladstone Fast Signs** – Diane and Greg Kruse received the certificate.

Ms. Yannitelli thanked Mr. and Mrs. Kruse and said they have really helped in sponsoring first, second and third place awards for the artists, and they do that in honor of the Ryan Kruse Foundation, which is so appreciated. Fast Signs also prepare the signs that are used.

Ms. Kruse said they are honored to help; as they were thinking about a memorial for their son, the Art Springs in Gladstone seemed perfect, and they hope to be a part of this effort for a long time.

Mayor Rudi asked Mayor Pro Tem Smith to join them for the last presentation.

Ms. Yannitelli said the last presentation was to **Carmelina Smith**, who has been a long time supporter of Gladstone, and who helped so much in putting together the information and knowing the history of Gladstone. Ms. Smith is very active in the community and is a long time supporter of the Arts. Ms. Yannitelli thanked Carmelina Smith, said she is Les Smith's mother.

Ms. Smith expressed her thanks and said she was very happy to receive this honor, and she very much enjoys helping with the Arts.

Applause followed each presentation. Following the presentations, a group photo was taken.

Mayor Rudi said this is a pretty neat night! We have the Smith family involved, the Gromer family, who have been involved in Gladstone for a long time, and we recognized a lot of people here this evening. Mayor Rudi recognized George Campbell, who served on the Art Springs Committee, and thanked him for his service and for attending this meeting.

Ms. Yannitelli said Art Springs or any of the art events could not have happened without the assistance of Parks and Recreation Director Sheila Lillis.

Mayor Rudi introduced Mrs. Les Smith and her son Sam, and she thanked them for attending this meeting. Mayor Rudi recognized Parks and Recreation Advisory Board member Freddie Nichols, and Everett Jones, who ran for City Council and just graduated from the Future Leaders Academy.

**Item 10. on the Agenda.**      **COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis said he would like to include Public Information Officer Richard King as a staff member who worked all day at the Atkins Johnson Farm event. The event was very nice.

Mayor Rudi thanked Mr. Davis and apologized to Mr. King for not mentioning his assistance with the Atkins Johnson Farm event.

**Item 11. on the Agenda.**      **PUBLIC HEARING:** for consideration of an Ordinance amending Sections of the Gladstone Code of Ordinances relating to the regulation of signage employing digital electronic technology, including monument signs.

Mayor Rudi opened the Public Hearing, and said comments will be heard from staff, and then from those in Favor of this issue, and finally from those in Opposition to this issue.

Planning Specialist Chris Helmer began by saying this issue has been one that has been a part of an ongoing discussion for some time. Over the course of this past year, the Planning Commission and City Council have received numerous informational packets on revisions that have occurred to the proposed Ordinance that Council received in their packets. Numerous Study Sessions have been held to allow an opportunity for discussion and to seek conceptually what the Ordinance is specifically addressing. In addition to the informational packets, as well as Open Study Session discussions, the City Council did appoint a Sign Code Steering Committee to specifically address topics of discussion that come about with reader board technology, as well as with overall monument sign design. That committee met at least six times in the morning here at City Hall. It is a comprehensive group of individuals, with representation from the Planning Commission, the City Council, and the business community. They had detailed discussions on what potential amendments or additional regulations the Planning Commission and City Council should consider.

Mr. Helmer continued by saying he wrote down a number of key points that have been the highlights of discussions with the model Ordinance that City Council is being asked to take final action upon this evening. Mr. Helmer said he already mentioned the regulations on reader board technology. Some of that regulation is specifically on the length of time that an advertisement can be displayed, as well as the overall percentage of sign copy. Related to the Ordinance are monument sign landscaping improvements, that would be incorporated around new monument signs, as well as the use of natural building materials with monument signs, and looking at and continuing discussions of the City Council's stated goal on looking at energy conservation measures that are in support of the Mayors Climate Protection Agreement.

There was no one to speak in FAVOR or OPPOSITION to this issue.

Mayor Rudi closed the Public Hearing.

**Item 12. on the Agenda.**      **FIRST READING BILL 09-13**, amending sections of the Gladstone Code of Ordinances relating to the regulation of signage employing digital electronic technology, including monument signs.

Mayor Pro Tem Les Smith moved to place Bill 09-13 on its First Reading. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 09-13, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final Reading of Bill 09-13 and to enact the Bill as Ordinance #4.105. Councilman Barry McCullough seconded.

Roll call vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

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

Mayor Rudi reported that Larry Newport drove the bus for the Atkins Johnson Farm tours. Normally, he is a City bus driver for Senior group activities for the City of Gladstone, and we pay him to do that. Mayor Rudi said Mr. Newport volunteered his time for this event, which is very much appreciated, and she thanked Mr. Newport, which was followed by applause from the audience.

**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 May 11, 2009, Regular City Council meeting, Mayor Carol Rudi adjourned the Regular meeting.

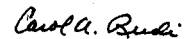
Councilman Les Smith made a motion to adjourn to Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021 (1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and 610.021 (2) for Real Estate Acquisition Discussion, and 610.21(3) for Personnel Discussion. Councilmember Carol Suter seconded.

Roll call vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and 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  
TUESDAY, MAY 26, 2009**

The City Council will meet in Closed Executive Session on Tuesday, May 26, 2009, 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.

**OPEN STUDY SESSION: 6:45 PM**

**REGULAR MEETING: 7:30 PM**

**AGENDA**

- 1. Meeting Called to Order.**
- 2. Roll Call.**
- 3. Pledge of Allegiance.**
- 4. Approval of the Regular May 11, 2009, City Council Meeting Minutes.**

5. **PROCLAMATION:** recognizing Dr. Thomas P. Cummings on the occasion of his retirement as Superintendent for North Kansas City Schools, and his many contributions to our community.
6. **PROCLAMATION:** recognizing Sergeant Daniel W. Green on the occasion of his retirement from Troop A of the Missouri State Highway Patrol, and his many contributions to our community.

#### CONSENT AGENDA

7. **RESOLUTION R-09-41**, authorizing acceptance of work under the contract with R.L. Duncan Construction Company for the Gladstone Community Center Grading and Sitework Project; and authorizing final payment in the total amount of \$38,415.18. Project CB0662.
8. **RESOLUTION R-09-42**, Temporary Construction easement and Quit-Claim Deed from a property owner in conjunction with the M-1 Bicycle/Pedestrian Trail Project (TP0771).

#### REGULAR AGENDA

9. **Communications from the Audience.**
10. **Communications from the City Council.**
11. **Communications from the City Manager.**
12. **BUILDING PERMIT:** for construction of a new addition and interior remodeling of the existing Walmart building, and construction of a new parking lot on the Walmart property located at 7207 North Missouri-1 Highway. Applicant: Continental Consulting Engineers, Inc. Owner: Walmart Real Estate Business Trust.



13. **PUBLIC HEARING:** on a Special Use Permit for a Child Care Center on residential property at 7628 North Wabash. Owner/Operator: Tamara Hamill.
- 13a. **FIRST READING BILL 09-14**, approving a Special Use Permit to Tamara Hamill for operation of a Child Care Center at 7628 N. Wabash.
14. **FIRST READING BILL 09-15**, authorizing the City Manager to execute an agreement with the Missouri Department of Transportation (MoDOT) for Federal Funds Relating to the Bicycle/Pedestrian Trail on N. Antioch Road.
15. **FIRST READING BILL 09-16**, authorizing the City Manager to execute an agreement with the Missouri Department of Transportation (MoDOT) for Federal Funds Relating to the Bicycle/Pedestrian Trail on M-1 Highway.
16. **FIRST READING BILL 09-17**, authorizing the City Manager to execute an agreement with the Missouri Department of Transportation (MoDOT) for Federal Funds for the Mill and Overlay of N. Broadway Avenue.
17. **PUBLIC HEARING:** on the proposed 2009-2010 Annual Operating Budget for the City of Gladstone, Missouri.
18. **Other Business.**
19. **Questions from the News Media.**
20. **Adjournment.**



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
TUESDAY, MAY 26, 2009**

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION  
6:00 PM**

Mayor Carol Rudi opened the City Council Meeting to adjourn to a Closed Executive Session on May 26, 2009, at 6:00 PM. Mayor Pro Tem Les Smith 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 610.021(3) for Personnel Discussion. Councilman Mark Revenaugh seconded.

Roll Call Vote: All "aye" – Councilman Barry McCullough, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

Note: Councilmember Carol Suter was present at the Closed Executive Session.

Mayor Carol Rudi adjourned the Closed Executive Session to go into the Regular City Council meeting.

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Les Smith  
Councilman Mark Revenaugh  
Councilmember Carol Suter  
Councilman Barry McCullough

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Carol Rudi opened the Regular May 26, 2009, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda. ROLL CALL**

Mayor Carol Rudi noted that all City Council members were present.

**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 11, 2009, CITY COUNCIL MEETING MINUTES.**

Councilman Mark Revenaugh moved to approve the Regular May 11, 2009, City Council Meeting Minutes as presented. Councilmember Carol Suter seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 5. on the Agenda.**      **PROCLAMATION:** recognizing **Dr. Thomas P. Cummings** on the occasion of his retirement as Superintendent for North Kansas City Schools, and his many contributions to our community.

Mayor Rudi read and presented to Dr. Cummings a **PROCLAMATION** recognizing Dr. Thomas P. Cummings on the occasion of his retirement as Superintendent for North Kansas City Schools, and his many contributions to our community. Following a standing ovation by the audience, Dr. Cummings thanked the Mayor and Council, and said he appreciates this honor so much, especially, since Gladstone has been such a great partner with the School District for so many years. Dr. Cummings said one of the things about public education is that it takes all of us to provide the best opportunities for our kids, and that has certainly been the case with the City of Gladstone. Dr. Cummings expressed his thanks for this partnership and all the City's support during the time he has been a part of the district, and particularly; that together, we provided for so many kids and for so many families in this community.

Dr. Cummings introduced his wife, Margaret; his son Daniel and his son's wife, Patty. Dr. Cummings again thanked the Mayor and Council.

**Item 6. on the Agenda.**      **PROCLAMATION:** recognizing Sergeant Daniel W. Green on the occasion of his retirement from Troop A of the Missouri State Highway Patrol, and his many contributions to our community.

Mayor Rudi read and presented to Sergeant Daniel Green a **PROCLAMATION** recognizing Sergeant Daniel W. Green on the occasion of his retirement from Troop A of the Missouri State Highway Patrol, and his many contributions to our community.

Following a standing ovation by the audience, Sergeant Green expressed his surprise at receiving this honor, and thanked the Mayor and Council, and said it has been an honor to serve the community for 29 years; although, he feels like he has been in the organization for 53 years, because he was born while his father was going through the program. Sergeant Green said he looks forward to retirement, and it has been an honor working with everyone – Gladstone, Kansas City, and all the cities. Sergeant Green introduced his wife, Susan; his son, Daniel, and his son's wife, Gina; his mother-in-law, Marilyn; his sister-in-law Trish; and said he had so many good friends in the room.

*Note: There were many in attendance from Troop A of the Missouri State Highway Patrol and from Gladstone's Public Safety Department.*

**Items 7. and 8. on the Agenda.**

**CONSENT AGENDA.**

Councilmember Carol Suter moved to accept the Consent Agenda as presented. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-41**, authorizing acceptance of work under the contract with R.L. Duncan Construction Company for the Gladstone Community Center Grading and Sitework Project; and authorizing final payment in the total amount of \$38,415.18. Project CB0662. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-42**, accepting Temporary Construction Easement and a Quit-Claim Deed from a property owner in conjunction with the M-1 Bicycle/Pedestrian Trail Project (TP0771). Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**REGULAR AGENDA**

**Item 9. on the Agenda.**

**COMMUNICATIONS FROM THE AUDIENCE.**

**John Shidell, 8843 North Glenwood Avenue, Kansas City Missouri**, said he would like to address the City Council on behalf of the Linden Baptist Church, where he serves as Chairman of the Trustees, and with him this evening were Charles Carnack and Bill Koon. Mr. Shidell said they were present to express gratitude to the City. The church did have a problem when the Community Center was first built with water run-off. The church did have some property damage with the up to 12 inches of rain in a heavy storm. The water was coming across the church's parking lot and doing a lot of damage. Mr. Shidell said when he first became Chairman of the Trustees, he inherited the job of addressing these water concerns, and he contacted Assistant City Manager Scott Wingerson. Mr. Shidell said he wished to give a special thank you to Mr. Wingerson for his professionalism and his ability to find the money. Mr. Wingerson assigned the project to City Engineer Tim Nebergall. Mr. Nebergall was excellent to work with and he put together a great plan. Mr. Shidell said he wished to extend a special thanks to Mr. Nebergall for his work. The project was then assigned to Shane Horton, as the construction coordinator.

Mr. Shidell said he and the gentlemen with him came to the City Council meeting to say thank you to the City Council, the City of Gladstone, and to those gentlemen that he noted for what they did for the Church by following through in what they promised and the

church now has a beautiful parking lot. There have been some pretty heavy rains that have occurred recently, and it is nice to not be dealing with the mud anymore. Mr. Shidell said he wished to say "thank you" on behalf of the Linden Baptist Church.

Mayor Rudi thanked Mr. Shidell. Mayor Rudi thanked City staff, who are doing their jobs well, and said Council appreciates it when staff members do their jobs so well that people wish to tell the City Council about it.

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

**Councilman Barry McCullough** stated it was great to see how effective our water control really does work, even though there were parts that did not work so well during the rains we had a couple of weeks ago. It was amazing how much control there was over all with that incredible amount of water. Councilman McCullough offered "good job" to staff.

**Councilmember Carol Suter** had no comments at this time.

**Councilman Mark Revenaugh** had no comments at this time.

**Mayor Pro Tem Les Smith** moved to appoint **Bill Turnage** to the vacant **Planning Commission** seat, with a term to be determined. Councilman Mark Revenaugh seconded.

Mayor Rudi said this is Councilman McCullough's former position, which he vacated when he became a Councilman, so the term ending date would be the same. Mayor Rudi said there will be a vacant seat on the Capital Improvements Program Committee, which is where Mr. Turnage currently serves.

The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Mayor Pro Tem Smith said it was an honor to have two consummate professionals, Dr. Tom Cummings and Sergeant Dan Green, in our midst this evening. Mayor Pro Tem Smith said he has known Sergeant Green for a while; in fact, their daughters went to high school together. Sergeant Green was really into his job and enjoyed what he did from a service perspective. Mayor Pro Tem Smith said he did not believe there was anything more that could be said about Superintendent Cummings, and he believes the accolades have just begun for him, and he wishes him all the best in his retirement.

Mayor Pro Tem Smith said he had some exciting news in that the Northmen of Gladstone Bowl team, who are all Oak Park High School students, won the first ever High School Bowling State Championship Tournament in Moberly, Missouri this last weekend. They were not officially sponsored by Oak Park High School, as the school district has not formally recognized the competition, but all the other high schools who participated were. Mayor Pro Tem Smith said there were folks from his business, Howard Rupard and Keith Edward, who volunteered to coach the kids and Vicki Bowman, Gladstone Bowl's General Manager, played a huge role in making youth bowling a sanctioned event in high schools. Mayor Pro Tem Smith said Gladstone Bowl was able to pick up their expenses so that the Northland group could go, and they won the event, and the team is very excited. They are

the first ever Missouri High School Bowling Champions, and they will share \$4,000 in scholarship money among the team.

Mayor Pro Tem Smith said he was contacted on May 16 by a resident whose property adjoins the Auto Zone property on Antioch Road. Mayor Pro Tem Smith said he promised the resident he would bring this issue up with Council, and he shared photos of the Auto Zone Business that were taken on May 16. In one photo there is a gentleman under the front end of a car, with a lot of grease and oil on the parking lot. The resident was concerned because he knows the City Council put some tight restrictions on the operation of this business. The black car in the photo is still there today. Mayor Pro Tem Smith said in driving past that car, that they were working on again today, he noticed a white pick-up truck with an Auto Zone employee, who was assisting with a repair. The brakes were being replaced on the vehicle. Mayor Pro Tem Smith pointed out the vehicles in the photos he provided to Council.

Mayor Pro Tem Smith said he gave a copy of the pictures to Assistant City Manager Scott Wingerson, and asked that he address this issue with Auto Zone, so he does not receive calls from residents at 8:30 on a Saturday night again.

**Mayor Carol Rudi** reported that at 1:10 PM, on May 31, the Gladstone Color Guard will be presenting the Colors at the Royals game, and said she hoped many would be able to attend and to give the Color Guard our best. On June 5 through June 6, there will be City wide garage sales and Bluesfest, so folks can have a garage sale and then relax at Bluesfest at Oak Grove Park. On June 6, the Household Hazardous Waste Drop-Off event will take place from 8:00 AM to Noon, in Happy Rock Park. The Movie in the Park will be Kung Fu Panda, and will be held on June 12, at 9:00 PM. On June 20, there will be an Electronic Waste Disposal at Metro North. Mayor Rudi said all this information may be found at the City's website, or through City staff.

**Item 11. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis introduced Brittany Coughlin, who attended Oak Park High School, and has been a resident of the area for a long time. Ms. Coughlin is a student at UMKC, and is serving in the Finance Department and in the Legal Division as an intern this summer. City Manager Davis said we welcome her and we believe she will do a great job for us.

**Item 12. on the Agenda.**

**BUILDING PERMIT:** for construction of a new addition and interior remodeling of the existing Walmart building, and construction of a new parking lot on the Walmart property located at 7207 North Missouri-1 Highway. Applicant: Continental Consulting Engineers, Inc. Owner: Walmart Real Estate Business Trust.

Mayor Pro Tem Les Smith moved to approve a **BUILDING PERMIT** for construction of a new addition and interior remodeling of the existing Walmart building, and construction of a new parking lot on the Walmart property located at 7207 North Missouri-1 Highway. Applicant: Continental Consulting Engineers, Inc. Owner: Walmart Real Estate Business Trust. Councilmember Carol Suter seconded.

Mayor Rudi said she is glad to see this happening.

The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 13. on the Agenda.**      **PUBLIC HEARING:** on a Special Use Permit for a Child Care Center on residential property at 7628 North Wabash. Owner/Operator: Tamara Hamill.

Mayor Rudi opened the Public Hearing, and said Staff would be heard first, followed by the applicant, and then comments from anyone in Favor or in Opposition to the application.

Planning Specialist Chris Helmer began by saying this application is a request for a renewal of a Special Use Permit that was approved by the City Council approximately one year ago. Like most all of the Special Use Permit requests, at that time City staff recommended to the Planning Commission and the City Council that Ms. Hamill operate under a one year duration, in addition to compliance with the recommended conditions in the Ordinance and any other State requirements. Over the course of this last year, there has been nothing brought to the attention of City staff or in general to the City of any negative impacts of Ms. Hamill's child care operation. At this time, City staff is recommending that the City Council consider a 5-year duration for this Special Use Permit application. The Planning Commission did vote unanimously in favor of the 5-year duration for the application.

The applicant had no comments.

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

**Item 13a. on the Agenda.**      **FIRST READING BILL 09-14**, approving a Special Use Permit to Tamara Hamill for operation of a Child Care Center at 7628 N. Wabash.

Councilman Barry McCullough moved to place Bill 09-14 on its First Reading. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Barry McCullough moved to accept the First Reading of Bill 09-14, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Barry McCullough moved to accept the Second and Final Reading of Bill 09-14 and to enact the Bill as Ordinance **#4.106**. Councilman Mark Revenaugh seconded.

Roll call vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 14. on the Agenda.**      **FIRST READING BILL 09-15**, authorizing the City Manager to execute an agreement with the Missouri Department of Transportation (MoDOT) for Federal Funds Relating to the Bicycle/Pedestrian Trail on N. Antioch Road.

Mayor Pro Tem Les Smith moved to place Bill 09-15 on its First Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 09-15, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final Reading of Bill 09-15 and to enact the Bill as Ordinance #4.107. Councilmember Carol Suter seconded.

Roll call vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 15. on the Agenda.**      **FIRST READING BILL 09-16**, authorizing the City Manager to execute an agreement with the Missouri Department of Transportation (MoDOT) for Federal Funds Relating to the Bicycle/Pedestrian Trail on M-1 Highway.

Councilman Mark Revenaugh moved to place Bill 09-16 on its First Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Mark Revenaugh moved to accept the First Reading of Bill 09-16, Waive the Rule and place the Bill on its Second and Final Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Mark Revenaugh moved to accept the Second and Final Reading of Bill 09-16 and to enact the Bill as Ordinance #4.108. Councilmember Carol Suter seconded.

Roll call vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 16. on the Agenda.**      **FIRST READING BILL 09-17**, authorizing the City Manager to execute an agreement with the Missouri Department of Transportation (MoDOT) for Federal Funds for the Mill and Overlay of N. Broadway Avenue.



Councilmember Carol Suter moved to place Bill 09-17 on its First Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the First Reading of Bill 09-17, Waive the Rule and place the Bill on its Second and Final Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the Second and Final Reading of Bill 09-17 and to enact the Bill as **Ordinance #4.109**. Mayor Pro Tem Les Smith seconded.

Roll call vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 17. on the Agenda.** **PUBLIC HEARING:** on the proposed 2009-2010 Annual Operating Budget for the City of Gladstone, Missouri.

Mayor Rudi opened the Public Hearing, saying first City Council would hear from Staff, and then from anyone who wishes to speak in **Favor** or in **Opposition** to this issue.

City Manager Kirk Davis said he had the privilege of presenting the Fiscal Year (FY) 2009-2010 budget to the City Council and to the public. This follows two dedicated Open Study Sessions – one on the General Fund and one on the Enterprise Fund, that Council had input upon. At the next City Council meeting, there will be a Resolution enacting the budget for consideration by the City Council.

City Manager Davis said the City of Gladstone, like any other city in the country, is impacted by the current economy, the mortgage crisis, downward pressures on sales tax collections, property value assessments, and limited returns on our own investments. These reductions in revenue must be matched by reductions in expenditures as well. The City is also challenged by growth outside of our community and aging commercial corridors, and continued demand for quality city services. These challenges force us to look beyond this fiscal year when establishing decision-making foundations, such as goals, a long-term strategic plan, capital improvement plans and economic development. When developing a budget during tough economic times, we base our decisions on timely information. Timely information means credible historic data, reliable forecasts, and monthly updates. We must also understand the interplay between the City's operations and the economy.

City Manager Davis said tough economic times also mean reducing costs such as overtime, raises, capital expenditures, pursuing delinquencies, and reviewing opportunities for user fees. Finally, tough economic times also force the staff and Council to look at the immediate impact of decisions and solutions. When looking at the immediate impact, however, one must be careful not to fall into a trap. We must force ourselves to look beyond this fiscal year. We must lay a foundation for implementing programs and policies

that can lead to a more robust economic future – we must position ourselves. ‘This means we must focus our spending and constantly reprioritize without changing our vision, and continue to implement economic development. That is the first thing one may feel like cutting – there is no economic development going on. This is the time we need to work the hardest at economic development.

City Manager Davis stated that stability is very important for our organization. Stability means having reserve funds, maintaining “rainy day” funds, having strategies that can guide decision-making, and not make decisions based on how we feel at that moment. Strategies such as Council goals, a long-range citizen based strategic plan, good capital improvement planning, and utilization of master plans are essential, especially during tough times. The City has done a good job in developing those strategies and in developing those “rainy day” funds, and focusing on Council goals.

City Manager Davis said he is pleased to state that this budget reflects the utilization of timely information, good financial analysis, and he believes Staff has done a good job in controlling costs. It focuses on our Council goals and it focuses on our strategic plans. This budget continues to address the Council, Gladstone on the Move initiatives, the neighborhood focus, an aggressive economic development effort, and provides stability for our residents and our employees. Total budgeted revenues in the General Fund this year are projected to be \$15,610,000. This represents a revenue decrease of \$760,000, or 4.6 percent from FY 09 expected revenues. Property taxes are expected to decrease almost three percent. Sales taxes were adjusted at midyear downward another three percent. This budget reflects that same funding level for sales tax.

City Manager Davis pointed out that detail revenue projections are reflected on Pages 6 and 28 of the budget message. Expenditures in the General Fund are projected to be \$15,609,000. This represents a decrease in spending in the amount of \$753,000 over our FY 09 expected revenues, which is about 4.6 percent. City Manager Davis pointed out that budget detail may be found on Pages 7 and 29, regarding the expenditures. Personnel services show an overall increase of \$136,000, or 1.2 percent over the FY 09 budget. This increase includes staffing additions totaling \$10,000, primarily for the Housing Court that is proposed. There are merit increases in the amount of approximately \$85,000, and there will be benefit adjustments for this year.

City Manager Davis reported that capital and supplemental purchases have been reduced from last year, primarily because of the aggressive fleet replacement program that we had last year. In FY 10, the City will replace two motorcycles and two squad cars, purchase new uniforms and beds in the Fire Stations for Public Safety; and purchase a natural gas powered generator for City Hall, through Parks and Recreation. Public Works will receive \$5,000 to cover increased costs for the Household Hazardous Waste Program. Finance will receive funding for additional software licensing, a laptop, three training computers, and \$5,000 for Housing Court. General Administration will receive \$5,200 for the Housing Court Prosecutor. City Manager Davis said this is far down from what we normally would spend in capital and supplemental; we have to make adjustments and prioritize.

City Manager Davis continued by saying the budget also reflects the addition of two new police officers, contingent upon receipt of some Federal Grants for which the City has applied. The budget focuses on Council goals. Pages 11 through 13 in the budget memo provide an update on Council goals. City Manager Davis said he wanted to focus on a couple of these - first, the redevelopment of our commercial corridors. We must continue focusing on reinvestment in our commercial corridors. City Manager Davis said this goal is elusive; it is like grabbing Jell-O, yet he feels we are making progress, and we need to position ourselves so that when the opportunity does arrive, we can take advantage of those opportunities in these critical locations, particularly Gladstone Plaza and downtown.

City Manager Davis said the second goal he wished to discuss is the quality housing and neighborhood services initiative. This budget contains funding to continue our previous neighborhood efforts, which have been highly successful. It provides seed money for a neighborhood based strategic planning effort. It funds neighborhood grants, home improvement grants, a model block program, and it initiates a Housing Court to address code enforcement, housing standards and other neighborhood issues. It continues the development of a vacant property registration program, initiates a multi family rental property registration program, and will continue to organize neighborhoods as we have done in the past. It has been successful, and we need to continue to encourage that effort as much as possible, and this budget reflects that encouragement.

City Manager Davis said the third goal he wished to discuss was the sustainability/climate protection goal. We have made great strides the past two years in completing dozens of objectives that Council is aware of towards this goal. During this next year, we will be completing a carbon footprint study, an energy audit, a Water Plant master plan, and numerous other environmentally friendly operational adjustments. Assistant City Manager Wingerson can go through approximately 75 different programs that address this particular goal. City Manager Davis stated that we need to continue this effort, as it will benefit everyone; although, he believes we are a little bit ahead of ourselves in this effort, he is encouraged by the focus the staff has given to this particular goal.

City Manager Davis continued by reporting that this year the City will be completing two major trails. City Manager Davis said the last goal he wished to address is the Home Maintenance Business Fair. It will have a green focus, consistent with the climate protection issues, and it is scheduled for early August. Council will be hearing more about this after Staff begins to hammer out some of the details.

City Manager Davis said he would like to move to the Enterprise Funds, and said the proposed FY 10 budget for the Combined Waterworks and Sewerage System Fund is also balanced. It will meet all of our operating costs and the debt service requirements. Total revenues are estimated to be \$7,012,000. Total expenses are estimated at \$6,977,000. On Page 55 of the packet, there is an estimated statement of revenues and expenditures that summarize and provide more detail. The budget is based upon trend analysis, the KCMO sewer rate increase, production trends, and a water administration fee increase. The Council has a policy of adjusting water production rates every other year. This budget does not contain an increase in the water production rates. The Council policy also directs that water administration fees are adjusted every other opposite year, and this budget does contain a water administration fee increase of \$1.00 for each water customer on each bi-

monthly bill. This fee increase is recommended to fund cost increases in billing postage, delinquencies and personnel. Our rate structure is about average among metropolitan area cities that Staff has surveyed, and that survey is reflected on Page 56 in the packet.

City Manager Davis stated that the Capital Improvement Program (CIP) is directly impacted by economic trends. This CIP budget is three percent below funding authorized last year. That said, street rehab and reconstruction continues to be a top priority. Approximately \$5 million dollars is authorized for street maintenance, trail construction, and sidewalk expansion in this budget. Details of the Transportation Sales Tax are reflected on Page 50 of the packet. On the Capital Improvements side, highlights include the North Oak Beautification Project, which has a \$200,000 Federal grant tied to it; Bolling Heights Stormwater Improvements; Phase I of the 76<sup>th</sup> and Lydia Stormwater Improvements; new amenities in Central Park; a new playground in Happy Rock Park; resurfacing tennis courts at 72<sup>nd</sup> Street and Meadowbrook; and the design for improvements to the Animal Shelter.

City Manager Davis reported that the Community Center budget is also balanced. We have provided for all operational expenses and debt service requirements. Revenues are estimated at \$3,065,000 and expenditures are estimated at \$3,064,000. This reflects an increase of \$195,000 over the FY 09 budget. The majority of this increase, or \$175,000, is due to a scheduled increase for principal payments on debt service and a projected increase of \$19,500 for increases in insurance.

City Manager Davis said the budget includes the purchase of additional hardware in the amount of \$3,100 for the Community Center; \$3,500 for the maintenance contracts on audiovisual and scoreboards services; and \$2,000 for some painting. City Manager Davis said he would not go into detail on the smaller funds, which are found in the packets, but he would certainly want to answer any questions Council might have about these funds.

City Manager Davis summarized by saying he is pleased to present a balanced budget to the City Council. The budget reflects stability in our organization. That stability is important to our citizens who ask for services. It is important to our employees who provide those services, and we have done this despite some very tough economic times. It recognizes the value that Council places upon the City employees, and focuses upon the long-term plans and on Council goals. It focuses on economic development and neighborhood services. It has an environmental focus. It represents a good bit of hard work by a lot of people to maintain the fiscal integrity of this City under these conditions. We are not laying off people; we are going to be able to reward people, even if it is a small amount.

City Manager Davis thanked the Budget Team: Assistant City Manager Scott Wingerson, Finance Director Debra Daily, Financial Analyst Beth Saluzzi, and Public Safety Director Mike Hasty. It was Director Hasty's first opportunity to serve on the Budget Team. It was nice to bring him on board. City Manager Davis asked if there were any questions from City Council.

Mayor Pro Tem Smith said he wished to commend City Manager Davis on the "Houdini Act" that he mentions every year in regard to the budget. Mayor Pro Tem Smith said he

knows a lot of hours and hard work goes into the budget, and he knows that the City is very fortunate because we get more out of the folks who care about our community, he would bet, than do most communities, and in part, because it is a great environment in which to work. Mayor Pro Tem Smith said he firmly believes that public safety is our greatest responsibility to our residents, and he would like to be looking at ways of funding law enforcement, perhaps to a greater degree. Director Hasty has touched around the edges of the fact that more officers on the street would be great. Mayor Pro Tem Smith said his understanding is that we are getting to the point where more officers on the street will be imperative, and he wants staff to continue to look at ways, whether it be in reorganizing, or in funding priorities for Public Safety on the law enforcement side. The City has spent a great deal of its resources, both man-hours and dollars on the Fire Division over the last few years. We have issues in Animal Control, and that may sound like an insignificant issue, but it is not. There are huge animal control issues when they arise for our residents. Mayor Pro Tem Smith said regarding law enforcement – we see it, we know what we are talking about, and we are addressing the underlying problems through code enforcement, through our multi- family programs, and through economic development, but there is a big vicious circle going on out there, and the end result is a drain on our services. To a large degree those services are public safety and law enforcement in particular.

Mayor Pro Tem Smith said he understands the County will be coming to us in August with a 1/8-cent sales tax renewal for law enforcement. Mayor Pro Tem Smith said we do not have the State Statutory requirement that would allow us a true Law Enforcement tax, but we have the capacity under our general sales tax to earmark funds for law enforcement, and he would like for Council and staff to put in the back of their minds for now, what if we put a 1/8-cent sales tax for law enforcement that would generate some \$382,000 opposite of the County's 1/8-cent sales tax. Let's give our residents a choice. Mayor Pro Tem Smith said if residents are going to support law enforcement, would they choose Gladstone or would they choose Clay County – he believes they would overwhelmingly choose Gladstone's own Law Enforcement sales tax, and the County's probably would not pass if they lost Gladstone.

Mayor Pro Tem Smith encouraged thinking in terms of what we can do to generate revenues for law enforcement in our own city. The County does not provide much for us in the realm of law enforcement. We take our prisoners to Liberty now, instead of Plattsburg, which is \$25,000 per year in cost savings. Mayor Pro Tem Smith said \$25,000 per year cost savings versus \$382,000 in revenue – let's start thinking about that, and maybe City Manager Davis could give Council members some idea as to when this could go on the ballot; he thinks we can do this in August as well. Mayor Pro Tem Smith said he is not advocating this, but he does want to begin thinking about it. Let's start thinking about being a little parochial with our sales tax money. The County does not seem to have a problem doing that. Mayor Pro Tem Smith asked City Manager Davis to look at this for future discussion. Mayor Pro Tem Smith said he really appreciates what our employees do for us and have done for years, which is the phenomenal task of providing the services that we do, and let's keep our eyes open for law enforcement revenues.

City Manager Davis stated that when we start looking at law enforcement issues, and Mayor Pro Tem Smith is right, we have funded the fire side, we are looking at all of our operations with the idea that ultimately, as a team, we all address the law enforcement

issues of the community. Parks and Recreation services keep people off the street. Good planning and neighborhood programs improve property values, which helps on the law enforcement side. City Manager Davis said we have not focused, however, on law enforcement for the majority of the budget for at least the last two to four years, and staff will be happy to do that, but as Council thinks about those issues, think about the benefits that all the other departments provide as we attack some of those problems. We have to have a balanced effort as we move forward. City Manager Davis thanked Council members for spending their time in the last two Open Study Sessions learning about this budget and for their attention this evening.

There was no one to speak in **Favor** or in **Opposition** of this issue.

Mayor Rudi closed the Public Hearing.

**Item 18. on the Agenda.**      **OTHER BUSINESS.**

There was no Other Business.

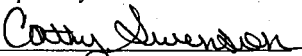
**Item 19. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**


There were no questions from the News Media.

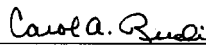
**Item 20. on the Agenda.**      **ADJOURNMENT.**

There being no further business to come before the May 26, 2009, Regular 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, JUNE 8, 2009**

The City Council will meet in Closed Executive Session on Monday, June 8, 2009, 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 610.021(3) for Personnel Discussion.

**OPEN STUDY SESSION: 7:00 PM**

**REGULAR MEETING: 7:30 PM**

**AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of the Regular May 26, 2009, City Council Meeting Minutes.
5. **PROCLAMATION:** congratulating the **NORTHMEN OF GLADSTONE BOWL**, who won the first ever **HIGH SCHOOL BOWLING STATE CHAMPIONSHIP TOURNAMENT** on May 23, 2009.

## REGULAR AGENDA

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **FIRST READING BILL 09-18**, authorizing the City Manager to execute an agreement with the Missouri Department of Transportation granting City right-of-way access for Sidewalk Improvements on M-1 Highway from Vivion Road to Northeast 72<sup>nd</sup> Street.
10. **FIRST READING BILL 09-19**, 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".
11. **RESOLUTION R-09-43**, authorizing the Mayor, City Council members, and City Manager to make application for a Neighborhood Stabilization Grant Category-3 under the Missouri Department of Economic Development; approving the multi-jurisdictional grant between the cities of Gladstone, Belton, Harrisonville, Lawson, Lee's Summit, Liberty, Raytown, Richmond, Sugar Creek, and Wood Heights for the joint application for such grant; and authorizing the execution of all necessary documents to complete the application process.
12. **RESOLUTION R-09-44**, adopting the 2010 Annual Operating Budget for the City of Gladstone, Missouri, and authorizing the expenditure of funds for Municipal Services.
13. **Other Business.**
14. **Questions from the News Media.**
15. **Adjournment.**





**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JUNE 8, 2009**

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION  
6:30 PM**

Mayor Carol Rudi opened the City Council Meeting to adjourn to a Closed Executive Session on June 8, 2009, at 6:30 PM. Councilmember Carol Suter 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 610.021(3) for Personnel Discussion. Councilman Barry McCullough seconded.

Roll Call Vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

Note: Councilman Mark Revenaugh was present at the Closed Executive Session.

Mayor Carol Rudi recessed the Closed Executive Session to go into the Regular City Council meeting, saying the Closed Executive Session would resume following the Regular City Council meeting.

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Les Smith  
Councilman Mark Revenaugh  
Councilmember Carol Suter  
Councilman Barry McCullough

City Manager Kirk Davis  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Assistant City Manager Scott Wingerson

Mayor Carol Rudi opened the Regular June 8, 2009, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and said that City Council met in Closed Executive Session prior to the Open Study Session and will reconvene the Closed Executive Session following this meeting.

**Item 2. on the Agenda.**                      **ROLL CALL**

Mayor Carol Rudi noted that all City Council members were present.

**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 26, 2009, CITY COUNCIL MEETING MINUTES.**

Councilman Mark Revenaugh moved to approve the Regular May 26, 2009, City Council Meeting Minutes as presented. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 5. on the Agenda.**                      **PROCLAMATION: congratulating the NORTHMEN OF GLADSTONE BOWL, who won the first ever HIGH SCHOOL BOWLING STATE CHAMPIONSHIP TOURNAMENT on May 23, 2009.**

Mayor Carol Rudi and Mayor Pro Tem Les Smith invited the Northmen of Gladstone Bowl team to join them in front of the dais, where Mayor Rudi read and presented the Proclamation to the team.

Mayor Rudi thanked the team and said this is an outstanding achievement, which has brought great honor to Oak Park High School!

Following applause from the audience, Mayor Pro Tem Smith offered, "good job", to the team members.

**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 Barry McCullough** had no comments at this time.

**Councilmember Carol Suter** said she wished to offer kudos to City staff for a couple of well-run events that were held last weekend. One was the Hazardous Waste Project. Councilmember Suter said her husband was one of the volunteers, and he was amazed at how many people showed up for this event, and how well it was appreciated by Gladstone residents. The traffic was very well managed with the traffic moving through the park area and off of the street. It was a good job done by all.

Councilmember Suter said the other item was the Bluesfest, which was held this weekend. It seemed to be successful and was enjoyable by those who participated. Councilmember Suter inquired into the strategy regarding the enforcement of the smoking ban in the parks.

Public Safety Director Mike Hasty replied his understanding was that there was supposed to be some ability of the City Council to issue a waiver on the smoking ban during a special event. Director Hasty said that Public Safety's ability to enforce a smoking ban during an event such as Bluesfest is going to be a challenge, and that was discussed, and it would seem that there needs to be further discussions on this issue.

Councilmember Suter said, for those who participated, there was certainly more smoking going on outside of the designated area than in the designated area. Councilmember Suter said there were a couple of men who were smoking cigars in front of her, and she informed them of the smoking area, and they responded by saying, "Lady, look around, nobody is paying any attention to any of that". Councilmember Suter said she told them she did not wish to smell the cigars, so she would appreciate it if they would put them out, and they did. Councilmember Suter said she saw a family move to another location, because six people were smoking. We seem to have figured out how to enforce alcohol purchase and consumption laws, because people had to stand in line, show an I.D., and get tagged. We apparently look for contraband in people's coolers. Councilmember Suter said she was intrigued about that and wondered what they were looking for, because the signs did not actually say, but the signs did warn everyone that their coolers would be looked at. Some effort is not going to destroy the event, as we do monitor other things.

Councilmember Suter said she believes that social stigma is one of the best enforcers of these kinds of Ordinances, and when groups have events such as this, when there is a designated smoking area, she would suggest having that announced from the stage a couple of times during the event. This would remind everyone and empowers those people who came expecting our parks to be smoke free to be able to turn to people and ask them to not smoke or go to the designated smoking area. It doesn't cost anything, and we could just make it a requirement that it has to be announced at least a couple of times during an event. Other announcements are made, such as how much food is left, and things for sale, so reminding people about the smoking policy might be a helpful way to handle this.

Councilmember Suter asked what the expectation would be or what could a citizen do if a person refused to quit smoking.

Director Hasty replied officers are staffed at these types of events, and at this event in particular. Like any violation, an officer would encourage an offender to comply, absent that, there would be enforcement action, whether it would be citing them or removing them from the park.

Councilmember Suter said usually having a law enforcement officer make a suggestion is all it takes for this type of thing, and there were plenty of law enforcement officers present at Bluesfest.

Director Hasty said this was something for which we probably neglected to develop a strategy, but that will definitely be on the radar for the next event.

Councilmember Suter said she just does not want people to feel that the law does not matter – nobody is enforcing it. It just underscores why do we bother to have the rules in place, if they are not enforced.

**Councilman Mark Revenaugh** stated he knows the Bluesfest is a Chamber event, but he cannot imagine it being successful without the efforts of City staff; in particular the Public Safety group, who had already worked a twelve hour shift, and were still volunteering their time; albeit, on overtime. They were there and we needed them, and there were a lot of them. Councilman Revenaugh said he wished to commend the Public Safety group for being able to round up enough officers willing to put in those kinds of hours.

**Mayor Pro Tem Les Smith** stated that he felt Councilmember Suter was correct on the smoking issue at Bluesfest, and from having attended organizational meetings he knows there was a lot of trepidation on behalf of the Chamber as to how exactly they should handle it. They did not feel they should be the ones to tell people they should not smoke. Mayor Pro Tem Smith said he did not observe many people in the designated smoking area. It seemed there were more smokers in the northwest corner of the park, so he suggested to the Chamber that for this event next year they have two smoking areas; maybe one in the southeast corner and one in the northwest corner. A lot of the people from the VIP shelter did leave the shelter, so there were no smoking issues there, but they only went about twenty feet outside, up into the northwest corner. Mayor Pro Tem Smith said he believed we felt our way through it a bit, but the point that Councilmember Suter made is that if you have a regulation and you obey it and no one else does, your tendency is to say, "what the heck", so what do we do, punish the good guy, who is doing as he should do. We do need to have a bit more of an aggressive strategy for the events in the future.

Mayor Pro Tem Smith said that everyone did a fabulous job at Bluesfest. Public Safety did a great job, but it goes way beyond that, the Parks and Recreation staff did the set-up on Friday morning. They worked all day Friday on the event, but you take it a step further, it was probably noticed by all that during the event there were City staff members working in

the volunteer positions. That is not part of their job. Parks and Recreation Director Sheila Lillis was cleaning the sugar shack, for example, Saturday evening. Those are the kinds of folks we have. They were not there just because it is their job, but they volunteered as good members of the community, and they all deserve to be commended. Gladstone gets a lot of good will from Bluesfest, because people come from all over. It was an excellent event, and not only did we do our job professionally, we have professional folks who volunteered their time as member of the community, and they are to be commended.

**Mayor Carol Rudi** began by saying Bluesfest was a great event. She was there both nights, and it was very crowded both nights, and Director Lillis was there every time she was there. Mayor Rudi thanked Director Lillis.

Mayor Rudi invited Director Lillis to report on upcoming activities in the parks.

Parks and Recreation Director Sheila Lillis reported that this coming Friday night the movie Kung Fu Panda will be shown in Oak Grove Park, at 9:00 PM, and this should be a great family event. During the week of June 22, the City will host the Corporate Challenge at the Gladstone Community Center. That will be held Monday through Thursday, from 5:00 PM to about 10:00 PM. This event brings a lot of people to our city. Director Lillis reported that the lighting truss was placed today. That is an exciting and significant piece of equipment for the lighting system at the Gladstone Amphitheatre. The Oak Grove Park playground will have a walk attached to it, and it will soon be completely open, so we will not only be able to accommodate 170 children, but about 220 children will be able to utilize it. It has been busy since it opened, and it will soon also have an accessible walkway.

Mayor Rudi asked if the concession stand would be open during the Corporate Challenge event.

Director Lillis replied the concession stand would be open and staff will be selling the wonderful barbeque, 150 pounds of which was sold this past weekend.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reported that our City is co-sponsoring an Electronic Recycling event, which will be held on June 20, at Metro North. City Manager Davis said that Public Works Director Chuck Williams informed him that funds were budgeted for 240 cars for the Household Hazardous Waste event, and the 240<sup>th</sup> car went through at 11:59 AM, so it was well attended. City Manager Davis offered congratulations to all who worked and enjoyed the Blues Festival, and he appreciates all the Staff who worked there. There were several people who worked, including those sitting next to him, and sitting behind him, who spent numerous hours of their time volunteering, and all that is appreciated, and he appreciates the recognition from Council.

**Item 9. on the Agenda.**

**FIRST READING BILL 09-18**, authorizing the City Manager to execute an agreement with the Missouri Department of Transportation granting City right-of-way access for Sidewalk Improvements on M-1 Highway from Vivion Road to Northeast 72<sup>nd</sup> Street.

Mayor Pro Tem Les Smith moved to place Bill 09-18 on its First Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 09-18, Waive the Rule and place the Bill on its Second and Final Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final Reading of Bill 09-18 and to enact the Bill as Ordinance #4.110. Councilmember Carol Suter seconded.

Roll call vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 10. on the Agenda.**

**FIRST READING BILL 09-19**, 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 Barry McCullough moved to place Bill 09-19 on its First Reading. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Barry McCullough moved to accept the First Reading of Bill 09-19, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Barry McCullough moved to accept the Second and Final Reading of Bill 09-19 and to enact the Bill as Ordinance #4.111. Councilman Mark Revenaugh seconded.

Roll call vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 11. on the Agenda.**      **RESOLUTION R-09-43**, authorizing the Mayor, City Council members, and City Manager to make application for a Neighborhood Stabilization Grant Category-3 under the Missouri Department of Economic Development; approving the multi-jurisdictional grant between the cities of Gladstone, Belton, Harrisonville, Lawson, Lee's Summit, Liberty, Raytown, Richmond, Sugar Creek, and Wood Heights for the joint application for such grant; and authorizing the execution of all necessary documents to complete the application process.

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-43**, authorizing the Mayor, City Council members, and City Manager to make application for a Neighborhood Stabilization Grant Category-3 under the Missouri Department of Economic Development; approving the multi-jurisdictional grant between the cities of Gladstone, Belton, Harrisonville, Lawson, Lee's Summit, Liberty, Raytown, Richmond, Sugar Creek, and Wood Heights for the joint application for such grant; and authorizing the execution of all necessary documents to complete the application process. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 12. on the Agenda.**      **RESOLUTION R-09-44**, adopting the 2010 Annual Operating Budget for the City of Gladstone, Missouri, and authorizing the expenditure of funds for Municipal Services.

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-44**, adopting the 2010 Annual Operating Budget for the City of Gladstone, Missouri, and authorizing the expenditure of funds for Municipal Services. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and 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 June 8, 2009, Regular City Council meeting, Mayor Carol Rudi adjourned the Regular meeting to reconvene to the 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





**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JUNE 22, 2009**

**OPEN STUDY SESSION: 6:45 PM**

**REGULAR MEETING: 7:30 PM**

**AMENDED AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of the Regular June 8, 2009, City Council Meeting Minutes.
5. **CONSENT AGENDA**

**RESOLUTION R-09-45**, authorizing acceptance of proposals from Vellar Consulting in the amount of \$30,000.00 for Neighborhood Development Consulting Services and \$5,000.00 for preparation of neighborhood strategic plans and action plans for neighborhood improvement for the Linden Heights Neighborhood, the Claywoods Neighborhood, and the 58 to 61 Neighborhood, within the City of Gladstone, Missouri.

**RESOLUTION R-09-46**, authorizing acceptance of work under contract with J and N Utilities, Incorporated, for the 56<sup>th</sup> Terrace Water Main Replacement – Antioch to Indiana Project.

**RESOLUTION R-09-47**, accepting Permanent Easements from Walmart Real Estate Business Trust in conjunction with the building and parking lot addition to Walmart located at 7207 North Missouri-1 Highway.

**RESOLUTION R-09-48**, authorizing execution of a contract with Miles Excavating, Inc., in the total amount not to exceed \$356,284.93 for the NW 61<sup>st</sup> Terrace Reconstruction – Main to Wyandotte Project.

**APPROVAL FOR DESIGNATED SMOKING AREAS** at Oak Grove Park for City sponsored special events as follows:

**Fourth of July Celebration**

July 4, 2009

**Theatre in the Park**

*Once Upon a Mattress* – July 10-12, 2009

*Footloose* – August 7-9, 2009

**APPROVAL OF THE MAY 2009 FINANCIAL REPORT.**

**REGULAR AGENDA**

6. **Communications from the Audience.**
7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **RESOLUTION 09-49**, authorizing execution of agreements between the City of Gladstone, Missouri, and the Kansas City Area Transportation Authority to provide Public Transportation for the period July 1, 2009 through June 30, 2010, and to construct a Transit Shelter at 72nd and North Prospect Streets.
10. **FIRST READING BILL 09-20**, repealing Ordinance No. 4.042 (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 \$7.63 bi-monthly, as a portion of the Water Service Rates for the City of Gladstone, Missouri.

11. **FIRST READING BILL 09-21**, approving an Ordinance to Opt Out of the State imposed Sales Tax Holiday between August 7th and 9th, 2009.
12. Other Business.
13. Questions from the News Media.
14. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JUNE 22, 2009**

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Les Smith  
Councilman Mark Revenaugh  
Councilmember Carol Suter  
Councilman Barry McCullough  
  
City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**Item 2. on the Agenda.      ROLL CALL**

Mayor Carol Rudi opened the Regular June 22, 2009, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and noted that all City Council members were present.

**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 8, 2009, CITY COUNCIL MEETING MINUTES.**

Councilman Mark Revenaugh moved to approve the Regular June 8, 2009, City Council Meeting Minutes as presented. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 5. on the Agenda.**

**CONSENT AGENDA.**

Following the Clerk's reading, Councilmember Carol Suter asked that the Approval for Designated Smoking Areas at Oak Grove Park for City Sponsored events be removed from the Consent Agenda for consideration under the Regular Agenda.

Mayor Carol Rudi said that item would be considered under Item 5a. on the Regular Agenda.

Councilmember Carol Suter moved to approve the Consent Agenda as amended. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-45**, authorizing acceptance of proposals from Vellar Consulting in the amount of \$30,000.00 for Neighborhood Development Consulting Services and \$5,000.00 for preparation of neighborhood strategic plans and action plans for neighborhood improvement for the Linden Heights Neighborhood, the Claywoods Neighborhood, and the 58 to 61 Neighborhood, within the City of Gladstone, Missouri. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-46**, authorizing acceptance of work under contract with J and N Utilities, Incorporated, for the 56<sup>th</sup> Terrace Water Main Replacement – Antioch to Indiana Project. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-47**, accepting Permanent Easements from Walmart Real Estate Business Trust in conjunction with the building and parking lot addition to Walmart located at 7207 North Missouri-1 Highway. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-48**, authorizing execution of a contract with Miles Excavating, Inc., in the total amount not to exceed \$356,284.93 for the NW 61<sup>st</sup> Terrace Reconstruction – Main to Wyandotte Project. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to approve **THE MAY 2009 FINANCIAL REPORT**. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 5a. on the Agenda.**      **APPROVAL FOR DESIGNATED SMOKING AREAS**  
at Oak Grove Park for City sponsored special events as follows:

**Fourth of July Celebration**

July 4, 2009

**Theatre in the Park**

*Once Upon a Mattress* – July 10-12, 2009

*Footloose* – August 7-9, 2009

Councilmember Suter began by saying this item befuddles her, and she finds it an intriguing philosophy that a City seeks exemption from its own Ordinances for its own events, and she would not be supporting approval of this request. Councilmember Suter said this creates the kind of attitude that was discussed recently after the Bluesfest, which was co-sponsored with someone else, of pretty much telling the community that we don't intend to abide by the Ordinance that we passed. Councilmember Suter said, secondly, these events in particular are targeted to children and families, and if we are not going to make it work for them, she does not get the whole point of it, so she is not in support of approving these exemptions, and realizes she most likely will be in the minority on this. Councilmember Suter said in light that this will probably be approved, she is concerned about two other things. One is if an exemption is granted, she is concerned about the placement of the smoking areas, with regard to the wind direction. If we put smoking on the south side, and the wind is blowing to the north, we have just concentrated all the smoke and blown it across everyone who is trying to avoid it. The request for the performances puts the smoking area 25 feet from the playing area, which at every event she has attended, young children cannot sit through any of these things, and end up back there playing, so she does not understand why we would put the smoking area right next to where the little children would be playing.

Councilmember Suter said the last thing is that if an exemption is granted, she would like to specify that it be restricted to cigarettes only, and that cigar smoking never be allowed on City property for any purpose whatsoever. It only takes one or two cigars, and the entire place is stunk up from one end to the other, so she would like to be clear about that.

Mayor Pro Tem Les Smith said in order to put this item on the table for discussion, he moved to approve the **DESIGNATED SMOKING AREAS** at Oak Grove Park for City sponsored special events as follows:

**Fourth of July Celebration**

July 4, 2009

**Theatre in the Park**

*Once Upon a Mattress* – July 10-12, 2009

*Footloose* – August 7-9, 2009

Councilman Mark Revenaugh seconded.

Mayor Pro Tem Smith asked how long these two events typically last?

Parks and Recreation Director Sheila Lillis replied the Theatre in the Park events really starts at 8:30 PM, but people begin gathering at 5:00 PM. The events will last until about 10:15 PM at the latest. The shows run from about one hour and forty-five minutes to two hours. The July 4<sup>th</sup> event begins with a band concert at 8:30 PM, and then the fireworks will begin at 9:50 PM. The fireworks should be finished in about 20 minutes, or a little after 10:00 PM.

Mayor Pro Tem Smith said we have already experienced the law of unintended consequences, and he is not so sure that Councilmember Suter does not have a valid point for both of these. Mayor Pro Tem Smith said he is not sure that the entire Council knows what the law of unintended consequences has been, and asked Director Lillis what she thinks will happen if there is not a designated smoking area, and also to explain what has happened so far in the park.

Director Lillis said the Theatre in the Park is in a more contained area, and Staff has always asked that people refrain from smoking, and they have been asked to move to the back of the crowd. The playground was relocated in 1992, so it has not always been in the back. This is not a huge smoking event, so it has not been a problem, as it is family oriented.

Director Lillis said the July 4<sup>th</sup> event is the biggest event that the Parks and Recreation hosts as a staff. It attracts lots of different people with lots of different habits. The Parks and Recreation staff has never addressed smoking at this event, and she has never seen issues with it. This is a huge event, and people not only come from the park, but with the path between the school property and City property, there are people coming in and out of the park from the path. There are neighborhood parties and there are businesses behind the park, so it is a pretty heavy event. Director Lillis said she believes the smoking ban is going to be an issue, so when we think about where people are going to go when the smoking ban is enforced, they will probably go to the perimeter properties outside of the park – across the street to neighbors' properties, to businesses behind the park, or to the School District property, which is also smoke-free.

Mayor Pro Tem Smith stated we have an issue at the park with park patrons going across the street to smoke in somebody's front yard.

Director Lillis agreed and said she has heard that there has been a neighbor that has complained about this.

Mayor Pro Tem Smith said that is his question, he does not want to say we will enforce a smoking ban in the park, and all of a sudden up and down the sidewalks all these neighbors have people standing in front of their house smoking; this is his concern. Mayor Pro Tem

Smith said if Council would like to consider these two events separately, he would support 100 percent the smoking ban in the park during the Theatre in the Park event.

City Manager Kirk Davis stated the Ordinance allows for the designation of smoking areas at events, and they are brought forward with the idea that if there will be smoking areas, Staff wants to do a better job of controlling it. The smoking area south of the pond is as close as it can get with the fireworks issues. The area south of the pond is fairly obscure. The smoking area designated for Theatre in the Park is in the back, and is far enough back where it would not be close to the last row of people who are sitting in lawn chairs watching the program.

Mayor Pro Tem Smith said he would suggest that smoking not be allowed at the Theatre in the Park event in the spirit or intent of the Ordinance, but suggests a designated smoking area for the July 4<sup>th</sup> event, where Staff can monitor it to see what kind of usage it gets, rather than moving those people to the perimeter of the park and across the street, and then revisit the issue again next year.

Councilman Mark Revenaugh said, in his experience at the July 4<sup>th</sup> celebration, there has been more smoke generated by the fireworks themselves than could be generated by the minority of smokers in the park. People go to the park for the July 4<sup>th</sup> celebration knowing that they are going to be breathing all kinds of noxious smoke from fireworks, which isn't to say that everyone should be smoking, but he would tend to be much more lenient about designated smoking areas for the July 4<sup>th</sup> celebration than the Theatre in the Park events. Councilman Revenaugh said it is his understanding that a couple of the most vocal proponents on the Parks and Recreation Advisory Board said they did not mean for smoking to be banned in the parks completely.

Director Lillis said she did not wish to speak for them, but she believes this has been documented in the meeting minutes.

Councilman Revenaugh stated when Council received the letter from the Parks and Recreation Advisory Board, it stated the Board wished to ban smoking in the parks, and the Council accommodated that request. Now, they have turned around and said they did not want a completely total ban. Those are citizens whose guidance Council was trying to follow, because they are made up of the residents who live in this community. Councilman Revenaugh said he had less of a problem with smoking on the 4<sup>th</sup> of July, when one cannot drive down a street without smoke.

Director Lillis said as Councilmember Suter mentioned the direction of the wind, that is one of Staff's concerns with fireworks in general, because Staff must see which way the wind is blowing before they can sit up the fireworks shell holders. Director Lillis said her experience tells her that the requested smoking area is in the best place, because typically, the wind blows the other direction; however, it is hard to tell which direction the wind will be blowing on that night, and she cannot answer that today.



Mayor Pro Tem Smith said the proposed area is isolated by the pond and some foliage.

Director Lillis agreed and said the area affords a natural break, because most of the families will be near the playground and in front of the stage.

Mayor Pro Tem Les Smith amended his motion to approve the designated smoking areas with the amendment as follows: there will be no designated smoking area in Oak Grove Park during the Theatre in the Park performances, and the proposed designated smoking area for the 4<sup>th</sup> of July remains on the south side of the park, but with the "memo to self" and Staff that this be monitored and reviewed again next year. Councilman Mark Revenaugh seconded.

Director Lillis said Staff will provide this information in the program for the Theatre in the Park events. This will be a way to notify people, as well as by announcements that will be made during the event.

The vote: "Aye" – Councilman Barry McCullough, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. "Nay" – Councilmember Carol Suter (4-1).

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

### **Communications from the Audience.**

**John A. Rupert, 6407 North Wayne**, said he read in the newspaper that Gladstone is still looking for a business to bring a hotel into the City, and he would like to suggest that instead of looking for a big hotel, the City should try to get some Bed and Breakfasts in the City, which will give the City a background later for how many people use such a facility, before obtaining a hotel.

**John Garner, 111 Heatherton Court**, asked regarding the no smoking at the Theatre in the Park and such events, would it be possible for the people who are directing traffic to hand a memo to the public reminding them of the no smoking policy.

Mayor Rudi replied that is kind of a good idea, but what Staff will find is little pieces of paper all over the park, and she would rather see it in the program and announced by the press prior to the event. It will also be announced from the stage prior to the performances.

Mr. Garner suggested the volunteers that folks see as they first pull into the park, could just mention it to the people.

### **Item 7. on the Agenda.**

### **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Barry McCullough** stated he had the opportunity to go to Jefferson City with City Manager Davis about a week and a half ago, and he enjoyed participating in a

conference for newly elected officials. It was a good opportunity to network and learn a few things about protocol.

**Councilmember Carol Suter** had no comments at this time.

**Councilman Mark Revenaugh** had no comments at this time.

**Mayor Pro Tem Les Smith** said it was good to see Parks and Recreation Director Lillis make it up to the podium on her own two feet; she had some knee surgery recently, and he is glad it went well.

**Mayor Carol Rudi** stated she wished to remind everyone that on Saturday at 4:00 PM will be the first annual meeting for the Friends of the Atkins Johnson Farm. There is still time to buy a membership, which is very cheap. There will be a great speaker at the meeting, and some really exciting news. Mayor Rudi asked Director Lillis to report about the Corporate Challenge event.

Parks and Recreation Director Lillis said the City will be hosting the Corporate Challenge Monday through Thursday of this week, and there will be approximately 1,500 to 2,000 people in attendance each night over the next four nights. The concessions will be open.

Mayor Rudi reported the July 4<sup>th</sup> event will be in Oak Grove Park with the band concert beginning at about 8:30 PM. Folks will want to arrive early for a good place to park and for a good view of the fireworks.

**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 09-49**, authorizing execution of agreements between the City of Gladstone, Missouri, and the Kansas City Area Transportation Authority to provide Public Transportation for the period July 1, 2009 through June 30, 2010, and to construct a Transit Shelter at 72nd and North Prospect Streets.

Councilmember Carol Suter moved to adopt **RESOLUTION 09-49**, authorizing execution of agreements between the City of Gladstone, Missouri, and the Kansas City Area Transportation Authority to provide Public Transportation for the period July 1, 2009 through June 30, 2010, and to construct a Transit Shelter at 72nd and North Prospect Streets. Mayor Pro Tem Les Smith seconded. The vote: All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 10. on the Agenda.**

**FIRST READING BILL 09-20**, repealing Ordinance No. 4.042 (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 \$7.63 bi-monthly, as a portion of the Water Service Rates for the City of Gladstone, Missouri.

Councilman Barry McCullough moved to place Bill 09-20 on its First Reading. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Barry McCullough moved to accept the First Reading of Bill 09-20, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Barry McCullough moved to accept the Second and Final Reading of Bill 09-20 and to enact the Bill as Ordinance #4.112. Councilman Mark Revenaugh seconded.

Roll call vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 11. on the Agenda.** **FIRST READING BILL 09-21**, approving an Ordinance to Opt Out of the State imposed Sales Tax Holiday between August 7th and 9th, 2009.

Councilmember Carol Suter moved to place Bill 09-21 on its First Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the First Reading of Bill 09-21, Waive the Rule and place the Bill on its Second and Final Reading. Mayor Pro Tem Les Smith seconded.

City Manager Davis stated that historically this is an issue where if Council does not take action, there will be a Sales Tax Holiday in August, before school begins. If Council votes to approve this Bill, the City will be opting out of that holiday, and therefore, not participating in that sales tax event. City Manager Davis said historically, this is a Sales Tax Holiday that Council has chosen to accept, and if this is approved, Council is reversing that action.

Mayor Pro Tem Smith said, for clarification, if Council wants to participate in the Sales Tax Holiday, the vote should be "no".

Mayor Rudi said the difference is a little over \$3,000 per year.

The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the Second and Final Reading of Bill 09-21 and to enact the Bill as Ordinance #4.113. Mayor Pro Tem Les Smith seconded.

Mayor Pro Tem Smith asked City Manager Davis if it were known what Kansas City has done with this issue.

City Manager Davis replied he does not know what Kansas City has done with this issue, but typically in the past, they have participated in the Sales Tax Holiday.

Mayor Pro Tem Smith said he would not want to put our businesses at a competitive disadvantage by opting out, so he would be voting "no", so our City may participate in the holiday for that reason.

Councilman McCullough said he felt that even if Kansas City did choose to opt out of the holiday, it puts our businesses at a competitive advantage, so he also would be voting against this action.

Councilman Revenaugh stated he liked the idea that Council would be giving the people who are shopping in Gladstone, and who are hopefully Gladstone residents, the opportunity to take advantage of the Sales Tax Holiday.

Mayor Rudi asked City Counselor David Ramsay if City Council does approve this and opts out of the Sales Tax Holiday, would it be necessary to go through this process every year?

Counselor Ramsay replied that whatever decision City Council members make stands until that decision is changed.

City Manager Davis stated the direction from Council in the past has been to bring this issue up every year for consideration.

Councilman Revenaugh said he believes that is a good policy.

Mayor Rudi said she would be voting against this as well, because she does not feel \$3,000 justifies putting our businesses at a disadvantage.

Roll call vote: All "nay" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (0-5).

**Mayor Rudi stated that Bill 09-21 was not approved.**

**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.

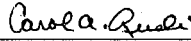
**Item 14. on the Agenda.**      **ADJOURNMENT.**

There being no further business to come before the June 22, 2009, Regular 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, JULY 13, 2009**

**OPEN STUDY SESSION: 6:45 PM**

**REGULAR MEETING: 7:30 PM**

**AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of the Regular June 22, 2009, City Council Meeting Minutes.
5. **PROCLAMATION:** designating the month of July 2009, as "NATIONAL PARKS AND RECREATION MONTH".
6. **CONSENT AGENDA**

**RESOLUTION R-09-50**, authorizing the City Manager to execute an agreement with Bolling Heights Community Link, in the form of a Land Use Agreement, for the use of the island at the intersection of North Campbell Street and North Harrison Street; and authorizing the execution of all necessary requirements by the City of Gladstone to be carried out in conjunction with the Land Use Agreement.

**RESOLUTION R-09-51**, authorizing acceptance of work under contract with Fry and Associates, Incorporated, for the Happy Rock Park Expansion Shelter; Project CP0862.

**RESOLUTION R-09-52**, authorizing acceptance of work under contract with Harvest Productions, Incorporated, for the Oak Grove Park Amphitheater Lighting Truss; Project CP0863.

**RESOLUTION R-09-53**, authorizing execution of a contract with Little Joe's Asphalt, Incorporated in the total amount not to exceed \$254,440.07 for the 2009 Mill and Overlay Program; Project TP1001.

**RESOLUTION R-09-54**, authorizing acceptance of work under the contract with Saladino Plumbing and Heating Company, Incorporated for the Gladstone Community Center HVAC and Mechanical Project; and authorizing final payment in the total amount of \$23,587.20; for project CB0662.

**RESOLUTION R-09-55**, authorizing a Landscape Easement to Peterson Development Company in conjunction with the Preserves at Carriage Hill Estates Development.

**RESOLUTION R-09-56**, accepting a Temporary Construction Easement from a property owner in conjunction with the Shoal Creek Bicycle/Pedestrian Trail Project (TP0671).

**RESOLUTION R-09-57**, acknowledging the transfer of title to Big Shoal Creek Cemetery to the City by judgment of the Circuit Court of Clay County.

#### **APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:**

The Office Bar and Grill, 6825 North Oak Trafficway; Class A Liquor by the Drink License.

Margarita's North, 7013 North Oak Trafficway; Class A&B Liquor by the Drink License.

Hy-Vee Food and Drug Store, 7117 North Prospect, Class A&B Liquor by the Drink License.

Hy-Vee Gas, 7121 North Prospect, Seven-Day Package Liquor License.

Buck's-Home of the Big Game, 5708 North Oak Trafficway; Class A&B Liquor by the Drink License.

Wasahi, LLC, 328 NE 72 Street; Class A&B Liquor by the Drink License.

TNT Two, Inc., dba Tanner's Bar & Grill, 6024 North Antioch Road; Class A&B Liquor by the Drink License.

Kwik Shoppe, 7603 North Oak Trafficway, Six-Day Package Liquor License.

Euromarket, 6942 North Oak Trafficway; Six-Day Package Liquor License.

Price Chopper, 6745 North Prospect, Seven-Day Package Liquor and Wine Tasting License.

Bubbles Wines & Spirits, 7407 North Oak Trafficway; Seven-Day Package Liquor License.

## REGULAR AGENDA

7. **Communications from the Audience.**
8. **Communications from the City Council.**
9. **Communications from the City Manager.**
10. **APPROVAL OF A LIQUOR LICENSE RENEWAL** for Gladstone Bowl, Inc., 300 NW 72<sup>nd</sup> Street, Class A&B Liquor by the Drink License.
11. **RESOLUTION R-09-58**, authorizing the City Manager to finalize a loan agreement with First Bank of Missouri to provide one million dollars in funding for additional sanitary sewer improvements within the Mill Creek Basin.
12. **FIRST READING BILL 09-22**, amending Sections 1.105.450, relating to City Prosecutors, and 1.125.060, relating to Assistant



Municipal Court Judges, contained within the Code of City Ordinances, by enacting new provisions establishing a sufficient number of Assistant Municipal Judges and Assistant City Prosecutors, to administer the various dockets of the Municipal Court, including the "Housing Court."

13. **FIRST READING BILL 09-23**, amending Schedule IV and Schedule V of the Model Traffic Code (Gladstone Municipal Code Section 4.100.020), to modify the hours of the "No Parking" Zone for traffic on North Michigan Avenue from Northeast 62<sup>nd</sup> Terrace to Northeast Shady Lane.
14. Other Business.
15. Questions from the News Media.
16. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JULY 13, 2009**

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Les Smith  
Councilman Mark Revenaugh  
Councilmember Carol Suter

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Councilman Barry McCullough

**Item 2. on the Agenda. ROLL CALL**

Mayor Carol Rudi opened the Regular July 13, 2009, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and noted that all City Council members were present, except for Councilman McCullough, who was out of town. Mayor Rudi introduced Boy Scout Christopher Durant, from Troop 1731, sponsored by the LDS Church, and his father, Paul Durant. Mayor Rudi thanked them for attending, and said Christopher is a new scout who is working on a Boy Scout merit badge.

**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 22, 2009,  
CITY COUNCIL MEETING MINUTES.**

Councilman Mark Revenaugh moved to approve the Regular June 22, 2009, City Council Meeting Minutes as presented. Councilmember Carol Suter seconded. The vote: All "aye"

– Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

**Item 5. on the Agenda.**      **PROCLAMATION:** designating the month of July 2009, as “**NATIONAL PARKS AND RECREATION MONTH**”.

Mayor Rudi read and presented the Proclamation to Parks and Recreation Director Sheila Lillis, and Parks and Recreation Advisory Board members Freddie Nichols and Donald Harper.

Director Lillis thanked the Mayor and Council, and said the Parks and Recreation Advisory Board is a great Board, whose members who do important work. Director Lillis said she wished to express her thanks on behalf of the Parks and Recreation full time and part time employees, the volunteer coaches, and the volunteers who work with Parks and Recreation programs, all of whom work very hard.

Mayor Rudi thanked them for all their efforts on behalf of the City.

**Item 6. on the Agenda.**      **CONSENT AGENDA**

Councilmember Carol Suter moved to accept the Consent Agenda as presented. Mayor Pro Tem Les Smith seconded. The vote: All “aye” – Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-50**, authorizing the City Manager to execute an agreement with Bolling Heights Community Link, in the form of a Land Use Agreement, for the use of the island at the intersection of North Campbell Street and North Harrison Street; and authorizing the execution of all necessary requirements by the City of Gladstone to be carried out in conjunction with the Land Use Agreement. Mayor Pro Tem Les Smith seconded. The vote: All “aye” – Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-51**, authorizing acceptance of work under contract with Fry and Associates, Incorporated, for the Happy Rock Park Expansion Shelter; Project CP0862. Mayor Pro Tem Les Smith seconded. The vote: All “aye” – Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-52**, authorizing acceptance of work under contract with Harvest Productions, Incorporated, for the Oak Grove Park Amphitheater Lighting Truss; Project CP0863. Mayor Pro Tem Les Smith seconded. The vote: All “aye” – Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-53**, authorizing execution of a contract with Little Joe's Asphalt, Incorporated in the total amount not to exceed \$254,440.07 for the 2009 Mill and Overlay Program; Project TP1001. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-54**, authorizing acceptance of work under the contract with Saladino Plumbing and Heating Company, Incorporated for the Gladstone Community Center HVAC and Mechanical Project; and authorizing final payment in the total amount of \$23,587.20; for project CB0662. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-55**, authorizing a Landscape Easement to Peterson Development Company in conjunction with the Preserves at Carriage Hill Estates Development. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-56**, accepting a Temporary Construction Easement from a property owner in conjunction with the Shoal Creek Bicycle/Pedestrian Trail Project (TP0671). Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-57**, acknowledging the transfer of title to Big Shoal Creek Cemetery to the City by judgment of the Circuit Court of Clay County. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

Councilmember Carol Suter moved to approve the following **ANNUAL LIQUOR LICENSE RENEWALS**:

The Office Bar and Grill, 6825 North Oak Trafficway; Class A Liquor by the Drink License.

Margarita's North, 7013 North Oak Trafficway; Class A&B Liquor by the Drink License.

Hy-Vee Food and Drug Store, 7117 North Prospect, Class A&B Liquor by the Drink License.

Hy-Vee Gas, 7121 North Prospect, Seven-Day Package Liquor License.

Buck's-Home of the Big Game, 5708 North Oak Trafficway; Class A&B Liquor by the Drink License.

Wasahi, LLC, 328 NE 72 Street; Class A&B Liquor by the Drink License.

TNT Two, Inc., dba Tanner's Bar & Grill, 6024 North Antioch Road; Class A&B Liquor by the Drink License.

Kwik Shoppe, 7603 North Oak Trafficway, Six-Day Package Liquor License.

Euromarket, 6942 North Oak Trafficway; Six-Day Package Liquor License.

Price Chopper, 6745 North Prospect, Seven-Day Package Liquor and Wine Tasting License.

Bubbles Wines & Spirits, 7407 North Oak Trafficway; Seven-Day Package Liquor License.

Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

## **REGULAR AGENDA**

### **Item 7. on the Agenda.**

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

John Lash, 6000 North Wyandotte, began by saying he was present to discuss a large bush of poison ivy. He called the City to see if something could be done about it. Six weeks have gone by and it is still there. Mr. Lash said he has a privacy fence that is six feet tall, and the poison ivy is going up through the trees on the other side and up onto the telephone pole and along the telephone lines. It is probably 20 feet tall. Mr. Lash said he sent a picture of it to someone in City Hall. The solution from the Parks and Recreation Department was "you spray on your side, and he will spray on his side". The man from the Codes Division said there was a huge poison ivy plant over there. Mr. Lash said he does not know how anyone can spray a plant that is 20 feet up in the air. By the time he sees it, it is eight-feet tall. Mr. Lash said he has tried to go through all the steps but it is not working. Mr. Lash said he has one lung, has arthritis, and diabetes, and is awfully allergic to poison ivy. He had to go to the hospital once for it. Mr. Lash said something needs to be done. By the time someone decides to do something, it is 20 feet tall. The man who works with the Parks and Recreation Department knows how to deal with this. Mr. Lash said he feels the City of Gladstone or the Parks and Recreation Department should get rid of it.

Mayor Rudi said there is an issue of going onto private property.

Assistant City Manager Scott Wingerson said he was aware of this, and the employee is not in the Parks Department, he is in another City department. Mr. Wingerson said it was his understanding that the property owner in Gladstone has sprayed the poison ivy on two or three occasions this year. Mr. Wingerson said he has not had the chance to see this himself to know the size of it. It may be one of those situations where it needs to be cut out and then sprayed. Mr. Wingerson stated that Mr. Lash was provided sound advice in spraying the poison ivy from both sides, which is really the answer, because just spraying one side, does not work. Mr. Wingerson said he would be glad to meet Mr. Lash this week, and look at the poison ivy, and take whatever action he can, but at least the employee is attempting to correct the problem, just not to Mr. Lash's satisfaction at this point.

Mayor Rudi said she had a poison ivy plant 20 feet high, and it did require cutting it out, which if one is allergic to it, is a pretty hazardous thing to do. Mayor Rudi asked Mr. Lash to get with Mr. Wingerson to set a time for him to take a look at the situation.

Mr. Lash said this happened before when he had a chain link fence. He had some friends come down and they installed a privacy fence, thinking that the poison ivy would not be able to come through, but it does still come through the cracks of the privacy fence.

Mayor Rudi noted that Mr. Wingerson was leaving the room to visit with Mr. Lash.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilmember Carol Suter** asked for updates on Quik Trip's new entry on 72<sup>nd</sup> Street. Councilmember Suter said she is getting lots of questions from her neighborhood about Walmart and if that project is on track, and she would also like an update on the time table for the multi-family units construction on 72<sup>nd</sup> Street, in the Stratford Park area.

City Manager Kirk Davis said the Walmart construction project is on schedule. They will be asking for a building permit, which will be on an August agenda. They have actually started work inside the store. Walmart is still on time for the August timeframe, and everyone is looking forward to those improvements.

Assistant City Manager Scott Wingerson stated he did not have the information at this time for an update on the new construction in the Stratford Park area, but he would provide an update to City Council members in the upcoming FYIN packet.

Councilmember Suter asked for an assessment regarding the extra publicity for the fireworks issue this 4<sup>th</sup> of July season. The people in her neighborhood were either unfazed or unaware of the increased attempt to adhere to the fireworks prohibition Ordinance, because her streets were pretty much closed to traffic because of people setting off fireworks.

City Manager Davis replied that there would be a report in Council's FYIN this week. Councilman McCullough asked for some information last week about the City's labor costs and so forth. Once the payroll period ends, those numbers will be available, which is why the report to Council has been delayed until this week. The report will include how many tickets were issued, the amount of fireworks confiscated, how many calls were made, the manpower utilized, along with other information. Public Safety Director Mike Hasty will be compiling the information in a report for Council for their FYIN packet on Thursday. City Manager Davis said, in his opinion, the preplanning and press releases were far better than what has been done in the past. Public Information Officer Richard King spent some "live time" on at least three news channels. There was a representative from one channel who rode with an officer on July 3, 2009. City Manager Davis said he believed all of that publicity helped. City Manager Davis said he knows from being in the park at the July 4<sup>th</sup>

celebration, that the fireworks usage around the park was down substantially. Staffing was increased on July 3 and July 4, and those numbers will be part of the report. City Manager Davis said he believed the pre-publicity helped out quite a bit, and he knows that Director Hasty made a note to check what happened and what calls were made on North Bellefontaine (Councilmember Suter's neighborhood).

Councilmember Suter said they went for a stroll on July 4 with their grandbaby. Their neighborhood is three cul-de-sacs and one dead end. As they walked, there were a number of kids and a man or two in the middle of the cul-de-sacs setting off fireworks, and they found this each area they walked.

City Manager Davis said Staff would check to see what calls were made and how staff responded to Councilmember Suter's neighborhood, but all in all, he believes this year was better than in the past.

**Councilman Mark Revenaugh** congratulated Finance Director Debra Daily and the Finance Department for receiving yet again the Certificate of Achievement for Financial Reporting, which is a big deal in the finance industry. Councilman Revenaugh congratulated the Parks and Recreation Department on a great fireworks display on July 4. It was well attended in spite of some shaky weather. Councilman Revenaugh said it was the quietest 4<sup>th</sup> of July he has spent in Gladstone. From the time he woke up in the morning until he went to bed at night, he did not hear fireworks. Perhaps folks were more law abiding in the Brooktree side of Gladstone than they were in Councilmember Suter's area. Councilman Revenaugh said he was prepared to congratulate the public for their adherence to the Ordinance. It was really quiet. When leaving the fireworks display in the park, there were not the usual kids out in the street shooting fireworks. Councilman Revenaugh said he thought this year was completely different from previous years and very quiet all day long. Councilman Revenaugh expressed congratulations to all the people who complied with the Ordinance prohibiting fireworks.

**Mayor Pro Tem Les Smith** began by saying after the public awareness campaign, if anyone in our City did not know fireworks were illegal they have been living under a rock. Mayor Pro Tem Smith said his feelings on this issue are well documented, but he believes the previous Public Safety Director let this go "in one ear and out the other" and did not take the Council seriously. Public Safety Director Hasty and his staff took it seriously this year. It is evident that they are taking traffic enforcement seriously and it was very evident that they took the Fireworks Ordinance seriously this year. Mayor Pro Tem Smith said he appreciates when people listen to Council and try to carry out Council's policy direction. It was very refreshing, and Public Safety went after it with a lot of vigor. Mayor Pro Tem Smith said his advice to some people would be to call the police if fireworks are going off in their neighborhood and they do not like it. Some folks in his law abiding Brooktree neighborhood did that and it actually quieted things down. Mayor Pro Tem Smith thanked staff for doing their job so well with this -- from City Manager Davis and Director Hasty and down. Mayor Pro Tem Smith said the event at the park went off very well. There

were a lot of people in a small area at the end of a hot day, and our City does a good job of taking care of them, and we did that again this year, so a pat on the back to those folks.

Mayor Pro Tem Smith said he has been collecting paper that Council receives in their packets since March and he now has a tall stack. The Neighborhood Development Report that Council received, for example, shows we need to be seriously thinking about firm direction in receiving this information electronically; whether by e-mail, or copied to a disk and delivered to Council. A lot of the copies made by the City and given to Council can be cut down, which would aid the sustainability effort. Mayor Pro Tem Smith encouraged Council members to ask staff to get serious about changing the way we do business with the packets, because Council receives a boatload of paper.

**Mayor Carol Rudi** said she agreed about the huge amount of paper, and said she saves her information and prints on the back of anything that is vacant and not confidential, and she has a huge stack. Mayor Rudi congratulated staff on the July 4 event. It was great and the weather was questionable for a while, and at first there were not many people, but all of a sudden they showed up, and it was wonderful. It was a great event. Mayor Rudi thanked Parks and Recreation Director Lillis for providing such a nice evening.

Mayor Rudi said regarding the Fireworks Ordinance enforcement, her neighborhood was extremely quiet, and normally, if she can go to sleep before midnight, she is happy. It was so quiet, she kept thinking it was not July 4, but she knew it was because she had been at the park. It was the same thing the day before and the day after, because usually the day after July 4, all the leftover fireworks are used up all day long. Mayor Rudi said it was a good effort and she appreciated it. Mayor Rudi asked that Director Hasty share her appreciation with the Public Safety Department.

Mayor Rudi congratulated City Counselor David Ramsay on the acquisition of the cemetery located across from the Atkins Johnson Farm. That was done on June 24, and the Atkins Johnson Friends are ecstatic. Mayor Rudi thanked Counselor Ramsay for his hard work on this project.

Mayor Rudi invited Parks and Recreation Director Lillis to report on upcoming events in the City.

Director Lillis reported that this weekend the City hosted the Theatre in the Park production *Once Upon a Mattress*, with a little over 6,000 people in attendance at the event. Even with the weather, the shows went off very successfully, and there were no issues with smoking or anything else. It was very well received and it was a very good three evenings at the park. The City is hosting the Metropolitan Swim Championships for the City's outdoor swimming program on July 18, beginning at 6:30 AM. It will be hosted in the indoor pool, and will be finished about 1:30 PM. On Friday, July 24, the City is partnering with Best Buy to present *Madagascar II* at 9:00 PM at the Oak Grove Amphitheatre. It is a PG film.



**Item 9. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis had no comments at this time.

**Item 10. on the Agenda.**

**APPROVAL OF A LIQUOR LICENSE RENEWAL** for Gladstone Bowl, Inc., 300 NW 72<sup>nd</sup> Street, Class A&B Liquor by the Drink License.

Councilman Mark Revenaugh moved to approve **A LIQUOR LICENSE RENEWAL for Gladstone Bowl, Inc., 300 NW 72<sup>nd</sup> Street, Class A&B Liquor by the Drink License.** Councilmember Carol Suter seconded.

Mayor Pro Tem Smith said due to a conflict of interest, as he owns this business, he would be abstaining from this vote.

The vote: "Aye" – Councilmember Carol Suter, Councilman Mark Revenaugh, and Mayor Carol Rudi. "Abstain" – Mayor Pro Tem Les Smith (3-1-0).

**Item 11. on the Agenda.**

**RESOLUTION R-09-58**, authorizing the City Manager to finalize a loan agreement with First Bank of Missouri to provide one million dollars in funding for additional sanitary sewer improvements within the Mill Creek Basin.

City Manager Davis said the City has a bond issue that is being paid off in the year 2012. What is being attempted here is to wrap a small debt obligation around that debt service falling off, in order to immediately accomplish some needed sewer improvements in Mill Creek around the 60<sup>th</sup> and Garfield area. At some point in time between now and 2012, there is also going to be discussion about a no rate increase bond issue that will help the City with further improvements at the Water Plant and with some sustainability issues, and with the water and sewer systems. This is an area that was built some time ago, and has some deficiencies in the sewer system and it is hoped to make a big dent in what our needs are in that area now, and not really cost the City anything in terms of any long term financing and it certainly does not involve a rate increase.

Mayor Pro Tem Les Smith moved to adopt **RESOLUTION R-09-58**, authorizing the City Manager to finalize a loan agreement with First Bank of Missouri to provide one million dollars in funding for additional sanitary sewer improvements within the Mill Creek Basin. Councilmember Carol Suter seconded.

Mayor Pro Tem Smith noted that the City usually has some claims coming out of this area when there is a heavy rainfall. Mayor Pro Tem Smith asked what part of that is paid "out of pocket" by the City? Mayor Pro Tem Smith said the City is looking at five percent interest on a million dollars, but hopefully, once some work is completed, that should offset some of our "out of pocket" claims.

City Manager Davis replied the City's "out of pocket" claims exceed that interest payment every year. The City's deductible is \$5,000 per claim, and most of the claims are not

\$5,000, but it might happen in a particular home for a couple of times, especially during the spring season. There are times when it is more than \$5,000 and the City may elect to go ahead and pay that rather than turning it in to the insurance company. It depends on the circumstances and the situation. The City averages approximately \$90,000 to \$100,000 in claims generally in that basin, which is quite large. That is everything south of Antioch Middle School down to Englewood Road. City Manager Davis said he did not want to say this is a horrible situation in a particular neighborhood. It is in a big area, and the City will have an opportunity to make an impact with this loan and the projects.

Mayor Pro Tem Smith said one million dollars is not the whole deal. There are a lot of wishes down there, but those folks have a real mess in this area sometimes, and this will help to mitigate some of those events, and it is further looking on City Manager Davis's part, and that is the kind of thinking that Council appreciates. Council knows there is going to be some funds available, and the City can help get these folks some relief by leveraging that, and this is a good move.

Mayor Rudi said she believes this is excellent financial planning, and she appreciates City Manager Davis's ability to find the money where and when it is needed.

The vote: All "aye" – Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

**Item 12, on the Agenda.** **FIRST READING BILL 09-22**, amending Sections 1.105.450, relating to City Prosecutors, and 1.125.060, relating to Assistant Municipal Court Judges, contained within the Code of City Ordinances, by enacting new provisions establishing a sufficient number of Assistant Municipal Judges and Assistant City Prosecutors, to administer the various dockets of the Municipal Court, including the "Housing Court."

Councilman Mark Revenaugh moved to place Bill 09-22 on its First Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Councilman Mark Revenaugh moved to accept the First Reading of Bill 09-22, Waive the Rule and place the Bill on its Second and Final Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Councilman Mark Revenaugh moved to accept the Second and Final Reading of Bill 09-22 and to enact the Bill as Ordinance #4.113. Mayor Pro Tem Les Smith seconded.

Roll call vote: All "aye" – Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

**Item 13. on the Agenda.**      **FIRST READING BILL 09-23**, amending Schedule IV and Schedule V of the Model Traffic Code (Gladstone Municipal Code Section 4.100.020), to modify the hours of the "No Parking" Zone for traffic on North Michigan Avenue from Northeast 62<sup>nd</sup> Terrace to Northeast Shady Lane.

Councilmember Carol Suter moved to place Bill 09-23 on its First Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the First Reading of Bill 09-23, Waive the Rule and place the Bill on its Second and Final Reading. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the Second and Final Reading of Bill 09-23 and to enact the Bill as Ordinance #4.114. Mayor Pro Tem Les Smith seconded.

Roll call vote: All "aye" – Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

**Item 14. on the Agenda.**      **OTHER BUSINESS.**

There was no Other Business.

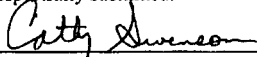
**Item 15. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

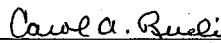
**Item 16. on the Agenda.**      **ADJOURNMENT.**

There being no further business to come before the July 13, 2009, Regular 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, JULY 27, 2009**

The City Council will meet in Closed Executive Session on Monday, July 27, 2009, 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.

**OPEN STUDY SESSION: 7:00 PM**

**REGULAR MEETING: 7:30 PM**

**AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of the Regular July 13, 2009, City Council Meeting Minutes.

## 5. CONSENT AGENDA

**RESOLUTION R-09-59**, approving a partnership between the City of Gladstone, Missouri and Northland Neighbors, Inc. for Minor Home Improvement Grants.

**RESOLUTION R-09-60**, authorizing Change Order No. 4 in the amount of \$26,352.50 to the contract with Miller Paving and Construction, Limited Liability Corporation, for the 2009 Curb and Sidewalk Program – Phase 1.

**RESOLUTION R-09-61**, accepting a Right-of-Way parcel and a Permanent Easement from certain property owners in conjunction with the North Oak at Northeast 76<sup>th</sup> Street Traffic Signal Improvement Project.

### APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:

Quik Trip #181, 2590 NE 72<sup>nd</sup> Street, Seven-Day Package Liquor License.

Quik Trip #237, 6309 NE Antioch Road, Seven-Day Package Liquor License.

Snappy Store #4901, 4901 Old Pike Road, Seven-Day Package Liquor License.

The Hide Out Bar & Grill, LLC, 6948 North Oak Trafficway, Class A&B Liquor by the Drink License.

Big Stones, Inc. dba Stone Canyon Pizza, 6433 North Prospect, 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.

### APPROVAL OF THE JUNE 2009 FINANCIAL REPORT.

## REGULAR AGENDA

## 6. Communications from the Audience.

7. **Communications from the City Council.**
8. **Communications from the City Manager.**
9. **CONSIDERATION OF A LIQUOR LICENSE RENEWAL** for RNB, LLC dba Red, 316 NE 72<sup>nd</sup> Street, Class A Liquor by the Drink License.
10. **RESOLUTION R-09-62**, authorizing execution of a Professional Services Agreement with Olsson Associates, in the total amount not to exceed \$43,350.00 for engineering services relative to the design of Streetscape Improvements to North Oak Trafficway from 69<sup>th</sup> Street to 71<sup>st</sup> Street.
11. **RESOLUTION R-09-63** authorizing execution of a contract with Mega Industries Corporation, in the total amount not to exceed \$82,563.00 for the Brooktree Lane Culverts Headwall Replacement Project.
12. Other Business.
13. Questions from the News Media.
14. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, JULY 27, 2009**

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION  
6:00 PM**

Mayor Carol Rudi opened the City Council Meeting to adjourn to a Closed Executive Session on July 27, 2009, at 6:00 PM. Mayor Pro Tem Les Smith 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 610.021(3) for Personnel Discussion. Councilman Mark Revenaugh seconded.

Roll Call Vote: All "aye" – Councilman Barry McCullough, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

Note: Councilmember Carol Suter was present at the Closed Executive Session.

Mayor Carol Rudi adjourned the Closed Executive Session to go into the Regular City Council meeting at 7:30 PM.

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Les Smith  
Councilman Mark Revenaugh  
Councilmember Carol Suter  
Councilman Barry McCullough

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

Mayor Carol Rudi opened the Regular July 27, 2009, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers.

**Item 2. on the Agenda.**      **ROLL CALL**

Mayor Carol Rudi noted that all City Council members were in attendance.

**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 13, 2009, CITY COUNCIL MEETING MINUTES.**

Councilmember Carol Suter moved to approve the Regular July 13, 2009, City Council Meeting Minutes as presented. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

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

Councilmember Carol Suter moved to approve the Consent Agenda as presented. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-59**, approving a partnership between the City of Gladstone, Missouri and Northland Neighbors, Inc. for Minor Home Improvement Grants. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-60**, authorizing Change Order No. 4 in the amount of \$26,352.50 to the contract with Miller Paving and Construction, Limited Liability Corporation, for the 2009 Curb and Sidewalk Program – Phase 1. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-61**, accepting a Right-of-Way parcel and a Permanent Easement from certain property owners in conjunction with the North Oak at Northeast 76<sup>th</sup> Street Traffic Signal Improvement Project. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).



Councilmember Carol Suter moved to approve the following Liquor License Renewals:

Quik Trip #181, 2590 NE 72<sup>nd</sup> Street, Seven-Day Package Liquor License.  
Quik Trip #237, 6309 NE Antioch Road, Seven-Day Package Liquor License.  
Snappy Store #4901, 4901 Old Pike Road, Seven-Day Package Liquor License.  
The Hide Out Bar & Grill, LLC, 6948 North Oak Trafficway, Class A&B Liquor by the Drink License.  
Big Stones, Inc. dba Stone Canyon Pizza, 6433 North Prospect, 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.

Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to approve the **JUNE 2009 FINANCIAL REPORT**. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

## **REGULAR AGENDA**

### **Item 6. on the Agenda.**

#### **Communications from the Audience.**

**Donald Harper, 1606 NE 68 Terrace**, stated he tries to attend as many Council meetings as he can, and for those he cannot attend, he diligently reads the minutes on the City's website, and the last minutes posted left him startled a bit with some of the content. Mr. Harper stated he would like to read a portion of the Minutes with which he has a problem. Mr. Harper read from his document the following:

*Councilman Revenaugh said that it was his understanding that a couple of the most vocal proponents on the Parks and Recreation Advisory Board said they did not mean for smoking to be banned in the parks completely. Director Lillis said she did not wish to speak for them, but she believes this has been documented in meeting minutes. Councilman Revenaugh stated that when Council received the letter from the Parks and Recreation Advisory Board, it stated the Board wished to ban smoking in the parks and the Council accommodated their request. Now, they have turned around and said they did not want a complete total ban. Those are citizens whose guidance Council was trying to follow, because they are made up of the residents who live in this community.*

Mr. Harper said he believed he could make a fair assumption that he is one of the couple of vocal proponents of the smoking ban. He was pretty vocal on it. The issue of smoking in the parks is somewhat of a separate issue, and that was first brought in a letter from the

Park Board well over a year from the time that the Ordinance was passed. Mr. Harper stated he would like to say emphatically that the Park Board has not changed their opinion from the time that letter was written. He brought this matter up at their meeting this past Monday night, and they are still very strong proponents of a total smoking ban in the parks. Mr. Harper said he could guess where this might have come from. There have been sidebar discussions among some of the Park Board members and among other people. Mr. Harper said they were quite surprised when this complete smoking ban passed the Council, because of what they had seen in other aspects of smoking bans in the City; they did not expect it to come through that way. Mr. Harper said they were happy that it did, but frankly, they were startled, so there may have been discussions of "gee, what happened". Mr. Harper said, "we did not expect it to come out that way; it did, and we were quite happy with it". Mr. Harper said, "we are still quite happy with it", and neither the two vocal proponents nor the Parks and Recreation Board have changed their opinion in any way shape or form. They still think it was a good action. Mr. Harper said he is only speaking to the parks ban, both from his personal opinion and from the Park Board, itself. Mr. Harper said he still thinks that was a good move, and he won't stir up anything by commenting on what he thinks of what Council did with the rest of the City, but in the parks, he believes Council did a great job and he hopes it stays that way.

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Barry McCullough** congratulated Frank Gabel, of the Hide Out Bar and Grill, who was recognized in a national magazine, "Big City Rhythm and Blues". It was a nice article on his bar, as well as mentioning Gladstone as a city. Councilman McCullough said he had the article with him, if anyone wished to see it.

**Councilmember Carol Suter** had no comments at this time.

**Councilman Mark Revenaugh** stated that for the record, he would like to point out that the letter that was received by the entire City Council, from the Parks and Recreation Advisory Board, addressed to then Mayor Smith, regarding the Smoking Ordinance, specifically said that the Board unanimously requested that the then Chairman, John Houlihan, write and ask that the City Council consider passing an Ordinance that would prohibit smoking in all City parks, including the areas adjacent to buildings located in City parks. Councilman Revenaugh said that was in the body of the letter. Councilman Revenaugh said he was reading the Minutes of the Parks and Recreation Advisory Board meeting, when he saw that Mr. Harper was quoted as saying "*at that time when we sent the letter to the Council we envisioned a much more comprehensive smoking ban in Gladstone. He was one of the strong movers behind all of that. He would not have a problem if we could find a way to identify specific events in the park, for, example, the Fourth of July celebration or Theatre in the Parks, (Councilman Revenaugh pointed out that Council did not allow a smoking permit for the latest Theatre in the Park production), and just ban smoking for those events or places. He doesn't care if they smoke on the trail, he hates for them to throw their cigarette butt on the ground, but at least they are not contaminating anyone else there*". Councilman Revenaugh said the point is that Council received a letter

from a citizen commission asking Council to ban smoking in the parks, and Council did that, and that letter was dated December 6, 2007. The minutes from the Parks and Recreation Advisory Board meeting on February 17, said they did not mean all of that; we would have been fine with smoking on the trails or smoking for special events, but that was not in the original letter that Council took to heart when doing their deliberation for the smoking ban. Councilman Revenaugh said he just wished to make this clarification, and he had no further comments at this time.

**Mayor Pro Tem Les Smith** stated in reading the local papers and recently, and in some updates from the County, he sees that the County is going to place the 1/8-cent Law Enforcement Tax renewal on the ballot in November. Mayor Pro Tem Smith asked staff to do some further research for Council, and suggested this be looked at from the perspective of what the benefit could be to Gladstone, if our City were to put our own 1/8-cent Law Enforcement Tax on the ballot opposite of the County's; and in essence give our residents the choice if they want an 1/8-cent of their money, or about \$400,000 per year going to Clay County to support County operations or perhaps, an initiative on the ballot where that \$400,000 could stay home and help in continuing to make our community a great place to live by supporting law enforcement here. Mayor Pro Tem Smith asked that staff look at election cycles, when we have to certify an election to get it on the November ballot, verify that a 1/8-cent sales tax would generate roughly \$400,000, last year it may have been \$382,000 per year, for law enforcement, and how we might best utilize that to help beef up our law enforcement staff.

**Mayor Carol Rudi** asked Parks and Recreation Director Sheila Lillis to report on upcoming events in the parks.

Director Lillis reported that the next Theatre in the Park production is "Footloose", which will be presented on August 7, 8, and 9, at Oak Grove Park, with a show time of 8:30 PM. Director Lillis said she believes this will be an extremely popular show, so she would suggest that folks get there early.

Mayor Rudi suggested that Director Lillis might report on the selection of artists for the rotating art exhibits.

Director Lillis reported that July 31, is the last day that artists – metropolitan wide – may submit their applications. To date there are ten people who have been asked to be juried for the shows, and there may only be six, so staff is very excited to have a lot of choices, and geographically, it is very balanced. The artists are not all from north of the river or from one association. There are artists from Shawnee, Merriam, and Mid-Town Kansas City, so there will be more great artists to showcase their work in our wonderful Community Center.

Councilman Revenaugh asked if the outdoor pool has been hurt by the cooler weather and all the rain this season.

Director Lillis replied that two weeks ago she was pretty depressed when she saw the pool report, but it has bounced just like the weather. Swim lessons are still up, but the daily admissions will probably not set a banner year record, but it will be a good year. Days like today and yesterday help. About two weeks ago there was a cool snap, which was a bad week for attendance. Director Lillis said we are on track to have a good year.

Councilman Revenaugh asked if the Community Center has had an increased attendance from folks who cannot swim outdoors.

Director Lillis replied that the \$5.00 drop-in fee, in effect between 9:00 AM and 2:00 PM, has been well received by the community. Approximately \$3,500 has been generated just on that initiative in the time period it has been in place, but for ten days of that time, the pool was down with the annual pool maintenance. That maintenance must be done based on peak scheduling with the School District and any other activities. People are really enjoying that opportunity, and it is giving our facility a lot of exposure to people who are thinking about joining. Director Lillis said she had the privilege to speak to a group, Northridge neighbors, who were very positive about the \$5.00 drop-in fee initiative. They were very complimentary of staff and the initiative for the community, and the drop-in fee will be back at Christmas time and during Spring Break, which will give the young people something positive to do.

Councilman Revenaugh thanked Director Lillis and said the drop-in fee was a good idea.

Mayor Pro Tem Smith stated it is evident that Director Lillis and her staff are doing a good job with the Community Center. Part of that is the flexibility of rolling with the times, which is very indicative that staff is doing a great job. Mayor Pro Tem Smith said we talk about economic development, and visitors to the City, by far and away, Parks and Recreation provides opportunities for people to visit our community more than any other department, probably all of them combined. That is not to take anything away from the other departments, it is just that the Parks and Recreation Department does an excellent job, and the City is very fortunate. Mayor Pro Tem Smith said in the beginning, he was scared to death that the City would run short with the operations with the Community Center, but the City and staff are doing a good job and they are to be commended.

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk had no comments at this time.

**Item 9. on the Agenda.**

**CONSIDERATION OF A LIQUOR LICENSE RENEWAL** for RNB, LLC dba Red, 316 NE 72<sup>nd</sup> Street, Class A Liquor by the Drink License.

Mayor Rudi stated a request has been made of Council to postpone this matter for two weeks. Mayor Rudi asked Council members if they would like to consider this action now or postpone action for two weeks, and asked for a motion.

Councilmember Carol Suter moved to postpone consideration of this action until the next City Council meeting. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 10. on the Agenda.**      **RESOLUTION R-09-62**, authorizing execution of a Professional Services Agreement with Olsson Associates, in the total amount not to exceed \$43,350.00 for engineering services relative to the design of Streetscape Improvements to North Oak Trafficway from 69<sup>th</sup> Street to 71<sup>st</sup> Street.

Mayor Pro Tem Les Smith moved to adopt **RESOLUTION R-09-62**, authorizing execution of a Professional Services Agreement with Olsson Associates, in the total amount not to exceed \$43,350.00 for engineering services relative to the design of Streetscape Improvements to North Oak Trafficway from 69<sup>th</sup> Street to 71<sup>st</sup> Street. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 11. on the Agenda.**      **RESOLUTION R-09-63** authorizing execution of a contract with Mega Industries Corporation, in the total amount not to exceed \$82,563.00 for the Brooktree Lane Culverts Headwall Replacement Project.

Councilman Barry McCullough moved to adopt **RESOLUTION R-09-63** authorizing execution of a contract with Mega Industries Corporation, in the total amount not to exceed \$82,563.00 for the Brooktree Lane Culverts Headwall Replacement Project. Mayor Pro Tem Les Smith seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and 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 July 27, 2009, Regular City Council meeting, Mayor Carol Rudi adjourned the meeting.

Respectfully submitted:

Cathy Swenson  
Cathy Swenson, City Clerk

Approved as submitted: ☒

Approved as corrected/amended: ☐

Carol A. Rudi  
Mayor Carol A. Rudi



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, AUGUST 10, 2009**

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION**

**6:00 PM**

Mayor Pro Tem Les Smith opened the City Council Meeting to adjourn to a Closed Executive Session on August 10, 2009, at 6:00 PM. Councilmember Carol Suter 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 610.021(3) for Personnel Discussion. Councilman Mark Revenaugh seconded.

Roll Call Vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Mayor Carol Rudi adjourned the Closed Executive Session to go into the Regular City Council meeting at 7:30 PM.

**REGULAR CITY COUNCIL MEETING**

**7:30 PM**

**PRESENT:**

Mayor Carol Rudi  
Mayor Pro Tem Les Smith  
Councilman Mark Revenaugh  
Councilmember Carol Suter  
Councilman Barry McCullough

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**Item 2. on the Agenda.      ROLL CALL**

Mayor Carol Rudi opened the Regular August 10, 2009, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and noted that all City Council members were present.

**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 27, 2009, CITY COUNCIL MEETING MINUTES.**

Councilman Mark Revenaugh moved to approve the Regular July 27, 2009, City Council Meeting Minutes as presented. Councilman Barry McCullough seconded. The vote: All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

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

Councilmember Carol Suter moved to approve the Consent Agenda as presented. Councilman Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-64**, approving purchases of three tracts of land located at 6909 North Locust Street, 6911 North Locust Street, and 504 Northeast 70th Street. Councilman Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to approve the following **ANNUAL LIQUOR LICENSE RENEWALS**:

Smokehouse BBQ, Inc., 6304 North Oak Trafficway, Class A&B Liquor by the Drink license.

Applebee's Neighborhood Grill & Bar, 6069 Northeast Antioch Road, Class A&B Liquor by the Drink License.

El Patio, LLC dba Senor Tequila, 6502 North Oak Trafficway, Class A&B Liquor by the Drink License.

Tortilla Flats, 5716 Northeast Antioch Road, Class A&B Liquor by the Drink License.

CVS, 6129 Northeast Antioch Road, 7-Day Package Liquor and Wine Tasting License.

CVS, 7107 North Oak Trafficway, 7-Day Package Liquor license.

Walmart, 7207 Missouri Route 1 Highway, 7-Day Package Liquor License.

Aldi, 7604 North Oak Trafficway, 7-Day Package Liquor License.

Trex Mart #7, 5810 Northeast Antioch Road, 7-Day Package Liquor License.

Councilman Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).



## REGULAR AGENDA

### Item 6. on the Agenda.

### COMMUNICATIONS FROM THE AUDIENCE.

Dylan Dameron, 412 NW Claymont Drive, Kansas City, Missouri, 64116, announced to Council that he would be performing a magic show Saturday, August 29, 2009, at Oak Grove Park, and invited and welcomed Council to attend. Mr. Dameron provided Council members with cards containing information regarding "The Great Dylan" Magic Show.

Mayor Pro Tem Les Smith jokingly said the good news is that in one of Mr. Dameron's magic shows, Mr. Dameron made him disappear; the bad news is Mr. Dameron brought him back!

Mayor Rudi jokingly commented that she asked if there was a way that Mr. Dameron could keep Mayor Pro Tem Smith next time. Mayor Rudi informed Mr. Dameron that she had checked her calendar and that she was available to attend and requested that he remind her using her city e-mail.

Mr. Dameron said that if Council members come to the magic show, he promises to make some of Council disappear, and that at the end of the show, he might call a vote and if the voters approve, he will bring the Council members back!

Mayor Rudi jokingly said she might change her mind, and asked that Mr. Dameron at least get her back to baby-sit her grandkids on Monday!

Mayor Pro Tem Smith said that Mr. Dameron does a great job, he is a lot of fun, and suggested that everyone should attend.

Paul Thomas, 6819 North Bellefontaine, stated that his inquiry stems from a conversation he had last week with the Public Works Department personnel. Mr. Thomas stated that there is a fence that butts up against his property and it is also butting up against his neighbor's property. This fence was constructed at his insistence when he granted the City an easement on his property in 1989. The fence protects an area in front of a wingwall that is for a 4x6 foot storm sewer. The paved ditch is near a 30-inch outlet from a detention basin and is almost six feet deep. Mr. Thomas said the fence was to protect him, as well as the City, from litigation from someone falling into the hole and possibly being swept away. The City has maintained this fence for 20 years. Mr. Thomas said he requested part of the fence to be repaired. Mr. Thomas said the Public Works employee told him that the City is not responsible. Mr. Thomas said he received a letter from Mr. Hermann with confirmation of his call, including maps, and a copy of an old 1965 easement. The easement was done before his house was built. Mr. Thomas said he is in possession of a letter, that he provided to City Council, dated December 26, (1989), by then City Manager James Norris, on Gladstone's letterhead stating "the wingwall, fence and pipe are completely within the easement and the responsibility of the City". Mr.

Thomas said this letter was for his records, as it was a settlement between him and the City instead of litigation. Mr. Thomas said he had signed an easement on December 13, (1989), and it was to be recorded, but the City has one from 1965, and now he questions whether it was ever done, whether it was ever turned over to the Recorder of Deeds of Clay County. Mr. Thomas said the only thing he is asking is for the City to live up to its prior commitment and fix the fence. Mr. Thomas thanked the City Council.

City Manager Kirk Davis said that he would check into this matter.

Mayor Rudi confirmed Mr. Thomas's address and stated that the letter was signed by Jim Norris. Mayor Rudi asked Mr. Thomas to leave his phone number so that City staff could contact him, and Mayor Rudi assured Mr. Thomas that the City would look into this matter.

**Item 7. on the Agenda.**      **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Barry McCullough** had no comments at this time.

**Councilmember Carol Suter** offered kudos to staff and all the volunteers for the Theatre in the Park production. Councilmember Suter said that, unfortunately, she was one of the folks that got washed out last night, but she is always reminded, especially this summer, by everything that she attends, how absolutely important it is for a city to provide recreation and entertainment options for its citizens. In this terrible economy, for a lot of people, that was the best family event they could do for free. Quality work on all parts, it's always amazing how many people volunteer to work in these things and perform in them, and as always, it was well run, well organized, except we didn't have control over Mother Nature.

Councilmember Suter asked Assistant City Manager Scott Wingerson if the M-1 sidewalk project would include pedestrian cross lights or crossings at M-1 and 72<sup>nd</sup> Street. They are going to put a bus stop near that area. Councilmember Suter said she watched a man the other day, by himself, in a wheelchair, trying to cross that intersection. People have to be able to cross the street; otherwise, what's the point of the sidewalks.

Public Works Director Chuck Williams said that staff would have to check on that, but he did not believe so. Staff will verify with MoDOT (Missouri Department of Transportation), and through City Manager Davis, Director Williams will provide the information to Council members.

Councilmember Suter said that it struck her that she had not asked that question specifically before and it seems like a "no-brainer". If you are putting all the sidewalks in so people can walk there, they have to cross the street, and there is no pedestrian crossing. Councilmember Suter said she sees people with their arms full from Walmart and Hy-Vee crossing there all the time, and people with children, but this was the first time she had seen an unaccompanied person in a wheelchair attempting to make that crossing. Councilmember Suter said that she didn't know how long it took him, or if he ever did get across the street. It raises the hair on the back of your neck watching that go on.

City Manager Davis said that there are also a couple of other projects that might come into play with that potential improvement. One, we have talked briefly about, which is perhaps a three-lane cross section east of the area that effects that intersection and its approach. Also, the redesign of that entire intersection probably is in order, as we have seen growth, especially to the east and north, since that intersection was built.

**Councilman Mark Revenaugh** had no comments at this time

**Mayor Pro Tem Les Smith** offered congratulations, for the record, to the folks in Public Safety who are being promoted: Sergeant Kenneth Buck, Sergeant David Smith, Sergeant Mitzi Boydston, Sergeant William Willoughby, Sergeant Robert Hayes, Sergeant Bryan Boydston, and Corporal Chris Smith. Mayor Pro Tem Smith said the best department keeps getting better, and offered congratulations to all who were promoted.

**Mayor Carol Rudi** said that normally she would ask Parks and Recreation Director Sheila Lillis to report on what is going on at the park; however, Director Lillis has provided a nice flyer with all the information. Mayor Rudi read the information on the events as follows:

|              |         |                            |
|--------------|---------|----------------------------|
| August 16    | 6:00 PM | Sweet Adelines             |
| August 29    | 7:30 PM | The Great Dylan Magic Show |
| September 27 | 3:00 PM | The UMKC Broad Brass Band  |
| October 11   | 3:00 PM | The Northwinds Jazz Band   |
| October 30   | 6:00 PM | Friday Fright Night        |

Mayor Rudi said that Friday Fright Night is a really good event, and she hoped everyone would attend. All the events are free and are held at Oak Grove Park. Mayor Rudi suggested that folks bring their blankets, chairs, picnics, or whatever they would like in order to enjoy the park and all that it has to offer.

Mayor Rudi added that she was not rained out Friday at Theatre in the Park and thoroughly enjoyed it. Mayor Rudi thanked staff for their hard work.

**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.**      **CONSIDERATION OF A LIQUOR LICENSE RENEWAL** for RNB, LLC dba Red, 316 NE 72nd Street, Class A Liquor by the Drink License.

Councilmember Suter stated that before Council members began their conversation, she would like to ask that the reports included in the Memorandum dated August 6, 2009, from Counselor David Ramsay to City Council, be included in the Minutes, so that those reports are part of the record.

Councilman Revenaugh said that in addition to that, it would be a good idea to include the letter dated August 6, 2009, addressed to Counselor Ramsay from Counselor Phillip Willoughby.

Mayor Rudi asked that City Clerk Cathy Swenson be sure and include those with the next Minutes.

Mayor Rudi said that this particular license has been one that has been controversial. Normally, these are all approved in a large list, as was done earlier on the agenda, and there are several reasons for that. Mayor Rudi asked Council members if they wished to make a motion and vote, or if they would like to discuss this issue.

Councilmember Suter said that she would like to at least hear what everybody is thinking at the moment. Councilmember Suter said she is torn a bit on this one, as the record is quite disappointing in terms of the poor performance of this business in our community, and because there has been a kind of a history at this location, and the newest owners and operators were well aware and forewarned, when they applied for a business license, about some of the issues that had happened there. This 14 months experience has not been a very good one for the City at all, and in fact, it violates a number of those kinds of issues that it was hoped would be corrected with the new operator. Councilmember Suter said that she was really of the mind to say that Gladstone doesn't need this kind of business in our community; on the other hand, though again she understands the owner and operators were given advanced warning about the concerns of the City and this operation, she is concerned that this is a livelihood for lots of people, that people have invested their time, money and fortunes in a business, and so she also wants to be fair. Councilmember Suter said that she is leaning more towards looking at something short-term or provisional so that maybe some conditions could be laid down, and Council could take a really close look, really hold the owners highly accountable, and then be able to consider whether a regular renewal could be approved.

Councilman McCullough said that he was very much in the same vein and his areas of concern are that this business has so much exposure from minors to drinking and repeated offenses, that on the surface, he is really inclined to not renew the license at all, but that he is open to discussion for eliminating any possibility of anyone under the age of 21 entering the establishment and try to see if we could correct the problems accordingly based on starting there - again with a provisional type license, and definitely a "one strike" type probation and go from there.

Mayor Pro Tem Smith said that so far he agreed with everything that had been said. A business has a real obligation when they exercise the privilege of holding a liquor license and he knows that very, very well. Mayor Pro Tem Smith stated, with that said, he would be inclined to support the comments of Councilmember Suter and Councilman McCullough in holding the business owners to the letter of the law, and to the provisions set forth in the letter from their attorney, and perhaps Council should ask our legal counsel to draft an Ordinance that contains all of those conditions under a very, very strict and limited scope as far as to the duration of the license, and as Councilman McCullough said,

a "one strike and you are out" type of agreement. Mayor Pro Tem Smith said if Council had not received some correspondence from the business's attorney with some apparent willingness to change their business model, he would have been voting "no" on this liquor license renewal, and would have felt that Council would have just cause to do so. Mayor Pro Tem Smith said if Council were willing to send this issue back to the City's legal counsel for action by City Council at the next meeting, he would be willing to look at that, and consider with an open mind a possibility of giving them a second chance.

Councilmember Suter suggested a "short second chance".

Councilman Revenaugh said that he thought that the marketing towards those individuals 18-20 years of age in this drinking establishment is what he found most offensive. The law enforcement record would prove that has probably been the biggest area of offenses. The recommendation from law enforcement, he believes, was not to renew, but if Council cares to go down this path, then he agrees with the other Council members. Councilman Revenaugh said he knows in the letter from the business's attorney that the business offered to restrict 18-20 year olds only to the weekends, but the weekends have had the greatest number of offenses, so he does not see that as a probable solution. Councilman Revenaugh said if some kind of probationary license could be crafted, and Counselor Ramsay could let us know if we're on the wrong track here, but if there is some sort of probationary license that we could issue going forward; again, eliminating the 18-20 year olds from being admitted on the premises, and then along with the other criteria that they put in their letter, that they are willing to do voluntarily, then he could see going along with a short term probationary license.

Mayor Rudi asked if Councilman Revenaugh agreed with the "one strike" type probation.

Councilman Revenaugh replied he did agree with that, depending on the offense. Councilman Revenaugh said he does not think if there is trash in the parking lot, that should be the "strike", but another minor on the premises or especially a minor in possession of alcohol on the premises should be grounds for immediate revocation.

**Mayor Pro Tem Les Smith moved to table action on this liquor license renewal, with the license to be considered at the City Council meeting to be held August 24, 2009. Councilman Mark Revenaugh seconded.**

Mayor Rudi asked Counselor Ramsay if he would have a problem crafting a document to bring forward to Council at the next City Council meeting.

Counselor David Ramsay replied he would certainly have such a document ready for Council's consideration at the next City Council meeting.

The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 10. on the Agenda.**      **FIRST READING BILL 09-24**, authorizing the City Manager to execute an agreement with the Missouri Department of Transportation (MoDOT) for federal funds relating to the North Oak Enhancement Project

Mayor Pro Tem Les Smith moved to place Bill 09-24 on its First Reading. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 09-24, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final Reading of Bill 09-24 and to enact the Bill as **Ordinance 4.115**. Councilman Barry McCullough seconded.

Roll call vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, 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.**

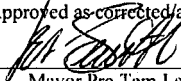
There were no questions from the News Media.

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

There being no further business to come before the August 10, 2009, Regular City Council meeting, Mayor Carol Rudi adjourned the Regular meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐  
  
Mayor Pro Tem Les Smith

August 6, 2009

COPY

Mr. David Ramsey, Esq.  
City of Gladstone  
7010 N. Holmes Street  
Gladstone, Missouri 64118



R. MICHAEL GUNN  
JOHN R. SHANK, JR.  
DAVID C. STOVER  
GREGORY A. CARPENTER  
CURTIS E. EYLAAR  
PHILIP D. WILLOUGHBY, JR.  
MATTHEW J. CHASSON  
ANDREW G. GOFFINET

OF COUNSEL

ARNOLD R. DAY, JR.  
STEPHEN D. SANDERS  
KENNETH H. CRUMPLER

**RE: Red Nightclub**

Dear Mr. Ramsey:

It was a pleasure meeting with you and Chief Hasty Tuesday to discuss the pending non-renewal of Red's liquor license. Your courtesies were greatly appreciated. The comments by you and Chief Hasty provided a springboard for discussion by and between Roy and Brian concerning the current business model for Red, and ways it can be improved to be a positive addition to the Gladstone business community.

To that end, my clients are pleased to offer the following observations and proposals, which will set a new standard for other restaurant/bars in Gladstone, and establish a benchmark for cooperation between the city and a liquor establishment.

1. **Issue: Number of Police Contacts.** According to the Department of Public Safety there have been approximately 54 contacts with the police in the past year.

a. **Response:** Because the management of Red engages in self-reporting (as required of a licensee), that number is somewhat elevated. In fact, the vast majority of the calls did not result in a police report being filed, or officers responding – only a dispatch note. Other calls were the result of conduct of patrons after they leave the club. Still others are a result of noise or rubbish being thrown on others' property, or have nothing to do with the club at all.

It should be noted that there are NO incidences of violent behavior by the patrons which would cause the city concern. Further, there are NO incidences of drugs or weapons whatsoever. In other words, while the management of Red is doing an exemplary job of keeping drugs and weapons out of its club and surrounding area, it must work to reduce the number of contacts with law enforcement – while maintaining its self-reporting duties.

b. **PLAN:** i) The management of Red will continue to self-report. The management team believes it has a positive relationship with Gladstone Public Safety and invites and encourages its officers to frequent the establishment in order to continue to facilitate communication and improvement of the number of calls to Public Safety.

ii.) Periodic assessment meetings. The management of Red would like a monthly meeting with Public Safety to discuss its operations and determine

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David Ramsey  
August 6, 2009  
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how it can assist law enforcement in the performance of its duties, especially during peak times of Friday and Saturday evenings.

iii.) Focus on prevention. Red will focus more on the prevention of situations which prompt the communication with law enforcement in the first place. This is addressed later.

2. Issue: Security. The Public Safety Department has expressed concern that security of the establishment needs to be improved to reduce incidences of public intoxication, and the risk of driving under the influence.

a. Response: The management understands this is an ongoing concern and wishes to eliminate it. It will take the following unprecedented steps to ensure that its establishment is safe, and to demonstrate to the city that security is the club's priority.

b. PLAN: i.) The management of Red will contract with a licensed and insured security company to provide for uniformed security outside the club during the peak times of Friday and Saturday evenings. It will also require that the security company have a marked patrol car which it can park outside the club. These security guards will be on duty until all patrons have left the club, and will assist in traffic management and control in the parking lot. They will be physically present and roaming during closing time when the patrons leave the club.

ii.) Red will double the number of inside door security personnel during Friday and Saturday evenings. These additional personnel will be tasked with screening patrons entering and exiting the premises. This will provide additional contact with patrons to ensure intoxication is kept to a minimum inside the club, and will be additional contact with patrons as they exit at the end of the evening to intercept those who appear to be intoxicated as well.

iii.) The management will request the Missouri State Department of Alcohol and Tobacco to conduct training for its staff on managing patrons and recognizing those who may be intoxicated.

3. Issue: Minors. The city has an understandable interest in protecting its minors from alcohol consumption. The Department of Public Safety has expressed concern that Red's current business model does not do enough to guard against those eighteen (18) and over from acquiring alcohol.

a. Response. Red shares in the concern of Public Safety and realizes the importance of protecting minors and will modify its current business plan. Understanding that every Gladstone business that serves alcohol is exposed to this risk, Red will focus on making its establishment as secure as possible.



David Ramsey  
August 6, 2009  
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b. PLAN: i.) The management will terminate "Teen Nights" effective immediately. It will only visit the possibility of conducting them again next year following a six month review by Department of Public Safety as to the effectiveness of its changed business model.

ii.) Red will PROHIBIT those patrons under twenty-one (21) from entering the club during the week. It will only allow those eighteen (18) and over during Friday and Saturday evenings when security is at its maximum level inside and outside the club.

iii.) Red will institute additional security checks at the entrance to the club to reduce the opportunity for underage patrons to acquire alcohol.

iv.) The management will work with the Missouri Department of Alcohol and Tobacco to conduct training of its staff in the identification of false identification cards, and measures to ensure no minor acquires alcohol.

v.) Red will terminate all overt marketing to those eighteen (18) and over in its advertising on MySpace, print media, and E-vites.

4. Issue: Neighborhood Relations. It appears neighbors have complained to Gladstone concerning rubbish being thrown in their yard, and disturbances during closing times when patrons are leaving the club and going to their automobiles.

a. Response. The management understands that disgruntled neighbors do not assist it in conducting business free from inquiry from the City. Red is also aware that certain neighbors make sport of reporting it to the City and no amount of effort by Red will be sufficient for them. Given that acknowledgement, Red will attempt to increase its efforts on this front to alleviate the concern of the city that it is not doing its part to minimize complaints from the neighbors.

b. PLAN: i.) The management will expend funds to add a security light over the back parking area. This area is currently dark, making it difficult to monitor.

ii.) At the end of each evening Red will have an employee police the entire area for rubbish, including all areas of the parking lot and surrounding yards.

iii.) The club will also block off the back lot which seems to be the source of most of the complaints.

iv.) Noise levels will be monitored with a decibel reader to ensure compliance with ordinance requirements and to maintain as low a level of sound as possible.

Gunn, Shank & Stover

A PROFESSIONAL CORPORATION

David Ramsey  
August 6, 2009  
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Mr. Ramsey, this establishment has never had its license suspended. It has never been the subject of an inquiry for illegal substances or violent behavior on the part of its patrons. Further, it was unaware that the city was preparing to take this action against it. Not renewing this establishment's license will send its owners into bankruptcy (due to contractual obligations discussed with you) and terminate the employment of over a dozen Gladstone taxpayers.

Given the willingness of these owners to change their business model and address the concerns of the city, a renewal of the license would seem the reasonable approach. The owners understand that if they do not fulfill their commitments under this proposal the City Council can move against their license at any time in the future.

They would appreciate the Council's consideration.

Thank you for your kind attention.

Sincerely,

GUNN, SHANK & STOVER, P.C.

By:

*Philip O. Willoughby*  
Philip O. Willoughby

PW/uln

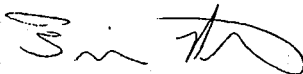
# Memo

**To:** Capt. Baer  
**From:** PO T. Peters  
**CC:**  
**Date:** June 11, 2009  
**Re:** 09-0069

---

On 01-18-09 I arrested Shaffer, Marlee D. W/F 09-30-90 for DUI, MIP, and improper lane use. When I initially spoke with Ms. Shaffer at the vehicle, she stated to me that she had been drinking at Club Red. Ms. Shaffer stated to me that her boyfriend (Scott, Brian W.) was the owner at Club Red and he was having a party.

After arresting Ms. Shaffer and placing her in my patrol vehicle while I searched her vehicle, I returned to find her speaking with Mr. Scott on her phone. I hung up the phone and transported Ms. Shaffer to Gladstone PD for booking. At the station, I read Ms. Shaffer her rights and asked her about where she had been drinking. Ms. Shaffer now changed her story and stated she had been drinking at a friend's house. While inventorying Mr. Shaffer's property, I read a text message on Ms. Shaffer's phone from Mr. Scott which stated, "I can't come up there because they know me". It should also be noted that prior to stopping Ms. Shaffer, I observed Mr. Scott's vehicle in front of Ms. Shaffer as if Ms. Shaffer was following him from Club Red.



# Memo

**To:** Director Michael Hasty  
**From:** Capt. J.R. Self  
**CC:** File  
**Date:** June 29, 2009  
**Re:** Liquor License – RNB LLC d/b/a Red  
316 NE 72<sup>nd</sup> Street  
Roy A. Newman- Managing Officer

While reviewing the affidavit, I checked department records and with State Liquor Control. I found that since Red's last license renewal the following events have occurred:

- There have been 72 calls for service at the bar. Of those calls, 54 have been related to noise, intoxication, DUI's or other disturbances. When compared to other bars along North Oak, the closest comparison is 16 calls at the Hideout Bar.
- Has sold to minors on three occasions (07-25-2009, 09-19-2009 and 01-24-2009) during GPSD compliance checks. Those violations generated three municipal charges against employees of Red for selling to minors.
- The above-mentioned violations also generated three violations from Missouri State Liquor Control.
- Missouri State Liquor Control also has pending violations for failing to report a violent act, allowing alcohol to leave the premises in less than the original package and advertising sale prices on the Internet below cost or discount as an inducement to purchase.
- Pending assault case in Clay County against one of the owners, Roy Newman. GPD Case # 09-00552.
- Missouri State Liquor Control Area Supervisor, Joe Hodgins, documented, in an email, that his office receives (conservatively) at least two complaints a week concerning Red. The complaints are that Red solicits underage females to the bar through MySpace, Facebook and text messages. There are also complaints that the bar stays open after legal hours. Our department has not substantiated the claims of after hour's operations.
- Numerous complaints from the neighborhood north of the business. I have six documented by email starting in September of 2008. The complaints are pertaining to bar patrons urinating outside, bar trash on residential lawns, disturbances and noise.

- On 01-08-2009, PO Peters arrested an eighteen-year-old female on N. Oak for DUI. The female told PO Peters that she had just left Red where her boyfriend, Brian Scott (one of the owners) was having a party. The female stated she had been drinking at the bar. While at GPSD Headquarters, the female received texts from and spoke with Scott. After the conversations, she changed her story about drinking at Red. PO Peters documented these conversations in reports and memos.

Red Night Club has become a location that demands a disproportionate amount of police attention. Based on the above listed items, it would be my recommendation that Red's liquor license not be renewed.

## Sheet I

| CLUB RED |            | 07-01-08 TO 06-30-09                                      |            |
|----------|------------|---|------------|
| DATE     | CRN / CFS  | OFFENSE   | FINAL DISP |
| 07/01/08 | 070108-7   | Disturbing the Peace LOUD MUSIC                           | HBO        |
| 07/03/08 | 801380     | Disorderly Conduct MALE PARTY MAKING THREATS              | RPT        |
| 07/15/08 | 071508-3   | Disorderly Conduct FIGHT IN LOT/PARTY CHOKED OUT REFUSED  | HBO        |
| 07/20/08 | 072008-7   | Disorderly Conduct DISTURBANCE IN LOT/NO ONE ASSISTS      | HBO        |
| 07/25/08 | 801560     | LIQUOR LAW VIOLATION                                      | RPT        |
| 07/28/08 | 072808-83  | CASMJ UNRESPONSIVE, BREATHING                             | AMB RPT    |
| 08/06/08 | 080608-9   | Intrusion ALARM   | HBO        |
| 08/21/08 | 801794     | AUTO THEFT  | RPT        |
| 09/06/08 | 090608-54  | Intrusion ALARM   | HBO        |
| 09/18/08 | 802033     | LIQUOR LAW VIOLATION                                      | RPT        |
| 09/19/08 | 802027     | Traffic Accident  | RPT        |
| 09/19/08 | 802103     | Traffic Accident  | RPT        |
| 09/23/08 | 092308-1   | Disorderly Conduct PARTY REMOVED FROM BAR VERBAL DIST     | HBO        |
| 10/03/08 | 100308-67  | Disorderly Conduct SUBJ PUNCHED CALLERS CAR NO RP REQUEST | HBO        |
| 10/05/08 | 100508-6   | Disorderly Conduct CARS PEELING, PEOPLE YELLING           | HBO        |
| 10/18/08 | 101808-3   | Disorderly Conduct UNDERAGE FEMALES                       | HBO        |
| 10/28/08 | 802448     | STEALING  | RPT        |
| 11/01/08 | 110108-81  | ASSAULT BK FEMALE V WHITE FEMALE                          | HBO        |
| 11/08/08 | 802462     | DUI IN LOT  | RPT        |
| 11/09/08 | 110908-2   | STEAL INTOX PARTY BELIEVES EMP STOLE CREDIT CARD          | HBO        |
| 11/09/08 | 802462     | DUI IN LOT  | RPT        |
| 11/11/08 | 802474     | Disturbing the Peace LOUD MUSIC                           | RPT        |
| 11/28/08 | 112808-1   | DISC 6 PERSON VERBAL ARGUMENT                             | HBO        |
| 12/06/08 | 120608-8   | DISC VERY INTOXICATED PERSON                              | HBO        |
| 12/07/08 | 802670     | ASSAULT SUSPECT ASSAULTING OWNER                          | RPT        |
| 12/11/08 | 121108-13  | Intrusion ALARM   | HBO        |
| 12/14/08 | 121408-13  | AUTO THEFT V DID NOT WANT REPORT TAKEN, YET               | HBO        |
| 12/26/08 | 122608-5   | Disorderly Conduct UNKNOWN NATURE                         | HBO        |
| 12/26/08 | 122608-3   | SUSPICIOUS PERSONS 8-10 IN PARKING LOT - Gone on Arrival  | HBO        |
| 12/27/08 | 122708-4   | INFO ATL SUICIDAL PARTY NEG CONTACT                       | HBO        |
| 01/06/09 | 010609-11  | CASUALTY SOB  | AMB RPT    |
| 01/06/09 | 010609-6   | Follow up (NFI)   | HBO        |
| 01/08/09 | 010809-58  | Disturbing the Peace SHOUTING IN THE PARKING LOT          | HBO        |
| 01/13/09 | 900152     | Hit & Run Accident  | RPT        |
| 01/19/09 | 011909-54  | Disturbing the Peace LOUD BASE SHAKING HOUSE              | HBO        |
| 01/23/09 | 012309-85  | LIQUOR LAW VIOLATION                                      | RPT        |
| 01/24/09 | 012409-58  | Intrusion ALARM   | HBO        |
| 01/24/09 | 012409-43  | Intrusion ALARM   | HBO        |
| 01/24/09 | 012409-2   | CASUALTY (ASSAULT-? REFUSES)                              | AMB RPT    |
| 01/27/09 | 012709-3   | TRAFFIC   | CI         |
| 01/27/09 | 01-27-09-4 | ASSAULT BAR FIGHT, COURTESY RIDE                          | HBO        |
| 02/03/09 | 020309-3   | Private Property Accident                                 | HBO        |
| 02/05/09 | 020509-93  | Disturbing LOUD MUSIC                                     | HBO        |
| 02/09/09 | 020909-44  | LOCK OUT  | HBO        |
| 02/09/09 | 020909-46  | Disturbing LOUD MUSIC                                     | HBO        |
| 02/14/09 | 021409-102 | Disturbing LOUD MUSIC                                     | HBO        |
| 02/16/09 | 021909-74  | Disturbing LOUD MUSIC                                     | HBO        |
| 02/17/09 | 021709-66  | ASSAULT WOI V NON COOPERATIVE                             | HBO        |

Sheet1

|          |            |   |     |
|----------|------------|---|-----|
| 02/21/09 | 900503     | SUSPICIOUS PERSON FOOT CHASE                                | RPT |
| 02/21/09 | 022109-92  | INFO-UNDERAGE FEMALES DRINK W/ BOUNCERS                     | HBO |
| 02/22/09 | 90552      | ASSAULT WOI FEMALE HIT IN FACE BY FEMALE                    | RPT |
| 02/25/09 | 900954     | DUI, FOOT CHASE   | RPT |
| 03/07/09 | 900631     | Disorderly Conduct DISTUBANCE IN LOT 30 PARTIES             | HBO |
| 03/15/08 | 901018     | DESTRUCTION OF PROPERTY                                     | RPT |
| 03/20/09 | 032009-85  | DISC UNDERAGE DRINK, LEFT IN LIMO                           | HBO |
| 03/24/09 | 032409-4   | CTW 911 CALLER SLEEPING IN GRASS                            | HBO |
| 04/04/09 | 040409-5   | Private Property Hit & Run Accident 10-55 DRIVER, NO DAMAGE | HBO |
| 04/10/09 | 900972     | STEALING  | RPT |
| 04/11/09 | 041109-100 | Disturbing the Peace LOUD MUSIC IN PARKING LOT              | HBO |
| 04/15/09 | 9001016    | FRAUD COUNTERFEIT \$100 BILL                                | RPT |
| 05/03/09 | 050309-27  | Disturbing the Peace FIGHT IN LOT                           | HBO |
| 05/05/09 | 050509-4   | Disturbing LOUD MUSIC IN PARKING LOT                        | HBO |
| 05/29/09 | 052909-94  | Disorderly Conduct MALES HARASSING FEMALE                   | HBO |
| 05/31/09 | 053109-8   | Disorderly Conduct 15-20 PERSON YELLING IN LOT              | HBO |
| 06/02/09 | 060209-62  | Business Check  | HBO |
| 06/02/09 | 060209-58  | Business Check  | HBO |
| 06/03/09 | 060309-9   | Business Check  | HBO |
| 06/03/09 | 060309-2   | Business Check  | HBO |
| 06/03/09 | 060309-10  | Pedestrian Check WF AND BM LAYING IN GRASS                  | HBO |
| 06/07/09 | 901595     | Disorderly Conduct UNKNOWN NATURE                           | RPT |
| 06/08/09 | 901614     | Disorderly Conduct PARTIES YELLING IN LOT, BOUNCER INVOLVED | RPT |
| 06/10/09 | 061009-62  | LOCK OUT  | HBO |
| 06/28/09 | 901813     | DISTURBING THE PEACE LOUD MUSIC                             | RPT |
| 06/13/09 | 901663     | DISTURBING THE PEACE LOUD MUSIC                             | RPT |
| 06/21/09 | 901734     | LIQUOR LAW VIOLATION UNDERAGE W/ FALSE ID                   | RPT |
| 06/21/09 | 062109-10  | LOUD MUSIC  | HBO |

**Jeff Self - RED**

**From:** "Hodgin, Joe" <Joe.Hodgin@dps.mo.gov>  
**To:** <jeffs@gladstone.mo.us>  
**Date:** 6/16/2009 8:37 AM  
**Subject:** RED

Jeff,

As we discussed on the phone, on average - conservatively - we receive at least two complaints a week concerning Red bar. The complaints are that they solicit underage females to come to the bar via Face book, My Space and texts. We also receive complaints that the bar stays open after legal hours.

Please let me know if you need anything else.

LICENSE#... 171124      LICENSEE... RNB LLC  
TYPE... RBD      DBA... RED  
STATUS... ACT      EFFECTIVE... 1 10 2008      ORIG-LOC 1 10 2008  
BUS-STRUCT... L      PRINTED... 6 16 2008      RENEWED... 6 4 2008  
SALESTAX-ID. 19992289      CORP-ID... LC0852283      PHONE... 913 484 3922  
DISTCODE  
BLDG/STREET... 316      N.E. 72ND ST.      DIST... 101      CO. 024  
CITY/STATE/ZIP... GLADSTONE      MO 64118      CLAY

Joe Hodgkin

District Supervisor  
Division of Alcohol and Tobacco Control  
615 East 13th Street, Suite 506  
Kansas City, Missouri 64106

**Phone: 816 889-2574**  
**Fax: 816 889-3149**



# Memo

**To:** Captain J.R. Self  
**From:** Det. W. L. Willoughby  
**CC:** [Click here and type name]  
**Date:** July 8, 2009  
**Re:** Red Night Club

---

At the request of Chief Hasty, I searched some of the social websites for information about the "Red" or "Club Red" located at 316 NE 72<sup>nd</sup> Street. I did not find a listing on Facebook or Twitter for the business.

I found a Myspace account for the business at <http://www.myspace.com/rednightclubkc>. I found a Myspace account for Brain, the owner of Club Red at <http://www.myspace.com/brain002424> I captured screen shots of both accounts.

The advertisement on the Red nightclub page shows "18 to enter and 21 to drink." It also lists "We are a 18 to enter 21 to drink dance club." I captured screen shots of the pictures, which shows dancing girls, drinking and partying.

In regards to the Brain Scott account, it basically listed information about him personally. In reading the blogs, the ones I was able to access, they appeared to be old, talking about his upcoming opening of his club and his working at Orlando's and Orlando's 21.

During a Google query I found a listing in the Kansas City Metro City Search Guide. The listed provided the name, address and telephone number for the business. The only review posted for the business listed the following:

#### **Worst Bar In KC**

"Could have been a nice bar, if you like the underage kids training to be the next yrs tramps, this place is the place to go." "The bar has too many kids being chased by so-called players it is a joke." "Real players or real mean don't need to go to the bar." "This is for pretend players who can't pick up anyone over 21." "Bar has Lil Wayne and T-Pain wanna be's who think they are studs for picking up an 18 year old girl, it is sad to see."

**PROS:** If you kids (two thumbs up)

**CONS:** Underage Kids

There was a comment to this review posted, which stated, " Your right teenie boppers all over the place, is sick." This was posted on May 12, 2009.

The website was <http://kansascity.citysearch.com/review/60774572?reviewId48357801>.

I found a listing in areaguides.net that provided the same information.

A posting on The Dirty.com dated March 09,2009 titled **Club Owner Who Can't Get Laid**, listed on the first page the following: This is "Brian the Owner of Red." "He owns the other Orlandos called Red with is gay lover Roy." "He tries everynight to get some random 18 year old to go home with him and fails just like his bar."

In the responses to the comment posted on **March 10, 2009 at 2034 hours, by gossipgrl**: "He does not fail with the 18 year olds. He's a" club owner." What dumb 18 year old wouldn't fall for that? His ex is 18, he turned his club to an 18 and older club a few months after it opened.... the guy is still getting laid."

The comments continue from March 10, 2009 to April 22, 2009. The comments mostly refer to the underage drinking and the owner sleeping with 17 and 18 year old girls. I captured the comments and saved them to a USB drive.

Captain Baer in his report dated 09-23-08 on Enforcement of Underage Drinking Laws (EUDL) listed Club Red as being cited (2) times for the sale to minors, (1) for allowing a drink outside the business and (1) for advertising drink prices on the internet (after ignoring a warning).

Captain Baer also stated the following:

"We have attempted to purchase alcohol at Club Red three (3) times. Two times we sent an attractive 18 Y/O female into the business and they were both admitted in and served alcohol, one was given a "wink" by the doorman checking identifications and allowed in without receiving the "X" on her hand." "The one other instance that we sent an 18 Y/O male; he was turned away at the door."

See attached list of calls for service at Club Red and similar business in the city.



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, AUGUST 24, 2009**

The City Council will meet in Closed Executive Session on Monday, August 24, 2009, 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.

**OPEN STUDY SESSION: 6:30 PM**

**REGULAR MEETING: 7:30 PM**

**AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. SPECIAL PRESENTATION TO RETIRING BOARD MEMBER ANITA NEWSOM.
5. Approval of the Regular August 10, 2009, City Council Meeting Minutes.
6. CONSENT AGENDA

**RESOLUTION R-09-65**, authorizing the City Manager to execute a Mutual Aid Agreement with the City of Kansas City, Missouri, for Intergovernmental Fire Service and Assistance.

**RESOLUTION R-09-66**, authorizing the City Manager to execute on behalf of the City of Gladstone, Missouri the bylaws of Midwest Public Risk (MPR) which were adopted by the members of Midwest Public Risk on May 6, 2009.

**RESOLUTION R-09-67**, ratifying agreements for Fire and Emergency Medical Services between the City of Gladstone and Villages of Oakwood, Oakwood park and the Oaks.

**APPROVAL OF ANNUAL LIQUOR LICENSE RENEWAL:**

Gasmart USA, dba Phillips 66, 7303 North Oak Trafficway, Seven-Day Package Liquor License.

**APPROVAL OF JULY 2009 FINANCIAL REPORT.**

**REGULAR AGENDA**

- 7. Communications from the Audience.**
- 8. Communications from the City Council.**
- 9. Communications from the City Manager.**
- 10. RESOLUTION R-09-68**, granting the provisional renewal of a Class A Liquor License to RNB, LLC, doing business as "Red," with special conditions.
- 11. FIRST READING BILL 09-25**, revising Water and Sewer Utility Regulations for the City of Gladstone, Missouri and amending all prior Ordinances inconsistent therewith.

12. **PUBLIC HEARING:** on setting the annual rate of levy for the 2009 Real Estate and Personal Property Taxes within the corporate limits of the City of Gladstone, Missouri.
13. **FIRST READING BILL 09-26**, setting the annual rate of levy for the 2009 Real Estate and Personal Property Taxes within the corporate limits of Gladstone, Missouri.
14. Other Business.
15. Questions from the News Media.
16. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, AUGUST 24, 2009**

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION**

**6:00 PM**

Councilman Mark Revenaugh opened the City Council Meeting to adjourn to a Closed Executive Session on August 24, 2009, at 6:00 PM. Councilman Barry McCullough 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 610.021(3) for Personnel Discussion. Councilmember Carol Suter seconded.

Roll Call Vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, and Councilman Mark Revenaugh. (3-0).

Note: Mayor Pro Tem Les Smith was present at the meeting.

Mayor Pro Tem Les Smith adjourned the Closed Executive Session to go into the Regular City Council meeting at 7:30 PM.

**REGULAR CITY COUNCIL MEETING**

**7:30 PM**

**PRESENT:**

Mayor Pro Tem Les Smith  
Councilman Mark Revenaugh  
Councilmember Carol Suter  
Councilman Barry McCullough

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:**

Mayor Carol Rudi

**Item 2. on the Agenda.**

**ROLL CALL**

Mayor Pro Tem Les Smith opened the Regular August 24, 2009, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and noted Mayor Carol Rudi was not present at this meeting, as she was not feeling well.

**Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.**

Mayor Pro Tem Smith introduced Boy Scout Jacob Weyrauch, of Troop 992, sponsored by the International Odd Fellows, who led the Pledge of Allegiance, in which all joined.

Mr. Weyrauch said his father and sister were with him, and he attends New Mark Middle School, where he is in 7<sup>th</sup> grade.

Mayor Pro Tem Smith thanked Mr. Weyrauch for attending the meeting and for leading the Pledge of Allegiance.

**Item 4. on the Agenda. SPECIAL PRESENTATION TO RETIRING BOARD MEMBER ANITA NEWSOM.**

Mayor Pro Tem Smith, along with City Council members, joined Ms. Newsom in front of the Council dais, where Mayor Pro Tem Smith read and presented a plaque to Ms. Newsom thanking her for her service on the Planning Commission and the Capital Improvements Program Committee. Mayor Pro Tem Smith said Ms. Newsom's service on the Planning Commission and the Capital Improvements Program Committee does not even touch what Ms. Newsom has done for our community. Ms. Newsom is a former Council member and Mayor. Mayor Pro Tem Smith said Ms. Newsom is retiring from these positions, because she has moved to the Plaza. Mayor Pro Tem Smith thanked Ms. Newsom for all her service to Gladstone.

Ms. Newsom jokingly said she would be taking bids for Thanksgiving dinner. Ms. Newsom said it has been a heck of a ride being involved with the City of Gladstone. She moved into Gladstone after getting a teaching job, and everything just fell into place, and she became involved. Ms. Newsom said her father always said if you have a question or a problem about something, don't complain about it, do what you can to see if you can fix it or make it better, and along with her mother's community involvement, this is how she was raised. Ms. Newsom said she has not gone away; she will still be Chairing Gladfest this year, and said her move has brought a different life, and she is really enjoying it. Ms. Newsom invited everyone to visit her once she has her boxes all unpacked.

Mayor Pro Tem Smith said, to him, what really matters is if one "leaves it better than they found it", and, although, Ms. Newsom is not leaving us, with her service and the many things she has done, she has definitely "left it better than she found it". Mayor Pro Tem Smith thanked Ms. Newsom.

Ms. Newsom said it was because everyone worked together, and no one person can do it alone.

Ms. Newsom's remarks were followed by a standing ovation.

**Item 5. on the Agenda.      APPROVAL OF THE REGULAR AUGUST 10, 2009, CITY COUNCIL MEETING MINUTES.**

Councilmember Carol Suter moved to approve the Regular August 10, 2009, City Council Meeting Minutes as presented. Councilman Barry McCullough seconded. The vote: All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, and Mayor Pro Tem Les Smith. (4-0).

**Item 6. on the Agenda.      CONSENT AGENDA**

Councilman Mark Revenaugh moved to approve the Consent Agenda as presented. Councilmember Carol Suter seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, and Mayor Pro Tem Les Smith. (4-0).

Councilman Mark Revenaugh moved to adopt **RESOLUTION R-09-65**, authorizing the City Manager to execute a Mutual Aid Agreement with the City of Kansas City, Missouri, for Intergovernmental Fire Service and Assistance. Councilmember Carol Suter seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, and Mayor Pro Tem Les Smith. (4-0).

Councilman Mark Revenaugh moved to adopt **RESOLUTION R-09-66**, authorizing the City Manager to execute on behalf of the City of Gladstone, Missouri the bylaws of Midwest Public Risk (MPR), which were adopted by the members of Midwest Public Risk on May 6, 2009. Councilmember Carol Suter seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, and Mayor Pro Tem Les Smith. (4-0).

Councilman Mark Revenaugh moved to adopt **RESOLUTION R-09-67**, ratifying agreements for Fire and Emergency Medical Services between the City of Gladstone and Villages of Oakwood, Oakwood Park and the Oaks. Councilmember Carol Suter seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, and Mayor Pro Tem Les Smith. (4-0).

Councilman Mark Revenaugh moved to approve the **ANNUAL LIQUOR LICENSE RENEWAL** for:

**Gasmart USA, dba Phillips 66, 7303 North Oak Trafficway, Seven-Day Package Liquor License.** Councilmember Carol Suter seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, and Mayor Pro Tem Les Smith. (4-0).

Councilman Mark Revenaugh moved to approve the **JULY 2009 FINANCIAL REPORT**. Councilmember Carol Suter seconded. The Vote All "aye" - Councilman



Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, and Mayor Pro Tem Les Smith. (4-0).

REGULAR AGENDA

**Item 7. on the Agenda.**      **COMMUNICATIONS FROM THE AUDIENCE.**

There were no communications from the audience.

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

**Councilman Barry McCullough** stated the sidewalks going in along M-1 Highway look great and he looks forward to seeing them completed.

**Councilmember Carol Suter** agreed that the M-1 Highway sidewalks project is an exciting project, and she was glad to find out that they are installing pedestrian crossings. Councilmember Suter said since the last Council meeting, our City now has a Census 2010 committee, and the City is working with the Census 2010 staff to begin the process for the Gladstone community to work towards a complete census for Gladstone.

**Councilman Mark Revenaugh** said he is pleased with the work that City staff has done to bring the City up to date on the sustainability effort. The work the City has begun is something that not only our children, but also our grandchildren and future generations are going to appreciate.

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

**Item 9. on the Agenda.**      **COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis had no comments at this time.

**Item 10. on the Agenda.**      **RESOLUTION R-09-68**, granting the provisional renewal of a Class A Liquor License to RNB, LLC, doing business as "Red," with special conditions. Councilman Barry McCullough seconded.

Councilman Mark Revenaugh moved to adopt **RESOLUTION R-09-68**, granting the provisional renewal of a Class A Liquor License to RNB, LLC, doing business as "Red," with special conditions. Councilman Barry McCullough seconded.

Councilmember Carol Suter said this is an unusual situation for the City and for the City Council, and she wanted to reiterate from the last meeting that as a Council, we are going above and beyond the call of duty to try to work with businesses in our community. The Public Safety Department has recommended non-renewal of this license, so the action Council is considering marks some extraordinary willingness by Council members to try to make businesses successful, both for the business and for our community. Councilmember Suter said for that reason, she would be supporting this Resolution.

The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, and Mayor Pro Tem Les Smith. (4-0).

**Item 11. on the Agenda.** **FIRST READING BILL 09-25**, revising Water and Sewer Utility Regulations for the City of Gladstone, Missouri and amending all prior Ordinances inconsistent therewith.

Councilmember Carol Suter moved to place Bill 09-25 on its First Reading. Councilman Barry McCullough seconded. The vote: All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, and Mayor Pro Tem Les Smith. (4-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the First Reading of Bill 09-25, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Barry McCullough seconded. The vote: All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, and Mayor Pro Tem Les Smith. (4-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the Second and Final Reading of Bill 09-25 and to enact the Bill as **Ordinance 4.116**. Councilman Barry McCullough seconded.

Roll call vote: All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, and Mayor Pro Tem Les Smith. (4-0).

**Item 12. on the Agenda.** **PUBLIC HEARING:** on setting the annual rate of levy for the 2009 Real Estate and Personal Property Taxes within the corporate limits of the City of Gladstone, Missouri.

Mayor Pro Tem Les Smith opened the Public Hearing and stated a report will be heard first from City Manager Davis, and then from anyone in the audience who would like to speak in favor or in opposition.

City Manager Davis stated that Finance Director Debra Daily would present the assessment of this year's Property Tax Levy.

Finance Director Daily began by saying that upon receipt of the City of Gladstone's assessed property valuation from Clay County, the 2009 tax levy was calculated to set a levy for each class of real property and personal property pursuant to Missouri Statute Section 137.115. The method of calculation and results of the calculation are set for discussion at this Public Hearing as required by State Statute, where any questions regarding the levy calculation may be addressed.

Director Daily reported that the City's 2009 property valuation in this reassessment year is just over \$359,000,000. This is the valuation used to set the 2009 levy. This valuation includes \$709,000 in new residential construction and \$411,000 in new commercial

construction. Compared to 2008, this is a 4.7 percent-decrease in total valuation or \$17,844,000. This drop in valuation is directly attributed to the current economic downturn. Article X and Section 22 of the Missouri Constitution, and Section 137.073 of the Missouri Statutes govern how tax levies are set. In setting the levy rate, the City is limited to a lesser of three criteria: *actual growth*, which this year was zero percent; or the *Consumer Price Index*, set at one percent; or *five percent*. Actual growth was therefore used to set this levy, and as a result, the maximum property tax rates permitted for the tax year 2009, which is fiscal year 2010, are .9290 per 100 dollars assessed valuation for all property classes, which includes Real Estate - Residential, Agriculture, and Commercial - and Personal Property.

Director Daily said based on this levy, the City's property tax revenue for fiscal year 2010 is projected at \$3,179,010, after factoring in uncollectibles. This represents a \$167,500 revenue decrease from the previous year that was projected and budgeted accordingly in the fiscal year 2010 budget. Director Daily concluded by saying that Bill Number 09-26, which sets the Property Tax Levy at .9290 for all classes of property, is recommended for Council's consideration and approval following this Public Hearing.

There were no comments from the public in **Favor** or in **Opposition** to the issue.

Mayor Pro Tem Smith closed the Public Hearing.

**Item 13. on the Agenda.** **FIRST READING BILL 09-26**, setting the annual rate of levy for the 2009 Real Estate and Personal Property Taxes within the corporate limits of Gladstone, Missouri.

Councilman Barry McCullough moved to place Bill 09-26 on its First Reading. Councilman Mark Revenaugh seconded. The vote: All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, and Mayor Pro Tem Les Smith. (4-0). The Clerk read the Bill.

Councilman Barry McCullough moved to accept the First Reading of Bill 09-26, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Mark Revenaugh seconded. The vote: All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, and Mayor Pro Tem Les Smith. (4-0). The Clerk read the Bill.

Councilman Barry McCullough moved to accept the Second and Final Reading of Bill 09-26, and to enact the Bill as **Ordinance 4.117**. Councilman Mark Revenaugh seconded.

Roll call vote: All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, and Mayor Pro Tem Les Smith. (4-0).

**Item 14. on the Agenda.**

**OTHER BUSINESS.**

There was no other business.

**Item 15. on the Agenda.**

**QUESTIONS FROM THE NEWS MEDIA.**

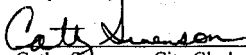
There were no questions from the News Media.

**Item 16. on the Agenda.**

**ADJOURNMENT.**

There being no further business to come before the August 24, 2009, Regular City Council meeting, Mayor Pro Tem Les Smith adjourned the Regular meeting.

Respectfully submitted:

  
Cathy Swenson, City Clerk

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

  
Mayor Pro Tem Les Smith



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, SEPTEMBER 14, 2009**

**OPEN STUDY SESSION: 6:30 PM**

**REGULAR MEETING: 7:30 PM**

**AGENDA**

- 1. Meeting Called to Order.**
- 2. Roll Call.**
- 3. Pledge of Allegiance.**
- 4. Approval of the Regular August 24, 2009, City Council Meeting Minutes.**
- 5. PROCLAMATION:** Recognizing the 50<sup>th</sup> Anniversary of Oakwood Manor Elementary School in Gladstone, Missouri.
- 6. PROCLAMATION** Designating September 17-23, 2009, as "CONSTITUTION WEEK" in Gladstone, Missouri. Sponsor: William Boydston Chapter of the Daughters of the American Revolution.

## **7. CONSENT AGENDA**

**RESOLUTION R-09-69**, in support of Census 2010 and acknowledging the importance of a complete population count for Gladstone; and establishing a Gladstone Complete Count Committee for Census 2010.

**RESOLUTION R-09-70**, authorizing acceptance of work under contract with Recreation Resources, Incorporated, for the Oak Grove Park Playground Replacement Project.

**RESOLUTION R-09-71**, authorizing execution of a contract with Miller Paving & Construction, LLC, in the total amount not to exceed \$674,873.51 for the Shoal Creek Bicycle/Pedestrian Bridge Project, and the Antioch Road/Shoal Creek Bicycle/Pedestrian Connectors Project.

**RESOLUTION R-09-72**, authorizing execution of a contract with American Marking and Paving Company, Incorporated, in the total amount not to exceed \$292,097.35 for the North Broadway, Englewood Road to 68<sup>th</sup> Street Project.

### **APPROVAL OF ANNUAL LIQUOR LICENSE RENEWALS:**

- Kansas City (Northland) Elks Lodge #2376, 7010 North Cherry, Class A&B Liquor by the Drink License.
- Archa LLC, dba Gladstone Mart & Liquor, 7020 North Oak Trafficway, Seven Day Package Liquor License.

**APPROVAL OF LIMITED ONE-DAY LIQUOR BY THE DRINK LICENSE** to St. Andrew the Apostle Parish and School, 6415 Northeast Antioch Road, for the Annual Auction on November 14, 2009. Hours: 5:00 PM – 11:00 PM. Managing Officer: Denise Rathmann.

## **REGULAR AGENDA**

### **8. Communications from the Audience.**

9. **Communications from the City Council.**
10. **Communications from the City Manager.**
11. **RESOLUTION R-09-73**, approving an Interlocal Agreement by and between the Cities of Gladstone, Belton, Harrisonville, Lawson, Lee's Summit, Liberty, Raytown, Sugar Creek and Wood Heights, Missouri to facilitate the implementation of the Neighborhood Stabilization Program.
12. **RESOLUTION R-09-74**, granting the provisional renewal of a Class "A" Liquor By the Drink License to Millennium 2, Inc., doing business as "The Lost Bar," with special conditions.
13. **RESOLUTION R-09-75**, adopting requirements for Occupational Safety and Health Act (OSHA) training for all workers employed on a construction site under contract with the City.
14. **FIRST READING BILL 09-27**, approving a settlement agreement with AT&T/SBC Landline by the City of Gladstone, Missouri.
15. **Other Business.**
16. **Questions from the News Media.**
17. **Adjournment.**



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, SEPTEMBER 14, 2009**

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Les Smith  
Councilman Mark Revenaugh  
Councilmember Carol Suter  
Councilman Barry McCullough

Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** City Manager Kirk Davis

**Item 2. on the Agenda. ROLL CALL**

Mayor Carol Rudi opened the Regular September 14, 2009, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and noted that all City Council members were present.

**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 24, 2009,  
CITY COUNCIL MEETING MINUTES.**

Councilman Barry McCullough moved to approve the Regular August 24, 2009, City Council Meeting Minutes as presented. Councilman Mark Revenaugh seconded. The vote: "Aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, and Mayor Pro Tem Les Smith. "Abstain" - Mayor Carol Rudi.



(Note: Mayor Rudi was absent from the August 24, 2009, City Council meeting, so, therefore, abstained from the vote). (4-0-1).

**Item 5. on the Agenda.**      **PROCLAMATION:** Recognizing the 50<sup>th</sup> Anniversary of Oakwood Manor Elementary School in Gladstone, Missouri.

Mayor Rudi invited Oakwood Manor Elementary School Principal Amy Casey to join her at the dais, where she read and presented the Proclamation to Ms. Casey.

Ms. Casey said she is very pleased with the partnership with the Gladstone senior citizen master gardeners who will be mentoring Oakwood Manor Elementary School students, as they plant and nurture a school garden, which supports not only the inter-generational piece, it is a great support for the school's curriculum, when it comes to earth science, soil, and plants. The students will not just be looking at worksheets of the parts of a plant; they will be experiencing it through their work with the garden. This will also provide an emphasis on sustainability, going "green", and the school's colors are green, so the school goes "green" every day! Ms. Casey said the school is thrilled with this partnership, and thanked Mayor Rudi and Council members for the Proclamation.

**Item 6. on the Agenda.**      **PROCLAMATION:** Designating September 17-23, 2009, as "CONSTITUTION WEEK" in Gladstone, Missouri. Sponsor: William Boydston Chapter of the Daughters of the American Revolution.

Mayor Rudi invited Donna McCann of the William Boydston Chapter of the Daughters of the American Revolution to join her at the dais, where she read and presented the Proclamation to Ms. McCann.

Ms. McCann said on behalf of the William Boydston Chapter of the Daughters of the American Revolution, she wished to thank Mayor Rudi and Council members for the wonderful Proclamation.

Mayor Rudi said this has been a little bit of a school day, because Ms. Casey of Oakwood Manor Elementary School was present, as was Ms. McCann, who was a teacher at Chapel Hill Elementary School, both schools in Gladstone. Mayor Rudi said she was glad to see them this evening.

**Item 7. on the Agenda.**      **CONSENT AGENDA**

Councilmember Carol Suter moved to approve the Consent Agenda as presented. Councilman Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-69**, in support of Census 2010 and acknowledging the importance of a complete population count for Gladstone; and establishing a Gladstone Complete Count Committee for Census 2010.

Councilman Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-70**, authorizing acceptance of work under contract with Recreation Resources, Incorporated, for the Oak Grove Park Playground Replacement Project. Councilman Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-71**, authorizing execution of a contract with Miller Paving & Construction, LLC, in the total amount not to exceed \$674,873.51 for the Shoal Creek Bicycle/Pedestrian Bridge Project, and the Antioch Road/Shoal Creek Bicycle/Pedestrian Connectors Project. Councilman Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-72**, authorizing execution of a contract with American Marking and Paving Company, Incorporated, in the total amount not to exceed \$292,097.35 for the North Broadway, Englewood Road to 68<sup>th</sup> Street Project. Councilman Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to approve the following **ANNUAL LIQUOR LICENSE RENEWALS**:

- Kansas City (Northland) Elks Lodge #2376, 7010 North Cherry, Class A&B Liquor by the Drink License.
- Archa LLC, dba Gladstone Mart & Liquor, 7020 North Oak Trafficway, Seven Day Package Liquor License.

Councilman Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to approve a **LIMITED ONE-DAY LIQUOR BY THE DRINK LICENSE** to St. Andrew the Apostle Parish and School, 6415 Northeast Antioch Road, for the Annual Auction on November 14, 2009. Hours: 5:00 PM - 11:00 PM. Managing Officer: Denise Rathmann. Councilman Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**REGULAR AGENDA**

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE AUDIENCE.**

**Stace Speiser, 6109 North Michigan Avenue,** said he was part of a group of people in attendance, all of who live on the 6100 block of North Michigan Avenue, for the purpose of getting some suggestion from Council as to what to do about traffic. There have been several cars that have been speeding in the neighborhood, and the neighbors have dealt with this for years, and they have even stopped cars before, because it is getting so frustrating. There was an accident the other day where a speeding driver seriously injured a fifteen-year old girl. Mr. Speiser said he realized this falls under law enforcement, but on the other vein, he would like to present this to City Council as far as they would like to seriously explore the idea of putting two speed bumps on this street. There has been a general consensus of many of the neighbors, and they can further that and get more exact numbers in the future. Mr. Speiser said they see this as the only foolproof way to slow down the traffic.

Mr. Speiser introduced Jason Lindsay and his daughter, Maggie, who were mostly impacted by the accident a couple of weeks ago. Mr. Speiser said he wanted City Council members to hear what happened that night, and perhaps some solutions may be discussed.

**Jason and Maggie Lindsay, 6015 North Michigan Avenue,** Mr. Lindsay began by saying they had a visit by Officer Willoughby this evening, who stopped by to see how Maggie was doing. Mr. Lindsay said on August 26, at approximately 10:00 PM, he was inside the house getting ready for bed, and Maggie was sitting outside on the tailgate of their truck in the driveway, talking to a friend on the cell phone. There was a car that was speeding southbound on Michigan Avenue at a pretty high rate of speed. Maggie and a neighbor observed the driver, when he was at 6019 North Michigan Avenue, he jerked his wheel suddenly to the left, and he struck a 2006 Chevy Cobalt, and he knocked the axel out of it. The driver did not, apparently, hit his brakes and continued coming through Mr. Lindsay's neighbor's yard into his driveway, striking his 2003 Chevy F-150, full size four-door truck - t-boning the truck his daughter was sitting in.

Mr. Lindsay said his daughter was flung against a tree in their yard. The F-150 struck his 1998 Ford Explorer, sending both vehicles into his front yard, leaving them parallel parked in front of the house. Mr. Lindsay said when he came out, Maggie was wrapped around a tree, with the tailgate on top of her. She sustained a broken left hip, her small intestines were ripped open on the inside, and they spent five hours in the emergency room, with constant vomiting, and Maggie strapped to a board. Emergency surgery was performed that night to repair the rip in her intestines. Mr. Lindsay said Maggie has been in a wheelchair for a month and will be in it for another six to eight weeks, and then doctors will determine if she needs surgery of her hip to put pins in to repair the hip. Mr. Lindsay said it seems ludicrous that they are not safe in their own driveway. This is what the neighbors have been trying to fight for years. Mr. Lindsay thanked the City Council for their time.

**Don Faudel, 6209 North Michigan,** said during the day, he is usually sitting in front of his house doing a project of one sort or another, and he has his phone with him. He sees

the cars coming from Shady Lane by the elementary school, and by the time the cars get to his house, which is 600 feet from the stop sign, the cars are usually doing 35 to 40 miles per hour in the 20 miles per hour zone. This is not only a neighborhood, but also a neighborhood with a school nearby. Mr. Faudel said he is sure everyone has driven down Shady Lane towards North Oak Trafficway, and there is a community there, Oakview, where people know not to drive faster than the speed limit, because they will get a ticket. Mr. Faudel said when he first moved to Gladstone, one of the things he heard about Gladstone was don't speed, because you will get a ticket.

Mr. Faudel said on the way to tonight's meeting, while driving on North Troost, where the speed limit is 30 miles per hour, there was driver tailgating his wife, and in a hurry. He could not wait, and passed them at about 50 miles per hour on the left hand side. They were getting ready to turn left and there was very nearly another accident. Mr. Faudel said it is not just in their neighborhood, but also throughout the city. Mr. Faudel said he has called the Police Department many times and said, "Gladstone's raceway is open today", and they ask what he means, and he explains the cars are driving down the street 60 to 70 miles per hour, and he is not exaggerating. Mr. Faudel said he believes speed bumps would definitely help his neighborhood.

**Mitz Kritzler, 6106 North Michigan**, said she was present to discuss the speeding on her street. On July 18, a dog was hit, and nobody stopped for it, and then right after that her neighbor, Jeff, was coming down the street heading south. There was a car behind him, and Jeff put his blinker on to turn into his driveway, when the car tried to pass him, and almost hit him. Jeff lost his bike down on the ground, and the guy got out and starting cussing him out. Jeff said he was not going to take this and called the police, and the guy backed all the way down the street. Ms. Kritzler said Don, who just spoke, tried to catch him, but he could not. Jeff went around later to find the speeder and he did find him, and he had to call the police there, as there were some things that went on. On August 26, Maggie was hit. Ms. Kritzler said they are tired of the speeding and there are a lot of kids in the neighborhood, and they want something done.

Mayor Rudi asked Assistant City Manager Scott Wingerson if staff has met with this neighborhood, and asked for an update on this matter.

Assistant City Manager Scott Wingerson replied that he believed some conversations have begun. Mr. Wingerson said the neighbors mentioned visiting with Officer Willoughby, and Public Safety Director Mike Hasty has been involved, and he is sure those discussions will continue. The Public Works folks will be involved to see what type of traffic calming mechanisms might be appropriate in that general area. Speed bumps are one device. They come with positive aspects, but they also come with unforeseen consequences. Mr. Wingerson said staff would be happy to work with the neighborhood, as they have with numerous other issues over the years, to see if the problem can be solved. Mr. Wingerson said in the short term, Director Hasty will be providing additional enforcement on Michigan and Euclid and the connecting streets in the general vicinity, and we will try to come to a consensus on a longer-term solution.

Mayor Rudi asked if the Robo Cop has been in the area.

Mr. Faudel said that has been tried. It is down and the neighbors were told it needed parts for it. Mr. Faudel said he did request the traffic trailer to be set on their street and it has been there in the past. The traffic trailer was going the wrong way; it was set 50 feet north of the stop sign, pointing south. It should have been pointing the other direction coming southbound on North Michigan. Mr. Faudel said the last time he asked to have the traffic trailer in the neighborhood, an officer stopped at the house, and told him that it was out of commission. Someone had thrown suntan lotion on it, and it embedded into the machine, and Public Safety was waiting for parts. Mr. Faudel said he asked if Public Safety officers could just sit on their street with a car. If someone sees a cop, they slow down. Mr. Faudel said last Monday, there was a police officer standing in his front yard, shooting radar. She got nine or ten people in the first hour. The more they sit there, the more they will get. The same officer stopped by his house yesterday and asked if things had improved a little bit, and his reply was it had somewhat, but there have still been lots of cars.

Mayor Pro Tem Les Smith said he was glad to hear that staff is communicating with the neighborhood. That is a good thing. Unfortunately, with 400 lane miles of street in our city, we cannot sit everywhere. Robo Cop proves to be especially successful, if you have a real officer backing it up every now and then, so folks know when that Robo Cop says slow down, they mean it. Mayor Pro Tem Smith said there are a lot of alternatives out there now. There are Robo Cops on poles that are solar paneled, and different varieties of what we are trying to do, because we only have one, so perhaps, we should look at more for other places around the city. Speed bumps don't really work; speed humps might be a better alternative. They are wider and they have the same effect of a speed bump, but they are not as aggravating to the neighbors, who have to drive over it all the time, and they don't tear up the snowplows quite as bad. That may be an alternative, but we have tried to avoid those in our community over time.

Mayor Pro Tem Smith said he used to live in this area quite a few years ago. Since the tornado wiped out so many trees, it just seemed to have opened up the street, and it looks like a raceway. Mayor Pro Tem Smith said he sympathizes with the neighbors and he is glad that staff is communicating with them. Mayor Pro Tem Smith said he would like to have a report on what the resolution might be at the next City Council meeting, and not leave this open ended. Mayor Pro Tem Smith asked Mr. Wingerson if that was possible.

Mr. Wingerson replied that report would be available at the next City Council meeting.

Mayor Rudi asked if the neighborhood had one particular contact person, and said it would help if staff could contact one person. Mayor Rudi asked Public Safety Director Hasty to meet with the neighbors to obtain a name and phone number, and said that Council would expect to receive a report at the next City Council meeting.

Mr. Speiser said just to be clear, we have gotten fairly good response the last week or two from the Police Department. There have been more officers writing tickets. There is still

an issue with two particular cars. The neighbors have given the Police the license plate numbers of the cars, the time of day, and where they live. The thing that he has requested for months is just a visit from an officer saying, "knock it off". Mr. Speiser said he knows they cannot write a ticket, but they can certainly go knock on the front door, and to his knowledge, that has not been done yet, as a matter of fact, the one car that they have been trying to get stopped, came by at 10:21 PM last night, about 30 to 35 miles per hour, pulling a skateboard. They like riding on the running boards of this particular truck. Mr. Speiser said that is what they are dealing with, and said pardon us if we are a little bit frustrated, but this has been a 20-year issue. The Robo Cop was turned around the right direction for a while. The kids loved to throw baseballs at it, but it did not do a lot for the traffic; however, maybe some of the permanent type situations like you see on the interstates that start flashing and is there all the time, would be a good idea.

Mayor Pro Tem Smith said he is glad to hear the officers are responding, which is what he would expect, because they are good at what they do. The neighbors can appreciate the fact that there is only so many dollars, and so many officers who can be at so many places at so many times.

Mr. Speiser agreed, and said that is why there has to be some type of control device, because they could sit out there five days per week, and still not catch the transients that are going to fly through. They know that speed humps are an issue with the City and everybody, but what surprised him was how many of the neighbors who want that.

Mayor Pro Tem Smith said neighbors do want them for a while, but after they hit them everyday three or four times, it is surprising how quickly neighborhoods get tired of them. The City has been down that path.

Mr. Speiser said if some ideas could come forward at the next meeting, that would be good, and in the mean time, the officers are writing more tickets, which will help out too, and he believes they are on the right course.

**Item 9. on the Agenda.**      **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Barry McCullough** thanked Amy Casey for Oakwood Manor's wonderful event yesterday. It was neat to be part of that, especially as a former student of Oakwood Manor, along with Ms. Swenson, which made it even more rewarding.

**Councilmember Carol Suter** stated for the record, she wished to recognize the people who have graciously agreed to serve on the Complete Count Census Committee. Council just passed a Resolution approving our city's participation in that effort as that is helpful for our city to get some grant money from the federal government to cover some events. The people who have agreed to serve are: Mary Zuva Clark, Everett Jones, Freddie Nichols, Carl, (JoJo) Pacubas, Kirk Forslund, Su Bacon, and Bob Baer. Councilmember Suter said it was fun to convene this group, because every person who she asked said an enthusiastic "yes". People were actually flattered, and several expressed that they felt honored that they were asked to serve their city. Councilmember Suter said it reinforced

for her that interaction with people, and then at their first meeting with the regional census staff person, how important our long-term strategy is, as a city, to nurture active citizen engagement. Tham Vo, who is the regional staff person, and who is overseeing five or six states for the feds on the census, was so blown away when she came to the first meeting, and she said she could not believe it – she was just at our Council meeting, and within three weeks, Gladstone has a committee and is ready to go. Ms. Vo said that is absolutely unheard of, and with almost everyone else that they work with it is like “pulling teethe”; nobody in any American city can get volunteers, and they cannot get people willing to serve and do anything.

Councilmember Suter said Ms. Vo was really intrigued about why Gladstone is so different, and how did we get this done. Councilmember Suter said she told Ms. Vo this is a long-term strategy of our city. Councilmember Suter said the second thing this confirmed to her was that this is a brilliant strategy, because it is producing wonderful people like these, who are willing, eager, able and available to the City to serve, and she is looking forward to working with this group, and is looking forward to setting standards for lots of other cities in the area, as they try to keep up with us and how well organized we are and how enthusiastic we are.

**Councilman Mark Revenaugh** congratulated the Community Center staff; he has spent quite a few hours in the Community Center since it opened. There are not too many things that people might say that government does well, and that is certainly one instance where the government of the people of Gladstone truly knows how to run a Community Center. The staff does a fantastic job. Councilman Revenaugh said he has been all around the city, has talked to elected officials in all of our regional cities, and our Community Center is the envy of them all, which has been the case since it opened, and the fact that we operate it profitably is a testament to Parks and Recreation Director Sheila Lillis and her expertise and experience in picking staff. This has been a super project.

Councilman Revenaugh said he also wished to congratulate Public Information Officer Richard King and Economic Development Administrator Melinda Mehaffy for another excellent issue of “Coming Home to Gladstone” magazine. People from other cities have told him their magazine is nothing like our magazine. It is an impressive publication, and there is even an article about sustainability, and what one can do. Councilman Revenaugh said he thinks it is neat that City Engineer Tim Nebergall and his staff, and all the City staff have embraced sustainability. Councilman Revenaugh said he is in the process of replacing all of his light bulbs with CFLs. This is something he would not have considered doing before, but the more educated he becomes about sustainability, and how even individuals can make a big difference, has motivated him to even put insulation behind the switches in the wall of his house to try to cut down on energy leakage. These are just two examples of things that all of our residents can be doing, and there is something that everyone can do to participate in helping to sustain our environment.

**Mayor Pro Tem Les Smith** said he would like to publicly offer his condolences to City Manager Kirk Davis and his family on the passing of his mother this past week.

**Mayor Carol Rudi** asked Parks and Recreation Director Sheila Lillis to report on the events coming up at Oak Grove Park.

Parks and Recreation Director Sheila Lillis reported that the UMKC Broad Brass Band would be performing at the Gladstone Amphitheatre in Oak Grove Park, on September 27, at 3:00 PM.

Mayor Smith said on October 11, the Northwinds Jazz Band would be performing at 3:00 PM, and Friday Fright Night will be held on October 30.

Director Lillis thanked Mayor Smith for helping her!

Mayor Rudi informed the audience that this information is available on the City's website. Mayor Rudi said the City's annual Gladfest celebration will be October 2-4, and there will be a lot of things going on around City Hall, and they are looking for volunteers, so anyone who is interested, please call the Gladstone Chamber.

**Item 10. on the Agenda.**      **COMMUNICATIONS FROM THE CITY MANAGER.**

Assistant City Manager Scott Wingerson said he would like to echo the comments from Mayor Pro Tem Smith on the passing of City Manager Kirk Davis's mom over the weekend. Mr. Wingerson said we are all thinking of him, and he would encourage everyone to keep Kirk in their thoughts. He would have been proud tonight. Mr. Wingerson said City Manager Davis had a big role in providing leadership on all three items on the Open Study Session agenda this evening, so when thinking of him personally, also think of him professionally, and he knows he would appreciate that.

**Item 11. on the Agenda.**      **RESOLUTION R-09-73**, approving an Interlocal Agreement by and between the Cities of Gladstone, Belton, Harrisonville, Lawson, Lee's Summit, Liberty, Raytown, Sugar Creek and Wood Heights, Missouri to facilitate the implementation of the Neighborhood Stabilization Program.

Mayor Pro Tem Les Smith moved to adopt **RESOLUTION R-09-73**, approving an Interlocal Agreement by and between the Cities of Gladstone, Belton, Harrisonville, Lawson, Lee's Summit, Liberty, Raytown, Sugar Creek and Wood Heights, Missouri to facilitate the implementation of the Neighborhood Stabilization Program. Councilman Mark Revenaugh seconded. Councilman Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 12. on the Agenda.**      **RESOLUTION R-09-74**, granting the provisional renewal of a Class "A" Liquor By the Drink License to Millennium 2, Inc., doing business as "The Lost Bar," with special conditions.

Mayor Pro Tem Les Smith moved to adopt **RESOLUTION R-09-74**, granting the provisional renewal of a Class "A" Liquor By the Drink License to Millennium 2, Inc.,



doing business as "The Lost Bar," with special conditions. Councilman Mark Revenaugh seconded.

Mayor Pro Tem Smith said although he concurs with staff recommendation on this, the one thing that kind of bothers him a bit is that under the findings in the body of the Resolution, Number 2., it states "that these incidents reflect a lack of training and supervision of employees of The Lost Bar in controlling sales of liquor to minors". Mayor Pro Tem Smith stated this is hard to judge. There were three incidents by three separate employees. That is something to get one's attention, but he believes it is somewhat unfair of us to pass judgment on the owners of the business that they don't supervise or train their employees. Anyone who has had employees know that is a difficult task, so he does not know that we should be in the business of casting judgment.

Mayor Rudi asked if Mayor Pro Tem Smith is recommending changes to this action.

Mayor Pro Tem replied no.

The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 13. on the Agenda. RESOLUTION R-09-75**, adopting requirements for Occupational Safety and Health Act (OSHA) training for all workers employed on a construction site under contract with the City.

Councilman Barry McCullough moved to adopt **RESOLUTION R-09-75**, adopting requirements for Occupational Safety and Health Act (OSHA) training for all workers employed on a construction site under contract with the City. Councilmember Carol Suter seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 14. on the Agenda. FIRST READING BILL 09-27**, approving a settlement agreement with AT&T/SBC Landline by the City of Gladstone, Missouri.

Mayor Pro Tem Les Smith moved to place Bill 09-27 on its First Reading. Councilmember Carol Suter seconded. The vote: All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 09-27, Waive the Rule and place the Bill on its Second and Final Reading. Councilmember Carol Suter seconded. The vote: All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final Reading of Bill 09-27 and to enact the Bill as **Ordinance 4.118**. Councilmember Carol Suter seconded.

Roll call vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and 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.**

There being no further business to come before the September 14, 2009, Regular City Council meeting, Mayor Carol Rudi adjourned the Regular meeting.

Respectfully submitted:

Cathy Swanson  
Cathy Swanson, City Clerk

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

Carol A. Rudi  
Mayor Carol A. Rudi



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, SEPTEMBER 28, 2009**

**OPEN STUDY SESSION: 6:30 PM**

**REGULAR MEETING: 7:30 PM**

**AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of the Regular September 14, 2009, City Council Meeting Minutes.
5. **PROCLAMATION:** Recognizing Gladstone Resident Antoinette Lansangan for her outstanding performance as the recipient of several awards in the Pre-Teen Missouri Academic and Scholarship Program.
6. **PROCLAMATION:** Recognizing National Codes Enforcement Month and the important role Code Compliance Officers play in our Community.
7. **CONSENT AGENDA**

**RESOLUTION R-09-76**, authorizing acceptance of work under contract with Pyramid Excavation and Construction, Incorporated,

for the Northeast 67<sup>th</sup> and North Indiana Drainage Improvements Project; and authorizing final payment in the amount of \$4,750.00.

**RESOLUTION R-09-77**, authorizing acceptance of work under contract with Clay County Sanitary and Ditching Service, Incorporated, for the Rock Creek Slope Stabilization North Park Project; and authorizing final payment in the amount of \$500.00.

**RESOLUTION R-09-78**, authorizing Change Order No. 2 in the amount of \$53,228.50 to the contract with Little Joe's Asphalt, Incorporated, for the 2009 Mill and Overlay Program.

**APPROVAL OF TEMPORARY CATERING LICENSE** for Rudy's Tenampa Taqueria, 1611 Westport Road, Kansas City, Missouri, for a wedding reception event to be held October 10, 2009, from 5:00 PM to 10:00 PM, in the Gladstone Community Center. Managing Officer: Maria Bernal.

#### REGULAR AGENDA

8. **Communications from the Audience.**
9. **Communications from the City Council.**
10. **Communications from the City Manager.**
11. **FIRST READING BILL 09-28**, establishing a "Farmers' Market" within the City of Gladstone, to be administered by the Director of Community Development.
12. **FIRST READING BILL 09-29**, approving an Interlocal Agreement by and between the Cities of Gladstone, Belton, Harrisonville, Lawson, Lee's Summit, Liberty, Raytown, Sugar Creek and Wood Heights, Missouri to facilitate the implementation of the Neighborhood Stabilization Program.

13. **FIRST READING BILL 09-30**, amending Title IX of the City Code by repealing certain provisions contained therein and enacting in lieu thereof new City Code provisions designated as Title IX 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.
14. Other Business.
15. Questions from the News Media.
16. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, SEPTEMBER 28, 2009**

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Les Smith  
Councilman Mark Revenaugh  
Councilmember Carol Suter  
Councilman Barry McCullough

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**Item 2. on the Agenda. ROLL CALL**

Mayor Carol Rudi opened the Regular September 28, 2009, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and noted that all City Council members were present.

**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 14, 2009, CITY COUNCIL MEETING MINUTES.**

Councilman Barry McCullough moved to approve the Regular September 14, 2009, City Council Meeting Minutes as presented. Councilman Mark Revenaugh seconded. The vote: All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0)

Mayor Rudi explained to the audience that she and the other City Council members were using a new computer system for their meeting packets at this meeting. Instead of receiving 112 pages of paper in the mail this week, they received it electronically. Mayor Rudi said she is trying to read her agenda on the computer screen while paying attention to the audience. Mayor Rudi said she wished to apologize in advance if she should miss anything, and asked folks to bring it to her attention if she did.

**Item 5. on the Agenda.**      **PROCLAMATION:** Recognizing Gladstone Resident Antoinette Lansangan for her outstanding performance as the recipient of several awards in the Pre-Teen Missouri Academic and Scholarship Program.

Mayor Rudi invited Ms. Antoinette Lansangan and her family to join her at the Council dais, where Mayor Rudi read and presented the proclamation to Ms. Lansangan.

Ms. Lansangan said the Pre-Teen Missouri Academic Scholarship Program was very fun, and she would recommend it for any girls who are smart and enjoy competing. Ms. Lansangan said it was fun to compete with girls who had her same knowledge and interests.

Mayor Rudi introduced Ms. Lansangan's mother, Marie Lansangan, and her sister, Irene Lansangan.

**Item 6. on the Agenda.**      **PROCLAMATION:** Recognizing National Codes Enforcement Month and the important role Code Compliance Officers play in our Community.

Mayor Rudi invited Building Official Alan Napoli to join her at the dais, where she read and presented the Proclamation to Mr. Napoli.

Mr. Napoli thanked Mayor Rudi and Council members.

**Item 7. on the Agenda.**      **CONSENT AGENDA**

Councilmember Carol Suter moved to approve the Consent Agenda as presented. Mayor Pro Tem Les Smith seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-76**, authorizing acceptance of work under contract with Pyramid Excavation and Construction, Incorporated, for the Northeast 67<sup>th</sup> and North Indiana Drainage Improvements Project; and authorizing final payment in the amount of \$4,750.00. Mayor Pro Tem Les Smith seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-77**, authorizing acceptance of work under contract with Clay County Sanitary and Ditching Service, Incorporated, for the Rock Creek Slope Stabilization North Park Project; and authorizing final payment in the amount of \$500.00. Mayor Pro Tem Les Smith seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-78**, authorizing Change Order No. 2 in the amount of \$53,228.50 to the contract with Little Joe's Asphalt, Incorporated, for the 2009 Mill and Overlay Program. Mayor Pro Tem Les Smith seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilmember Carol Suter moved to **APPROVE A TEMPORARY CATERING LICENSE** for Rudy's Tenampa Taqueria, 1611 Westport Road, Kansas City, Missouri, for a wedding reception event to be held October 10, 2009, from 5:00 PM to 10:00 PM, in the Gladstone Community Center. Managing Officer: Maria Bernal. Mayor Pro Tem Les Smith seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

#### REGULAR AGENDA

#### Item 8. on the Agenda.

#### COMMUNICATIONS FROM THE AUDIENCE.

Clay County Sheriff Bob Boydston began by saying he is a resident of North Kansas City. Mr. Boydston thanked Mayor Rudi and City Council members for allowing him to speak this evening, and he said he wished to thank Madam Clerk, and the other City leaders and Directors in attendance. Sheriff Boydston said he comes every 12 years, asking for the same thing, and about 12 years ago, he appeared before this City Council, and he believes Mayor Pro Tem Smith was on the Council at that time. Sheriff Boydston stated he asks that the City Council deliberate and study the issue and consider an endorsement for Proposition "A", that will be coming up at the November 3<sup>rd</sup> election, for consideration by all Clay Countians. This is the law enforcement sales tax that was passed in 1998, after Gladstone and every other municipality endorsed it. It has created an expanded, modern, state of the art detention facility for all of Clay County municipal agencies to use, besides the State's courts. Because the County's funding is primarily by sales tax, and with the economy that exists today, should this sales tax not be extended on November 3<sup>rd</sup>, the outcome will be catastrophic in law enforcement terms.

Sheriff Boydston stated that the professional career people in detention suggest that at least two floors of the detention facility would have to be closed. Sheriff Boydston said this does not mean that there would be less expenses, because as Sheriff, we are mandated in Missouri to receive any prisoner that is presented to us. What will happen is that there will be a huge transportation and housing concept, which will take place outside of the County.



There will be no argument about their housing rates; it will be exorbitant. Most of the counties that take prisoners from other counties for overcrowding or other reasons, charge anywhere from \$55 to \$68 per night.

Sheriff Boydston said he is trying to get the word out, as he did in 1998, and he knows that Gladstone citizens look to the City Council for opinions and leadership, and he hopes that City Council members will study the issue. Sheriff Boydston said he would be available for questions at this meeting, and also at any other time. There will be an oversight committee appointed upon the passage of this renewal. Sheriff Boydston said he suggested this in 1998; however, it was not done, but he will have a little bit more time in office this time to do just that. The citizens will have a say into the validity of expenses that might be debated. Essentially, it is to fund the Clay County Detention Center through staffing, maintenance and any other operational cost – nothing else. It does not buy the Sheriff a new car, or support patrol units, or support the efforts in school resource deputy programs – it is strictly for the detention center. Sheriff Boydston said he would respectfully ask that the Gladstone City Council consider this, and issue an endorsement when the Council feels it is proper. Sheriff Boydston thanked the Mayor and Council for their consideration.

Mayor Rudi inquired into the rate of the sales tax.

Sheriff Boydston replied the rate is  $\frac{1}{8}^{\text{th}}$  of one cent, and the County Commissioners, appropriately, he thinks, put a 12 year sunset on the tax, which is just what is now finishing. The sales tax will actually expire in the summer of next year; however, funds after the last bond payment is made in May, will essentially deplete all funds. The career professionals in detention are preparing a “dooms day” budget that would close at least two floors at that time.

Mayor Pro Tem Les Smith stated this is a renewal; it is not a new tax. Sheriff Boydston did not get a new car, but he did get a new van that is being used to transport prisoners from the communities to the County. Mayor Pro Tem Smith asked Sheriff Boydston if that was correct.

Sheriff Boydston agreed that was correct.

Mayor Pro Tem Smith said Council members have a report before them that says our City's Public Safety Department is lacking in manpower. Mayor Pro Tem Smith asked Public Safety Director Mike Hasty if it takes about an hour or one and one half hours for our City to transport a prisoner from Gladstone, go through the booking process and return.

Director Hasty agreed that was correct.

Mayor Pro Tem Smith said that is significant to us, as well as the housing costs, and especially if we need to take prisoners any distance, so there is an impact to our law enforcement operation. Mayor Pro Tem Smith said he believed 12 years ago this sales tax was a good idea, and he is really happy to see Sheriff Boydston here supporting the issue,

and he believes that Sheriff Boydston is taking his responsibility for law enforcement seriously, and he is glad to see he is the one here asking for our City's endorsement.

Sheriff Boydston thanked Mayor Pro Tem Smith for his comments, and he thanked the Mayor and Council, and said that if any questions should come up later, he and Chief Hasty are in contact almost weekly about other issues, or he will communicate directly to Council any answers they would like to have.

**Item 9. on the Agenda.**      **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Barry McCullough** invited everyone to an exciting event this weekend called Gladfest, and said he hoped everyone in the audience would be able to attend.

**Councilmember Carol Suter** stated she just came back to town from her vacation and it does her heart good to see all of the activity going on in Gladstone in terms of investment in infrastructure with sidewalks and trails going in, and bus stops being built, and pedestrian cross walks. The Walmart project is underway and Quik Trip's new driveway is completed. It is encouraging, even in a recession, to see businesses who understand how to invest for the future, which bodes well for Gladstone. It is also great to see the investments that the citizens' tax money is going for, both locally and nationally, as Broadway is being repaved with some federal funds.

Councilmember Suter said she wished to express her appreciation to Public Safety. Two weeks ago Council heard from a neighborhood having problems with speeding, and she is very impressed with a report that summarized all the activities that have happened, and how thoroughly our Public Safety Department has responded, investigated, and provided numerous methods to reduce the problem, and to meet with the neighborhood and really have strong communication. Councilmember Suter said these are all elements of what makes Gladstone an All America City. Councilmember Suter offered kudos to the Public Safety Department, and said she trusts that the neighborhood is impressed as well with the effort the Department has done.

**Councilman Mark Revenaugh** had no comments at this time.

**Mayor Pro Tem Les Smith** said he wished to "piggyback" on Councilmember Suter's comments and acknowledge that Officer Buck, who is here with us this evening, prepared a majority of the report, which is very thorough. Mayor Pro Tem Smith offered "good job" on the thoroughness of the report.

Mayor Pro Tem Smith mentioned there might have been someone from the audience who wished to speak, but who had left the room for the moment.

Mayor Rudi said she would allow them the opportunity to speak later in the agenda.

**Mayor Carol Rudi** asked Parks and Recreation Director Sheila Lillis to report on the events coming up in the parks.

Parks and Recreation Director Sheila Lillis began by saying one activity associated with Gladfest that she has not heard mentioned is the Gladstone 5K Run, which is the single biggest fund raiser for the Mayor's Christmas Tree program. The 5K Run will be held Sunday morning at 7:30 AM. One-mile walkers are welcome, as are people who would like to do a 5K. Director Lillis asked if anyone is interested in this event, to please see her after the meeting, and she would be happy to provide some forms.

Director Lillis reported this past weekend the City hosted the UMKC School of Music brass ensemble. It was very beautiful music with a light crowd. On October 11, the Northwinds Jazz ensemble will be hosted at 3:00 PM at Oak Grove Park. It will be another good event. Staff is trying to get some music events in the park, and some concerts. It is a very nice opportunity for a free concert.

Mayor Rudi acknowledged a member of the audience, and asked if they wished to address the Council.

**Mitz Kretchner, 6106 North Michigan**, said at the last meeting she and a group of neighbors had addressed the speeders on North Michigan. Ms. Kretchner said she did find some more people on North Euclid, and she asked them to address the Council.

**Arturo Hernandez, 5912 North Euclid Avenue**, said he has also been having similar problems with speeding. He attended a neighborhood watch program, Thursday, at Englewood Church, where they did address the issue. He has noticed a policeman parking where Englewood starts down from Garfield where it turns into Euclid. He has been watching the police there, but he would like to know if there could be a four way stop sign at the bottom of the hill and by the park. There is a two way stop there now, but he wonders if it would be possible for it to be made a four way stop. That would get the speed down a little bit.

Mayor Rudi asked Mr. Hernandez to provide his contact information to staff before he leaves, so they may reply with the information. Studies and so forth must first be conducted.

**Don Faudel, 6209 North Michigan**, said he was at the last meeting, when he and his neighbors addressed the City Council. Mr. Faudel said as a wrap up on what he has seen, on a couple of mornings he has noticed a police officer standing in front of his house - no police car present, which tremendously helps. However, if the officer is just standing there, it makes it hard for them to be seen. Mr. Faudel said the officer told him she had lots of customers. Mr. Faudel said in some ways this is working. They did move the Robo Cop from the neighborhood. That slowed the speeders down, because it had the red and blue lights flashing, and red sign that said you are going too fast - slow down. Of course, some people will see that and will not care, but if they see a squad car sitting there, that is different; they slow down. Mr. Faudel said the neighborhood is still having some problems. Things are better. The more police presence that is there, sporadically, will definitely help. Mr. Faudel said he would like to read the report.

Mayor Rudi said staff will be sure to get that information to him.

**Item 10. on the Agenda.**      **COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis stated this next weekend is Gladfest weekend. On Friday afternoon, access to City Hall will be very difficult, so City Hall is typically closed at noon. Many City employees are involved with the festival and will be working outside with the festival, and employees will be working inside, but the public access is no longer available.

**Item 11. on the Agenda.**      **FIRST READING BILL 09-28**, establishing a "Farmers' Market" within the City of Gladstone, to be administered by the Director of Community Development.

Councilman Barry McCullough moved to place Bill 09-28 on its First Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Barry McCullough moved to accept the First Reading of Bill 09-28, Waive the Rule and place the Bill on its Second and Final Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Barry McCullough moved to accept the Second and Final Reading of Bill 09-28 and to enact the Bill as **Ordinance 4.119**. Councilmember Carol Suter seconded.

Roll call vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 12. on the Agenda.**      **FIRST READING BILL 09-29**, approving an Interlocal Agreement by and between the Cities of Gladstone, Belton, Harrisonville, Lawson, Lee's Summit, Liberty, Raytown, Sugar Creek and Wood Heights, Missouri to facilitate the implementation of the Neighborhood Stabilization Program.

Mayor Pro Tem Les Smith moved to place Bill 09-29 on its First Reading. Councilman Mark Revenaugh seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 09-29, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Mark Revenaugh seconded.

Mayor Pro Tem Smith asked for an explanation of this action for the Audience.

Assistant City Manager Scott Wingerson stated this is a complex federal program. It basically says that Gladstone has stepped up to be a leader in neighborhood stabilization. It has to do with the stabilization of property maintenance and foreclosed homes, and gives the region some more resources to battle those issues in the cities cited in the Bill.

Mayor Pro Tem Smith said the overall intent is, with the grant, to help protect the integrity of the neighborhoods from those properties that are left abandoned, foreclosed on, and so forth. It is really a neighborhood issue as well.

The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final Reading of Bill 09-29 and to enact the Bill as **Ordinance 4.120**. Councilman Mark Revenaugh seconded.

Roll call vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 13. on the Agenda.** **FIRST READING BILL 09-30**, amending Title IX of the City Code by repealing certain provisions contained therein and enacting in lieu thereof new City Code provisions designated as Title IX 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 Mark Revenaugh moved to place Bill 09-30 on its First Reading. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Mark Revenaugh moved to accept the First Reading of Bill 09-30, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Mark Revenaugh moved to accept the Second and Final Reading of Bill 09-30 and to enact the Bill as **Ordinance 4.121**. Councilman Barry McCullough seconded.

Roll call vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 14. on the Agenda.      OTHER BUSINESS.**

Public Safety Director Mike Hasty began by saying at the last City Council meeting, Council members directed staff to study a problem that had been brought forward by citizens in the 6100 block of North Michigan concerning speeding. Director Hasty said Sergeant Buck, who supervises our traffic unit, in collaboration with the City Engineer, Mr. Nebergall, has worked on this issue and is present to give a report to the City Council.

Sergeant Kenneth Buck stated he met with two of the residents, one of whom was the lady who spoke earlier this evening, and another gentleman regarding the concerns and the issues. Public Safety staff has addressed those concerns and will continue to address them. One of the main problems was a young man who was speeding in a pick up truck through the area. That gentleman was identified, staff contacted him and the concerns were explained to him, and he was advised of the consequences if he continued his style of driving. This should take care of a lot of the problem in this area. There is no 100 percent solution to this problem. It is a give and take. If staff does one thing, it takes away from something else. It is felt the best move at this point is continued enforcement. Sergeant Buck said officers will continue to monitor the area, and he received word from Public Works Director Williams this evening that the speed survey has been completed.

Sergeant Buck pointed out that the one gentleman said the trailer was removed. That was done to obtain an accurate speed survey. The trailer would have slowed the drivers down, which is why it was taken away. Sergeant Buck said he believed that about 85 percent of the time vehicles were traveling about 29 miles per hour. A frequent violator was identified, and that will be addressed. Sergeant Buck has asked the neighbors to give him the information on the frequent speeders if it should occur again, and the traffic unit will attempt to contact those individuals about their driving behavior. Sergeant Buck reported that he worked with the Public Works Department City Engineer Tim Nebergall, and Director Chuck Williams, who have done an analysis of this area, and the approach will be to try different steps, one thing at a time, to see what works. Some things are practical and some things are not. More speed limit signs are needed; there was only one speed limit sign between Englewood Road and Shady Lane on North Michigan.

Sergeant Buck said the area will continue to be monitored, and officers will continue to be in contact with the residents, and staff will do what they can to correct the problem. Sergeant Buck said in regard to the gentleman who spoke about North Euclid, he received a call last week from a gentleman named David Perrien, so officers are already working in that area. It is in the same basic area, so a traffic count will be done there. The area will be saturated with officers, and the speed trailer will be placed there. Sergeant Buck said he would remain after the meeting to speak to anyone who might have questions or concerns.

**Carrie Baker, 6203 North Michigan,** said there is an elementary school one block up from there. There are a lot of kids in the neighborhood who walk to and from school, so we are not only dealing with the 25 miles per hour speed limit, there are a ton of violators of the school zone, which is 20 miles per hour. That is a huge concern of the people in the neighborhood, as they have children who go to the school.

Mayor Rudi asked Ms. Baker to talk to Sergeant Buck, and if she should need him, someone can get a message to him, and try to get this worked out that way, because at this point, there is not much more Council can do other than ask the Public Safety Department to help the neighbors. Mayor Rudi suggested that if any of the residents have concerns, to please talk to Sergeant Buck.

**Item 15. on the Agenda.**      **QUESTIONS FROM THE NEWS MEDIA.**

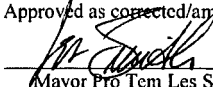
There were no questions from the News Media.

**Item 16. on the Agenda.**      **ADJOURNMENT.**

There being no further business to come before the September 28, 2009, Regular City Council meeting, Mayor Carol Rudi adjourned the Regular meeting.

Respectfully submitted:

\_\_\_\_\_  
Cathy Swenson, City Clerk

Approved as submitted: \_\_\_\_\_  
Approved as corrected/amended: \_\_\_\_\_  
  
\_\_\_\_\_  
Mayor Pro Tem Les Smith



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, OCTOBER 12, 2009**

**OPEN STUDY SESSION: 7:00 PM**

**REGULAR MEETING: 7:30 PM**

**AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of the Regular September 28, 2009, City Council Meeting Minutes.
5. **CONSENT AGENDA**

**RESOLUTION R-09-79**, authorizing acceptance of work under contract with Insituform Technologies USA, Incorporated, for the Mill Creek Cured in Place Pipe Phase 3 Project; and authorizing final payment in the amount of \$741.70.

**RESOLUTION R-09-80**, accepting a Temporary Construction and Permanent Easements from certain property owners in conjunction with the East Creek at North Main Gabion Repair Project.



**APPROVAL OF AN ANNUAL LIQUOR LICENSE RENEWAL**  
**FOR:** Tommy's Restaurant, 6221 North Chestnut, 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 R-09-81**, in support of the renewal of the Clay County Law Enforcement Sales Tax.
- 10. PUBLIC HEARING:** for consideration of an Ordinance amending Title VII, "Zoning and Planning Ordinance" of the City Code by enacting a new Chapter 167, "Alternative Energy Systems" and other amendments relating to the siting, placement and approvals of such structures in the City.
- 10a. FIRST READING BILL 09-31**, amending Title VII, "Zoning and Planning Ordinance" of the City Code by enacting a new Chapter 167, "Alternative Energy Systems" and other amendments relating to the siting, placement and approvals of such structures in the City.
- 11. PUBLIC HEARING:** for consideration of an Ordinance amending Title VII of the Gladstone Municipal Code adopting Chapter 181 "Outdoor Lighting Ordinance" regulating outdoor lighting on public and private property.
- 11a. FIRST READING BILL 09-32**, amending Title VII of the Gladstone Municipal Code adopting Chapter 181 "Outdoor Lighting Ordinance" regulating outdoor lighting on public and private property.

12. Other Business.
13. Questions from the News Media.
14. Adjournment.



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, OCTOBER 12, 2009**

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Pro Tem Les Smith  
Councilmember Carol Suter  
Councilman Barry McCullough

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Mayor Carol Rudi  
Councilman Mark Revenaugh

**Item 2, on the Agenda.      ROLL CALL**

Mayor Pro Tem Les Smith opened the Regular October 12, 2009, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and noted that Mayor Carol Rudi and Councilman Mark Revenaugh were not present.

**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 SEPTEMBER 28,  
2009, CITY COUNCIL MEETING MINUTES.**

Councilman Barry McCullough moved to approve the Regular September 28, 2009, City Council Meeting Minutes as presented. Councilmember Carol Suter seconded. The vote: All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, and Mayor Pro Tem Les Smith. (3-0).

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

Councilmember Carol Suter moved to approve the Consent Agenda as presented. Councilman Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, and Mayor Pro Tem Les Smith. (3-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-79**, authorizing acceptance of work under contract with Insituform Technologies USA, Incorporated, for the Mill Creek Cured in Place Pipe Phase 3 Project; and authorizing final payment in the amount of \$741.70. Councilman Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, and Mayor Pro Tem Les Smith. (3-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-80**, accepting a Temporary Construction and Permanent Easements from certain property owners in conjunction with the East Creek at North Main Gabion Repair Project. Councilman Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, and Mayor Pro Tem Les Smith. (3-0).

Councilmember Carol Suter moved to approve an **ANNUAL LIQUOR LICENSE RENEWAL** FOR: Tommy's Restaurant, 6221 North Chestnut, Class A&B Liquor by the Drink License. Councilman Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, and Mayor Pro Tem Les Smith. (3-0).

**REGULAR AGENDA**

**Item 6. on the Agenda.**      **COMMUNICATIONS FROM THE AUDIENCE.**

**Anita Newsom, 221 West 48<sup>th</sup> Street, #1504, Kansas City, MO 64112**, said she was present on behalf of the Gladstone Area Chamber of Commerce, as Chair of Gladfest, to thank the City for their ongoing support. Ms. Newsom said four years ago, when she did this for the first time, there was some transition going on with the construction of the Community Center. It presented some challenges, but challenges that she believes have been overcome reasonably successfully. Things have grown and changed over the years, and hopefully they have evolved in a positive way.

Ms. Newsom thanked the City for their support, and she knows from sitting at the Council dais that it is a budgetary issue, as well as a community issue; but hopefully there are enough people brought into the community, who do not normally come into our city on a regular basis to see the positive face of Gladstone. Ms. Newsom stated she knew that Public Information Officer Richard King was not present at this meeting, and was on a well-deserved vacation. Richard King provides an invaluable assistance as the logistics and liaison between the City and the Chamber, and in getting things done, and doing

whatever needs to be done to make Gladfest successful. Ms. Newsom said that without Richard's support and guidance, we would probably have been in a puddle in the middle of the street at different times, either that, or hurting one another. Ms. Newsom said all the members of the Public Safety Department that she encountered have been exemplary professionals. They solved problems and worked to keep things safe and running smoothly. Their buy-in into the whole process, whether it was the parade, or set-up or traffic in general, has been above and beyond expectation – each year it grows better and better. Ms. Newsom said the help that is received from Parks and Public Works employees with the set-up, clean-up, and ongoing maintenance and their positive attitudes makes them a pleasure to work with, and she really appreciates that. Ms. Newsom offered kudos to the City's Green Team, who decorated the stage this year; she believes they had fun doing it, and were able to exemplify the theme in a funny way.

Ms. Newsom offered thanks to the GEMA (Gladstone Emergency Management Agency) volunteers, who volunteered their time and expertise to help with all the ingress and egress of the site. That is something that is not always easy. Ms. Newsom said she gets very upset when people who are coming to the festival, or vendors want to take it out on the GEMA personnel or the other volunteers. She takes it personally, because everyone is working as a volunteer. There are very few paid staff people who put on Gladfest. The face time with the community is the volunteers. Ms. Newsom said she knows that all the City Council members had active parts in Gladfest, and she hopes they all had a good time and the time to enjoy it; even though it was a little cool and breezy at times. When the craft tents were blowing around like trash bags in Walmart's parking lot on Thursday night and Friday morning, it was kind of scary. Ms. Newsom said it was kind of cool during the parade, but we did that, and the manpower, the finesse, the willingness to see the big picture and make things happen, and the leadership that the leadership team and department heads and those on the City Council provide makes the festival happen and it could not be done without them. Hopefully, it is beneficial for everyone, and they will continue to do so.

Ms. Newsom said she is resigning as Chair of Gladfest; she has done her four years and she is going to pass on the leadership, and jokingly said, "You pass the torch before you get scorched". Ms. Newsom said she believes there are some good leaders stepping forward to take over, and she knows there will continue to be good Gladfests. Ms. Newsom said she wishes we would have had better weather this year, but she believes we had a fine festival. Things have evolved and changed. Ms. Newsom said we have the car show back, and she believes we are getting a good traffic flow of people. Ms. Newsom thanked everyone who participated in any way whatsoever. As a Chamber, this is appreciated. Ms. Newsom said she does not know if all the Chamber members are aware of the actual expense it does cost the City to support the Chamber in the way that they do. Ms. Newsom concluded by thanking the City Council members.

Mayor Pro Tem Smith said he does not believe that anyone who participates in this festival and the others gets the kudos that they deserve. Mayor Pro Tem Smith said it would be easy to just pull the same notes out of the can every year and do the same old thing. We do a lot of that, because it works, but Ms. Newsom has always been ready to embrace new

ideas, new concepts, and she is always looking for ways to incorporate new concepts. Mayor Pro Tem Smith said he hopes Ms. Newsom will change her mind, and jokingly said he does have "odds" on that.

Ms. Newsom stated she said she would support and help, and she probably will be staging the parade next year.

Mayor Pro Tem Smith said he hopes Ms. Newsom will encourage folks to embrace new ideas as we go along, because we need to and it needs to continue to evolve.

Ms. Newsom said she believes there is a culture now to try new things and just because we did it a way before, that is fine, but let's look at some other ways, and there might be a better way.

Mayor Pro Tem Smith offered "good job" to Ms. Newsom and asked she pass along Council's regard to the Chamber members and others in the community who volunteered. It really is a thankless position, especially, when the weather is bad and people get a little crabby and so forth.

Ms. Newsom commented that there was one vendor who wanted to sue them because the wind was blowing their display, and jokingly added that Public Works did not give them a switch to shut off the wind. One of the funny incidents of the weekend was when one of the Parade Marshals, former Mayor Wayne Beer, was slamming the doors of the portable toilets. When he was asked what he was doing, he replied there were little girls who were afraid to use the portable toilets, as they had in the past seen a snake in one, so he was assuring them they were safe to use. Ms. Newsom said that is the kind of public service we have in Gladstone.

Mayor Pro Tem Smith thanked Ms. Newsom again for a good job.

**Item 7. on the Agenda.**      **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Barry McCullough** thanked Ms. Newsom and said she did an excellent job Chairing the Gladfest, and putting everything together. It was great seeing everyone pull together and put together such a nice weekend, despite the wind and the cool weather, it was a fantastic event. It was great to be a part of it.

**Councilmember Carol Suter** said attending the Missouri Municipal League Conference last week was eye opening in some ways. It was sobering to sit in meetings and talk with people over lunch who are in municipalities that are in utter financial crisis. It is sobering, because you realize that it could be us one day, but it is also heartening to be in a city that is not in that kind of a situation. It is a reminder of the importance of doing long term conservative financial planning, and that has been a hallmark of Gladstone for some time, so people are quite envious of our situation. We are certainly not home free, but are vulnerable like everyone else. It is a scary time out there, and there is all kinds of money being thrown around at things from above, but apparently, it will not get down here very

fast or very much. Councilmember Suter said she would like to note that we should be very cognizant of the importance of long range planning for our financial future. The conference was a fun event as a Councilmember, to get away and hear some new ideas, and meet different people with different resources.

Councilmember Suter said in the Kansas City Star magazine section yesterday, there was an article by George Nodler on the joys and benefits of living in Hamilton Heights. It was a nice article, and made Gladstone sound like a little heaven on earth, so it was good publicity.

**Mayor Pro Tem Les Smith** asked City Manager Kirk Davis to pass on City Council's appreciation to everyone on City staff. There are folks who work who are on the clock, but there are a lot of folks who are not on the clock and who participate for the good of the community, and Council appreciates that equally as much.

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

City Manager Kirk Davis offered thanks to those employees and to members of the City Council who allow folks to participate in Gladfest. They enjoy it, and there were a significant number of employees who volunteered their time to be a part of the festivities. City Manager Davis offered his special thanks to them.

**Item 9. on the Agenda.**      **RESOLUTION R-09-81**, in support of the renewal of the Clay County Law Enforcement Sales Tax.

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-81**, in support of the renewal of the Clay County Law Enforcement Sales Tax. Councilman Barry McCullough seconded.

Councilmember Suter said there was conversation concerning this at the last Council meeting when the Clay County Sheriff was with us to talk about the importance of this action. Councilmember Suter said she strongly endorses the support of this initiative that will be coming on the ballot.

The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, and Mayor Pro Tem Les Smith. (3-0).

**Item 10. on the Agenda.**      **PUBLIC HEARING:** for consideration of an Ordinance amending Title VII, "Zoning and Planning Ordinance" of the City Code by enacting a new Chapter 167, "Alternative Energy Systems" and other amendments relating to the siting, placement and approvals of such structures in the City.

Mayor Pro Tem Smith opened the Public Hearing and said first there will be a presentation by staff, and then comments will be invited from anyone who wishes to speak in favor of the Ordinance followed by comments from anyone who wishes to speak in opposition of

the Ordinance. Anyone from the audience who wishes to speak, are asked to give their name and address for the record.

**Planning Specialist Chris Helmer** stated he would start his presentation by going back in time to the evolution of this process. The Planning Commission has held a couple of study sessions on this matter, as well as the City Council. Predominately, the study sessions really consisted of conceptual examples of what staff is talking about when they refer to alternative energy systems; specifically, being wind and solar energy harnessing devices. The presentation that was presented by staff showed the different types of models that are out there, more on the side of wind turbines, and also, there was briefly presented some of the main topics of discussions that are usually centered around these types of systems, and largely what Planning Commissioners and City Councils find to be of the largest impact to local communities. Staff talked about reasonable regulation on setbacks and looking at aesthetics, and appropriate regulation on issues of maintenance and abandonment.

Mr. Helmer said at the Planning Commission's last meeting the Commission spoke in favor of reasonable regulation from the land use side. The Planning Commission did send a positive recommendation to the City Council for consideration this evening. Mr. Helmer said he believed he has spoken to the City Council and the Planning Commission about the fact that the Ordinance is essentially a tier system Ordinance. The provisions set forth in the beginning of the Ordinance are administrative in nature, meaning that the property owner, on the residential or commercial side, could come in, and upon meeting the provisions of the Ordinance, and with ultimate approval by City staff, would be issued a building permit. Anything that falls outside of those provisions, whether it is exceeding or desiring to exceed a height or setback, or any other issues set forth in the language of the Ordinance, would require a Special Use Permit application. This would require publication on City staff's part, as well as a formal Public Hearing with the Planning Commission and City Council.

Mr. Helmer said at the Planning Commission's last meeting, there was some concern with some of the language in the Ordinance. Mr. Helmer said after further internal review by staff, with Assistant City Manager Scott Wingerson, City Attorney David Ramsay, and himself, it is felt strongly that the Ordinance has set forth the intent that they have always had. Mr. Helmer said he would like to point to a minor edit on Page 7, Section 5, Number 2 - after "customer-owned", the language "SWECS" has been added, which refers to "Small Wind Energy Conversion System". That is the first edit, as well as that exact same edit on Page 8, Number 13, "Utility Notification". Mr. Helmer said City staff is requesting that City Council consider taking action upon this matter, and offered to address any questions.

**There was no one to speak in Favor of the Ordinance.**

**Comments from those in Opposition to the Ordinance:**

**Cathy Rinehart, 7400 NE Antioch Road**, asked Council members to look at Page 13, Number 9. "Utility Notification", it says "Off-grid systems shall not be permitted". Ms.



Rinehart said this is the language that she has a problem with; when it says "shall", it means "never". Shall is a very strong word – there are no exceptions here. Ms. Rinehart asked what would happen in the event of a tornado and a person is six weeks without electricity at their house. Ms. Rinehart said she believes this can be expounded upon to mean one cannot have a generator in their home. Ms. Rinehart said she is sure this is not the intent of the gentlemen and ladies in this audience, nor the intent of the Council, but there is nothing in the Ordinance that says a person can have a small generator in their home for an emergency. Ms. Rinehart said that is why she brings this up, and she believes this language is too strong, and she has discussed this with Mr. Helmer, and they went back and forth for 15 minutes. Ms. Rinehart said this is a boilerplate, and she believes this was written by a utility company. Ms. Rinehart said she knows that there is a wind panel that can be put on a house that is about the size of a desk front that can generate enough energy in a home, that a person would not need to be with Kansas City Power and Light; you really could be off the grid. Ms. Rinehart said she knows the City does not want people off the grid, because the minute they are off the grid, Gladstone doesn't get any money, and she understands that – this language is just way too strong. Ms. Rinehart said this is her opinion and she would let Council think about it, and she thanked the City Council for their time.

Mayor Pro Tem Smith inquired into the rationale of the City's interpretation.

Assistant City Manager Scott Wingerson replied that he believes Ms. Rinehart raises a good point. The rationale is two fold. For a home or business to go off the electric grid entirely raises a whole host of detailed and complicated questions revolving around health, safety and sanitation. We have to continue to make sure that at all times, not just during certain times, that emergency notification items work, such as smoke detectors and exit lighting and so forth, on the commercial side. The other thing is for sanitation, such as hot water heaters and those types of activities that occur in a home, those things have to be there all the time. Part of the justification for the tiered system that Mr. Helmer talked about is that certain things are allowed by right, and we want to encourage those things, and provide incentives for the people of Gladstone to install these devices through waiving permit fees; however, if you go outside of that box, where we are infinitely comfortable, we would like to come to a Public Hearing, so we have an opportunity to further study whatever the issue is, whether it is height, setback, or disconnection from the grid system.

Mayor Pro Tem Smith said he believes that Ms. Rinehart's concern is that if it emphatically states that it shall not be permitted, is there a process to over-ride that?

Mr. Wingerson replied the process would be the special use permit that would be a separate Ordinance approved by a City Council, after Public Hearing, on a case-by-case basis.

Mayor Pro Tem Smith asked if there is any set of specifications that someone could check-list off. How would a property owner know if they met all of the requirements that staff would suggest to get the Special Use Permit, that they could get their system approved?

Mr. Wingerson replied as staff, they would strongly resist the urge to substitute their judgment for that of the Council – we would never do that.

Mayor Pro Tem Smith said it seemed to him if you have these issues, the health, safety, and sanitation issues, or whatever the issues might be, and if someone performs all the things on the check-list that would bring staff to making a recommendation to Council to approve it, there is still no mechanism to guarantee that Council will approve it.

Mr. Wingerson agreed there is not.

Councilmember Suter said what she appreciates about the approach is that this feels like a conservative approach, as we are treading into untread waters with these alternate energy sources, so the choice is do we try to make it wide open and then try to reign it in later, or do we start with something that is more conservative, and as the situation allows, then we can ease restriction or expand use. Councilmember Suter said she would vote for being a bit more conservative, where we know what is happening and can control what is happening, rather than trying to resolve some rogue thing that wasn't anticipated, but was allowed because the Ordinances are so broad, and then find out we have caused problems for our residents for public health.

Mayor Pro Tem Smith said he agreed, but his point is if a person has to do these three things to be permitted, and they do those three things, with a Special Use Permit, there is still no guarantee they will get it.

Councilmember Suter said that is when it would be coming before the City Council and Council members would be feeling the heat that it is time to look at the Ordinance and do something different or perhaps, not.

Mr. Wingerson stated that the Special Use Permit is designed to allow the staff, Planning Commission and Council to look at a particular issue, case by case. There is a broad classification that is allowed – “issue a permit and go” type of thing. For anything a little bit outside of that box, it is just a case by case review, and Council will make a similar or different decision based on the facts of the particular circumstance.

Councilman McCullough said he would not want to see, if we have a tornado again in four more years, someone not being able to fire up their generator and get by for a period of time.

Mr. Wingerson replied that is the reason for the additional language that Mr. Helmer suggested that was inserted, to clarify that we are not talking about a generator used for emergency purposes for a generally short period of time. Six weeks is a long period of time, but if it took six weeks, eight weeks or more for a tornado, that is how long it would take.

Mayor Pro Tem Smith asked for clarification that this does not preclude someone from using their emergency generator?

Mr. Wingerson replied that is correct – it is specifically related to alternative energy systems, which that would not be by definition.

Mayor Pro Tem Smith asked Ms. Rinchart if this answered her question.

Ms. Rinehart replied yes.

Mayor Pro Tem Smith suggested to Council that this Bill be given a first reading only, and not be approved all the way to Ordinance, so that Council may consider these issues, and maybe this can be addressed a bit. Councils can sometimes be arbitrary and he would not want to see someone who meets all the requirements that staff would place upon them, and then they would still come to Council and not be permitted.

**As there were no further comments in Opposition to the Ordinance or from staff, Mayor Pro Tem Smith closed the Public Hearing.**

**Item 10a. on the Agenda.** **FIRST READING BILL 09-31**, amending Title VII, "Zoning and Planning Ordinance" of the City Code by enacting a new Chapter 167, "Alternative Energy Systems" and other amendments relating to the siting, placement and approvals of such structures in the City.

Councilmember Carol Suter moved to place Bill 09-31 on its First Reading. Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, and Mayor Pro Tem Les Smith. (3-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the First Reading of Bill 09-31, Councilman Barry McCullough seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, and Mayor Pro Tem Les Smith. (3-0).

**Item 11. on the Agenda.** **PUBLIC HEARING:** for consideration of an Ordinance amending Title VII of the Gladstone Municipal Code adopting Chapter 181 "Outdoor Lighting Ordinance" regulating outdoor lighting on public and private property.

Mayor Pro Tem Smith opened the Public Hearing and said it would be the same process as before.

**Planning Specialist Chris Helmer** began by saying that like the alternative energy systems Ordinance, this Ordinance provides a good opportunity for the City to look at ways of maximizing energy or being efficient with energy. Just like the alternative energy Ordinance, both of the Ordinances really follow at the heart of the City's commitment to the Mayor's Climate Protection Agreement by looking at ways of shaving energy costs, which is also associated with the economic benefits of saving money in the near future as well as in the long term. In this Ordinance, what is being looked at is two types of technology that would be required for new development and redevelopment projects. Mr.

Helmer said that Council may recall from the presentations in the open study sessions that there are two types of technology that staff is suggesting that the City Council take under consideration; that being LED (light-emitting diodes) and induction lighting technology. Both lighting technologies have shown a tremendous amount in overall electrical savings, as well as in energy savings for local governments.

This has been a topic of discussion on a regional level, as well as nationally. Mr. Helmer said our City has been actively involved with the Mid-America Regional Council, as well as other experts in the field. Mr. Helmer said this Ordinance looks largely at the provisions of new development and redevelopment projects, as well as projects that our City would take on from the local municipal standpoint.

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

**As there were no comments from the audience or further comments from staff, Mayor Pro Tem Smith closed the Public Hearing.**

**Item 11a. on the Agenda.** **FIRST READING BILL 09-32**, amending Title VII of the Gladstone Municipal Code adopting Chapter 181 "Outdoor Lighting Ordinance" regulating outdoor lighting on public and private property.

Councilman Barry McCullough moved to place Bill 09-32 on its First Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, and Mayor Pro Tem Les Smith. (3-0). The Clerk read the Bill.

Councilman Barry McCullough moved to accept the First Reading of Bill 09-32, Waive the Rule and place the Bill on its Second and Final Reading. Councilmember Carol Suter seconded. The vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, and Mayor Pro Tem Les Smith. (3-0). The Clerk read the Bill.

Councilman Barry McCullough moved to accept the Second and Final Reading of Bill 09-32 and to enact the Bill as **Ordinance 4.122**. Councilmember Carol Suter seconded.

Roll call vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, and Mayor Pro Tem Les Smith. (3-0).

**Item 12. on the Agenda.** **OTHER BUSINESS.**

Mayor Pro Tem Smith said Council has a recommendation to appoint Teresa Farley to a vacated position on the Theatre in the Park Advisory Board.

Councilmember Carol Suter moved to appoint Teresa Farley to the vacated position on the Theatre in the Park Advisory Board. Councilman Barry McCullough seconded.

Mayor Pro Tem Smith said this appointment would be to replace Jennifer Kessler, whose term expires December 2010.

The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, and Mayor Pro Tem Les Smith. (3-0).

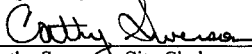
**Item 13. on the Agenda.      QUESTIONS FROM THE NEWS MEDIA.**


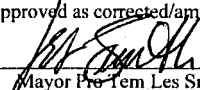
There were no questions from the News Media.

**Item 14. on the Agenda.      ADJOURNMENT.**

There being no further business to come before the October 12, 2009, Regular City Council meeting, Mayor Pro Tem Les Smith adjourned the Regular meeting.

Respectfully submitted:

  
\_\_\_\_\_  
Cathy Swenson, City Clerk

Approved as submitted:   
Approved as corrected/amended: \_\_\_\_\_  
  
\_\_\_\_\_  
Mayor Pro Tem Les Smith



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, OCTOBER 26, 2009**

**OPEN STUDY SESSION: 6:45 PM**

**REGULAR MEETING: 7:30 PM**

**AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of the Regular October 12, 2009, City Council Meeting Minutes.
5. **PROCLAMATION:** Recognizing November 2009, as National American Indian Heritage Month.
6. **CONSENT AGENDA**

**RESOLUTION R-09-82**, authorizing the City Manager to accept a Bill of Sale from Peterson Development Company Incorporated and Holthouse Construction conveying to the City a Sanitary Sewer, Storm and Water Lines built in conjunction with construction of The Preserve at Carriage Hill Estates subdivision at 6833 North Myrtle Avenue, Gladstone, Missouri.

**RESOLUTION R-09-83**, authorizing the City Manager to accept a Bill of Sale from Peterson Development Company Incorporated and Superior Bowen Asphalt Company LLC conveying to the City a Street, Curb and Gutter and Sidewalks built in conjunction with construction of The Preserve at Carriage Hill Estates subdivision at 6833 North Myrtle Avenue, Gladstone, Missouri.

**RESOLUTION R-09-84**, authorizing execution of a contract with Precision Construction and Contracting, LLC, in the total amount not to exceed \$536,581.90 for the M-1 Bicycle/Pedestrian Trail, Project TP0771, pending concurrence from the Missouri Department of Transportation.

**RESOLUTION R-09-85**, 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-09-86**, amending the 2010 Annual General Fund Budget for the City of Gladstone, Missouri and authorizing expenditures of funds.

**RESOLUTION R-09-87**, authorizing execution of Water Tower Antenna Site Leases with Clear Wireless, a Nevada Limited Liability Company, for the Antioch Water Tower and the Linden Water Tower.

**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 6, 2010. Hours: 5:30 PM - 11:30 PM. Managing Officer: Frances A. Pasbach.

**APPROVAL OF THE SEPTEMBER 2009 FINANCIAL REPORT.**

**REGULAR AGENDA**

7. **Communications from the Audience.**
8. **Communications from the City Council.**
9. **Communications from the City Manager.**
10. **SECOND READING BILL 09-31**, amending Title VII, "Zoning and Planning Ordinance" of the City Code by enacting a new Chapter 167, "Alternative Energy Systems" and other amendments relating to the siting, placement and approvals of such structures in the City.
11. **FIRST READING BILL 09-33**, enacting a new Chapter 120, within Title VI of the Code of Ordinances of the City of Gladstone, entitled "Illicit Discharge Detection and Elimination".
12. **Other Business.**
13. **Questions from the News Media.**
14. **Adjournment.**





**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, OCTOBER 26, 2009**

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Les Smith  
Councilmember Carol Suter  
Councilman Barry McCullough

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** Councilman Mark Revenaugh

**Item 2. on the Agenda. ROLL CALL**

Mayor Carol Rudi opened the Regular October 26, 2009, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and noted that Councilman Mark Revenaugh was not in attendance.

**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 OCTOBER 12, 2009,  
CITY COUNCIL MEETING MINUTES.**

Councilman Barry McCullough moved to approve the Regular October 12, 2009, City Council Meeting Minutes as presented. Councilmember Carol Suter seconded. The vote: "Aye" – Councilman Barry McCullough, Councilmember Carol Suter, and Mayor Pro Tem Les Smith. "Abstain" – Mayor Carol Rudi. (3-0-1).

**Item 5. on the Agenda.**      **PROCLAMATION:** Recognizing November 2009, as National American Indian Heritage Month.

Mayor Rudi read and presented the Proclamation to Maggie Henderson, a member of the William Boydston Chapter National Society Daughters of the American Revolution, who thanked the Mayor and Council.

**Item 6. on the Agenda.**      **CONSENT AGENDA**

City Manager Kirk Davis asked that Resolution R-09-86 be removed from the Consent Agenda for consideration under the Regular Agenda.

Mayor Rudi said Resolution R-09-86 would be considered under the Regular Agenda as Item 6a.

Councilmember Carol Suter moved to approve the Consent Agenda as amended. Councilman Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-82**, authorizing the City Manager to accept a Bill of Sale from Peterson Development Company Incorporated and Holthouse Construction conveying to the City a Sanitary Sewer, Storm and Water Lines built in conjunction with construction of The Preserve at Carriage Hill Estates subdivision at 6833 North Myrtle Avenue, Gladstone, Missouri. Councilman Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-83**, authorizing the City Manager to accept a Bill of Sale from Peterson Development Company Incorporated and Superior Bowen Asphalt Company LLC conveying to the City a Street, Curb and Gutter and Sidewalks built in conjunction with construction of The Preserve at Carriage Hill Estates subdivision at 6833 North Myrtle Avenue, Gladstone, Missouri. Councilman Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-84**, authorizing execution of a contract with Precision Construction and Contracting, LLC, in the total amount not to exceed \$536,581.90 for the M-1 Bicycle/Pedestrian Trail, Project TP0771, pending concurrence from the Missouri Department of Transportation. Councilman Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-85**, 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 Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-87**, authorizing execution of Water Tower Antenna Site Leases with Clear Wireless, a Nevada Limited Liability Company, for the Antioch Water Tower and the Linden Water Tower. Councilman Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

Councilmember Carol Suter moved to approve a **LIMITED ONE-DAY LIQUOR BY THE DRINK LICENSE** for Oakhill Day School, 7019 North Cherry, for the annual auction event on Saturday, March 6, 2010. Hours: 5:30 PM - 11:30 PM. Managing Officer: Frances A. Pasbach. Councilman Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

Councilmember Carol Suter moved to approve **THE SEPTEMBER 2009 FINANCIAL REPORT**. Councilman Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

#### REGULAR AGENDA

**Item 6a. on the Agenda.** **RESOLUTION R-09-86**, amending the 2010 Annual General Fund Budget for the City of Gladstone, Missouri and authorizing expenditures of funds.

Mayor Rudi explained to the audience that this item was removed from the Consent Agenda, as this is part of the Open Study Session that was going to be addressed at the end of the Regular meeting, but instead, it will be incorporated into the Regular meeting.

Finance Director Debra Daily began by saying the year-end closing for fiscal year 2009 has been completed. Each fund was analyzed and was found to have revenues greater than or equal to expenditures at fiscal year end. The audit of all the funds is complete and results of the completed audit were presented to the Council at this evening's Open Study Session. The General Fund, Community Center Park Tax Fund, and the Combined Waterworks and Sewerage System Fund will be discussed individually in detail in this presentation, along with the recommended re-appropriations for the General Fund. The General Fund is the only fund with re-appropriations.

Director Debra stated she would begin her report with the General Fund, which is referenced in Council's packet materials as Exhibit "A". The total revenues for the

General Fund for fiscal year 2009 were \$16,706,624, or \$575,682 over estimated revenues. With the exception of sales tax, all revenues came in over budget. The collection of Property Tax was \$78,861 over estimated budget figures. This increase was due to the adjusted levy assessment on Personal Property. Sales Tax Revenue was \$14,218 under estimated projections. Director Daily said Council members might recall that at mid-year, the expected budget was cut back by three percent so the year was ended 3.5 percent under the original budget. This decrease was a direct result of the stressed economy. The Gross Receipts Tax actual revenues were \$144,683 over estimated gross receipts, and all gross receipt categories met or exceeded budget. However the majority of the fiscal year 2009 increase, or \$100,072, came from Utility Gross Receipts.

Director Daily continued by saying the Licenses and Permits revenues for fiscal year 2009 were projections by \$64,776. This increase was directly attributed to license and permits required for re-building after the May tornado that carried into the fiscal year 2009. The Intergovernmental Revenues are primarily composed of Motor Vehicle Sales Taxes, Vehicle Registration fees, and this year's Special Road District fees. Revenues did increase by \$110,046 over estimated revenues; however, revenues related to the Special Road District came in during fiscal year 2009 instead of fiscal year 2010, as originally anticipated. These funds were budgeted for use in fiscal year 2010; consequently, an equity adjustment was made to bring those funds into fiscal year 2010. That fund generally stayed level.

Director Daily reported that Charges for Services revenues increased by \$49,850 over budgeted projections. Fines and Forfeitures revenues were over budgeted projections by \$118,533 due to increased traffic enforcement. The final category, Miscellaneous Revenue, had revenues over budget by \$23,150, mainly due to better than expected interest earnings. Director Daily said the City currently invests in local CDs (Certificate of Deposit), and those CDs are bringing in a higher rate, generally, than the market. Expenditures across all Departments were under projected budget by \$668,167. This was directly due to savings in payroll and benefits.

Director Daily summarized by saying actual fiscal year 2009 revenues came in over budget by \$575,682. Comparing actual revenues in fiscal year 2009 to fiscal year 2008, there is a total increase of \$694,353 over fiscal year 2008. The Personal Property Tax levy adjustment and wireless revenues account for the majority of the increase over fiscal year 2008. Actual expenditures in the General Fund came in under budget as stated previously, so net income for the year totaled \$1,012,290, and the ending unrestricted fund balance was \$4,196,563.

Director Daily stated the next item she would discuss would be re-appropriations, and began by saying that as has been the practice, re-appropriations are considered after the year-end financial audit is completed and the status of certain projects is known. Re-appropriations are items that were appropriated and budgeted in the prior fiscal year, but were not expended. Re-appropriations totaling \$1,801,208 represent reserve transfers, ongoing contracts, and projects expected to be completed in fiscal year 2010, and therefore, are being recommended for re-appropriation. A listing of the re-appropriations

with justification can be found in Exhibit "B" of Council's packet information. Director Daily stated City Management recommends the following re-appropriations:

- General Administration - there is \$8,661.48 recommended for unpaid Risk Program costs.
- Finance - there is \$9,000 recommended for Innoprise software configuration costs. Funds in the amount of \$2,400 are recommended for AT&T circuits, and \$1,880 is recommended for installation of a projector in the north conference room in City Hall.
- Public Safety - funds in the amount of \$600 was encumbered and is recommended for re-appropriation for an Alamar uniform for a Public Safety officer.
- Community Development - there is \$28,900 recommended for Neighborhood Grants, and \$7,900 recommended for the Form Base Code Project.
- Parks and Recreation - \$300 is recommended for a concrete pad for a park bench, and \$1,393 is recommended for the park bench.
- Non-Departmental - Director Daily said this category has the largest re-appropriation figures. It is recommended to spend \$200,000 to pay off a portion of a land loan with First Bank of Missouri; the City generally tries to pay \$200,000 for this each year. Funds in the amount of \$21,276 are recommended for re-appropriation to pay outstanding insurance claims. A transfer to the Capital Replacement Fund from the General Fund in the amount of \$750,000 is recommended for reimbursement of the funds utilized in the fiscal year 2009 budget to purchase equipment and for a reserve to fund future purchases. An encumbrance in the amount of \$5,096.82 is recommended, which is related to the Atkins Johnson Farm contracts. The final item is a recommended transfer from the General Fund to the Technology Replacement Fund in the amount of \$43,800. This request covers the reimbursement of funds utilized in the fiscal year 2009 budget to purchase equipment and as a reserve to fund future technology and software purchases, and also to fund E-Gov service implementations.

Director Daily reported that the total General Fund re-appropriations total \$1,081,208, and after re-appropriating these recommendations into the fiscal year 2010 budget, the General Fund's available balance, including the recommended re-appropriations, is projected to be \$2,980,980, which exceeds the estimated 20 percent fund balance requirement of \$2,958,679 by \$22,302. Directory Daily stated this concludes the General Fund report, and invited questions from the City Council.

Mayor Pro Tem Smith inquired into the progress of the E-Gov initiative.

Director Daily said the Com-Dev portion of the software has just been implemented, and also the utility billing software. That just went "live" in September, and staff is just now

able to look at the citizen access piece of that, and there have been meetings with Innoprise. Staff is aware of what the products can do for the City. Regarding the citizen access piece, the question is the budget. Staff is currently reviewing the on-line bill payment process, and the question is regarding an administration fee or a fee of two to three percent of the revenues. Relative to the water fund, and the stress it is under, those are considerations that staff will be bringing forward to Council. Staff is moving forward with this process, and citizens will be able to do certain things on-line with Community Development. Staff is just beginning the implementation of the financials. Council's direction was to look at the E-Gov piece of this in terms of on-line bill payments, and access to various forms on-line, and to have citizen requests registered on-line. Director Daily stated we have that software, but we have to be able to have work orders in place, which is part of the financial package, and staff is moving forward with this.

Mayor Pro Tem Smith asked for an explanation of the Neighborhood Grants Program.

Assistant City Manager Scott Wingerson reported that the Neighborhood Grants Program has been part of the Gladstone Neighborhood Commission's action plan for the last couple of years. It took the first year to get the program rolled out into the community. Most of the \$28,000 is spoken for in Bolling Heights, Oak Lane Townhomes, and Linden. That money will be transferred to GEBC (Gladstone Economic Betterment Council), and the projects will be paid from that fund.

Mayor Pro Tem Smith said the Neighborhood Commission is doing some fine work.

Director Daily stated she would continue by next addressing the Community Center and Park Tax Fund, and said Parks and Recreation Director Sheila Lillis has already given City Council members a full report, so she would just provide a brief overview of year-end financials. Director Daily stated that for fiscal year 2009, the Community Center and Park Tax Fund had a net income of \$211,790 or \$209,998 over budgeted net income. Actual revenues totaled \$2,844,430 and expenses totaled \$2,632,640. The Community Center, Natatorium, and Municipal Pool had revenues of \$1,920,946 and \$165,799 respectfully. This amounts to \$36,592 over the projected budget.

Director Daily reported that the Community Center had operating expenses of \$706,103, the Natatorium's operating expenses were \$587,661, and the Municipal Pool had operating expenses totaling \$132,304. Non-Departmental expenses for debt service, insurance and transfers totaled \$1,206,572. Actual expenses were under budgeted expenditures by \$237,353. The ending fund balance of \$1,463,155 is \$216,527 over the projected fund balance of \$1,246,628. There were no recommendations for re-appropriations in this fund; or the Combined Waterworks and Sewerage System (CWSS) Fund; consequently, there will be no change in the fiscal year 2010 budget.

Director Daily continued by reporting on the Combined Waterworks and Sewerage System Fund, by saying for fiscal year 2009, the Combined Waterworks and Sewerage System Fund achieved a balanced budget despite the significant drop in water revenues. Actual revenues, including transfers from reserves, were \$6,775,855, while budgeted revenues

were \$6,898,279. Initially, the use of reserves was budgeted at \$200,000 in order to achieve a balanced budget. However, only \$156,215 of the reserve was used.

Note: due to the loss of Director Daily's voice, City Manager Davis provided the remainder of the report.

City Manager Davis reported that the total operating revenues were \$6,424,909. This was \$42,639 below projections. Actual expenses were \$6,775,855. While estimated expenses were \$6,883,476. City Manager Davis said the City did not sell as much water, so the revenues were reduced, and the expenditures were also reduced. There are no requests for re-appropriations in this fund. The twenty percent fund balance and all the debt obligations are being covered, and the adjustment is in the equity transfer that allows the budget to be balanced for the end of the year. City Manager Davis said he is pleased that money is being made in the Community Center Fund. That money goes into a fund balance to help offset projected future deficits. The Water Fund is an issue that will need to be followed closely this year. It was balanced the end of this fiscal year; however, revenues continue to struggle a little bit as seen in the financial statement that was approved this evening. City Manager Davis said staff is pleased to make a positive adjustment in the General Fund. City Manager Davis offered to answer any questions Council members might have.

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-86**, amending the 2010 Annual General Fund Budget for the City of Gladstone, Missouri and authorizing expenditures of funds. Mayor Pro Tem Les Smith seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0)

**Item 7. on the Agenda.**

**COMMUNICATIONS FROM THE AUDIENCE.**

Mayor Rudi introduced members of the Trails Homeowners Association as follows: Joan Johnson, Secretary; Al Moore, Treasurer, and Sharlyne Narr, President.

Sharlyne Narr, 5935 North Kansas, stated the residents of the Trails are in need of lighting. When the Trails town homes were built approximately 30 years ago, the residents had their own lighting, which are tall light poles with round bulbs. They are deteriorating and cannot be replaced. The underground wiring has been destroyed. Residents have petitioned to have a few lights installed, and three streetlights have been put in, but they need more. It is very dark in the area, and even though this is a private community, it is Gladstone, and has public streets, and for the safety of the homeowners, they would like additional lighting. Ms. Narr said she does not know what the process of doing that is, but she knows that residents, who requested additional lighting, have called Public Works. Ms. Narr inquired into the process of requesting streetlights in their area.

Mayor Rudi replied that there is a form that needs to be completed, and Public Works Director Chuck Williams will be happy to discuss this process with Ms. Narr after the meeting.

Mayor Rudi introduced Randi Toyne, who attends St. Pius, and is a member of the Debate Team. Mayor Rudi welcomed Ms. Toyne and her mother, Jenny. Mayor Rudi thanked them for attending the meeting, and suggested that if they had any questions, any City Council member or City staff member would be happy to assist them.

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

**Councilman Barry McCullough** said he wished to brag on "Gladstone's finest"; unfortunately, he had the occasion to get a call at 7:00 AM, Saturday, that someone had driven through the plate glass at his office. He spent a couple of hours with Sergeant Willoughby and Officer West, who were excellent and took good care of all of them in sorting out how to best resolve replacing the glass window, and making sure there was no other vandalism or anything stolen. It was nice that they cleared the building and made folks feel nice and safe while working through the situation. Councilman McCullough reminded everyone that there will be Trick or Treating at Oak Grove Park on Friday evening, from 6:00 PM until 7:00 PM, and there will be story telling and activities until 9:00 PM.

**Councilmember Carol Suter** addressed Public Works Director Chuck Williams about the M-1 Sidewalk Project, and asked why both sides of the road received sidewalks, except for the two blocks on the east side.

Director Williams replied the area south of Hy-Vee will be the City's trail, and the City will get that done.

City Manager Davis asked Director Williams if the City has received State approval to do that work.

Director Williams replied the City has not received that approval, and that is why the Resolution this evening was with their concurrence; however, we should be getting that approval, hopefully, any day, and then staff will schedule a pre-construction meeting with the contractor, and try to get that project moving forward.

**Mayor Pro Tem Les Smith** stated he wished to go back briefly to the budget presentation that was just made. The City struggles just like any other entity in tough economic times, and City staff continues to provide the citizens of Gladstone with first class amenities and first class services, even on a lean budget, and they do it within their budgets, which is very commendable.

**Mayor Carol Rudi** asked Public Safety Director Mike Hasty to pass on her thanks to the emergency response people, because she had to use the ambulance services a couple of weeks ago, and they were great. Mayor Rudi encouraged everyone to not hesitate to call, because they are wonderful.



**Item 9. on the Agenda.**      **COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Davis had no comments at this time.

**Item 10. on the Agenda.**      **SECOND READING BILL 09-31**, amending Title VII, "Zoning and Planning Ordinance" of the City Code by enacting a new Chapter 167, "Alternative Energy Systems" and other amendments relating to the siting, placement and approvals of such structures in the City.

Councilmember Carol Suter moved to place Bill 09-31 on its Second and Final Reading. Mayor Pro Tem Les Smith seconded.

Mayor Pro Tem Smith stated he noticed under the Small Wind Energy Conversion System (SWECS) provision there is a clause for permit fees may be waived for compliant applications, and asked if there was also a provision that allows for permit fees to be waived under the solar section.

Assistant City Manager Scott Wingerson replied yes.

Mayor Pro Tem Smith referenced page 12, Section 3b, and said he visited with someone in the industry just before this meeting, and they had two concerns – one concern was that the five percent pitch is a bit restrictive, and many of their applications are above five percent. In fact, in a perfect world, they would like to have the ability to go up as far as twenty five percent. For available systems and for the best efficiency, they do not feel that five percent is adequate in today's market. Mayor Pro Tem Smith said his second question is regarding Item 6 and 6b, which is the requirement of "to scale" drawings. It is felt that is somewhat costly for an applicant and not necessary. Mayor Pro Tem Smith suggested we could simplify that to perhaps "where on the roof the unit is going to be", the setbacks from the perimeter of the building, and that sort of thing, rather than causing an applicant to go through the expense of scale drawings. The person he spoke with seemed to think that would be overkill and somewhat of a detriment to people wanting to move forward on solar panels. Mayor Pro Tem Smith said these are his two questions.

Assistant City Manager Wingerson said to answer Mayor Pro Tem Smith's first question regarding Section 3b. Solar Systems with Mounting Devices, staff is aware that the manufacturers and contractors that install these systems would like a steeper pitch for these systems; however, we are in the early realm of this type of Ordinance, where we are trying to match neighborhood aesthetics with alternative energy. Staff, in this particular case, decided to err on the side of neighborhood aesthetics, and a steeper pitched system could be approved in the Public Hearing process, with the full knowledge and understanding of the people within 185 feet or the neighborhood. Assistant City Manager Wingerson said this is exactly what staff has struggled with over the last 18 months, and it is certainly Council's discretion to change that from a five percent to a different percent pitch.

Mayor Pro Tem Smith said five does not seem like much of a pitch, and the person he spoke with said most of the applications she sees are in the twenty to twenty five percent

range, and we are at five, so we are being very conservative it would seem. Mayor Pro Tem Smith asked Mr. Wingerson to comment on his question concerning the scale drawings.

Assistant City Manager Wingerson said this would generally be at the discretion of the City's Building Official, if it is a detriment, and a very simple installation, he is sure Alan Napoli will use some judgment and discretion in permitting those types of installations. Some of the larger installations will require engineering, because they fit on an existing house with existing loads, so staff has to make sure that the new load can be handled with the old structure.

Mayor Pro Tem Smith said our folks are great to work with, and Mr. Napoli is awesome, but he does not see that we have discretion – he sees words like “shall” and “must” in the Ordinance. Mayor Pro Tem Smith said if there are issues in a neighborhood, there will be phone calls received, but we are also trying to encourage people to install alternative energy systems. If we are being a bit too restrictive, and are throwing up some roadblocks and detriments, perhaps, we need to soften that a bit – this is just food for thought for the Council.

Mayor Rudi asked Mayor Pro Tem Smith if he had a recommendation.

Mayor Pro Tem Smith asked Mr. Wingerson what number would be a little more lenient, but not so restrictive as the five percent.

Mr. Wingerson said he believed that is both ends of the spectrum, so maybe somewhere in the middle; perhaps 15 percent or if Council wishes to be more progressive, closer to 20 percent.

Mayor Pro Tem Smith asked Mr. Wingerson for suggestions regarding the scale drawings, and said that can get expensive, because now, we are talking about engaging an Engineer to do that sort of work - how critical do we feel that is?

Mr. Wingerson said it can be extremely critical, and asked if Mayor Pro Tem Smith would consider “if in the judgment of the Building Official, plan applications for solar systems may ...”, and asked if staff could work with language such as that?

Mayor Pro Tem Smith said he would like to move to amend *Item 6. Plan Applications* to include the language Mr. Wingerson crafted or something very similar thereto, and a twenty percent roof pitch in *Item Number 3b. Solar Systems with Mounting Devices*. Councilman Barry McCullough seconded.

Mayor Rudi said she likes the twenty percent, because we need to encourage this. If we are interested in sustainability, this is something we should do.

The Vote All “aye” - Councilman Barry McCullough, Councilmember Carol Suter, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

Mayor Rudi said the amendment has been approved, and asked for any discussion. As there was no further discussion, Mayor Rudi called for a vote on placing Bill Number 09-31, as amended, on its Second and Final Reading.

The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the Second and Final Reading of Bill 09-31 as amended, and to enact the Bill as **Ordinance 4.123**. Mayor Pro Tem Les Smith seconded.

Roll call vote: All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

**Item 11. on the Agenda.** **FIRST READING BILL 09-33**, enacting a new Chapter 120, within Title VI of the Code of Ordinances of the City of Gladstone, entitled "Illicit Discharge Detection and Elimination".

Mayor Pro Tem Les Smith moved to place Bill 09-33 on its First Reading. Councilman Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 09-33, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final Reading of Bill 09-33 and to enact the Bill as **Ordinance 4.124**. Councilman Barry McCullough seconded.

Roll call vote: All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

**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.

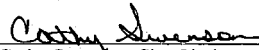
**Item 14. on the Agenda.**      **ADJOURNMENT.**

There being no further business to come before the October 26, 2009, Regular City Council meeting, Mayor Carol Rudi adjourned the Regular meeting.

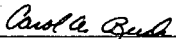
Mayor Pro Tem Les Smith moved to adjourn to an Emergency Closed Executive Session pursuant to Missouri Open Meeting Act Exemption 610.021(1) for Litigation and Confidential or Privileged Communications with Legal Counsel, and 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Councilman Barry McCullough seconded.

Roll Call Vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (4-0).

Respectfully submitted:

  
\_\_\_\_\_  
Cathy Swenson, City Clerk

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

  
\_\_\_\_\_  
Mayor Carol A. Rudi



**CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, NOVEMBER 23, 2009**

The City Council will meet in Closed Executive Session on Monday, November 23, 2009, 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.

**OPEN STUDY SESSION: 7:00 PM**

**REGULAR MEETING: 7:30 PM**

**AGENDA**

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of the Regular October 26, 2009, City Council Meeting Minutes.
5. **CONSENT AGENDA**

**RESOLUTION R-09-88**, authorizing Change Order No. 1 in the amount of \$94,208.13 to the contract with American Marking and

Paving Company, Incorporated for the North Broadway Englewood Road to 68<sup>th</sup> Street Project.

**RESOLUTION R-09-89**, authorizing acceptance of work under contract with American Marking and Paving Company, Incorporated, for the North Broadway Englewood Road to 68<sup>th</sup> Street Project; and authorizing final payment in the amount of \$386,305.48.

**RESOLUTION R-09-90**, authorizing acceptance of work under contract with Little Joe's Asphalt, Incorporated, for the 2009 Mill and Overlay Program; and authorizing final payment in the amount of \$1,000.00.

**RESOLUTION R-09-91**, authorizing Change Order No. 1 in the amount of \$44,100.00 to the contract with Miller Paving & Construction, LLC, for the Shoal Creek Bicycle/Pedestrian Bridge and Antioch/Shoal Creek Bicycle/Pedestrian Connectors.

**RESOLUTION R-09-92**, adopting a Mission Statement and Goals for the City of Gladstone, Missouri for 2009-2010.

**APPROVAL OF NEW SIX-DAY LIQUOR BY THE DRINK LICENSE** for LMMASC, Inc. dba Tortilla Flats, 5716-18 North Antioch Road; Gladstone, MO 64119. Managing Officer: Allison R. Miller.

**APPROVAL OF LIMITED ONE-DAY LIQUOR BY THE DRINK LICENSE** to St. Charles Borromeo Church, 804 Shady Lane Drive, for the "Night at Nashville" dinner on January 30, 2010. Hours: 6:00 PM – 11:30 PM. Managing Officer: Lori Creek.

**APPROVAL OF THE OCTOBER 2009 FINANCIAL REPORT.**

#### REGULAR AGENDA

6. Communications from the Audience.
7. Communications from the City Council.
- 7a. Board and Commission Appointment.

**8. Communications from the City Manager.**

- 9. PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions for Celia Webb for operation of a beauty salon on property at 5308 North Wyandotte Street.  
Applicant/Owner: Celia Webb. File #1339.

- 9a. FIRST READING BILL 09-34,** granting a Special Use Permit subject to certain conditions to Celia Webb for operation of beauty salon on property at 5308 North Wyandotte Street.  
Applicant/Owner: Celia Webb. File #1339.

- 10. FIRST READING BILL 09-35,** 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 6, 2010, 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  
MONDAY, NOVEMBER 23, 2009**

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION  
6:00 PM**

Mayor Carol Rudi opened the City Council Meeting to adjourn to a Closed Executive Session on November 23, 2009, at 6:00 PM. Mayor Pro Tem Les Smith 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 610.021(3) for Personnel Discussion. Councilman Barry McCullough seconded.

Roll Call Vote: All "aye" – Councilman Barry McCullough, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (3-0).

Note: Councilman Mark Revenaugh and Councilmember Carol Suter were present at the meeting.

Mayor Carol Rudi recessed the Closed Executive Session at 7:00 PM.

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Les Smith  
Councilman Mark Revenaugh  
Councilmember Carol Suter  
Councilman Barry McCullough

Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson

**ABSENT:** City Manager Kirk Davis



**Item 2. on the Agenda.**      **ROLL CALL**

Mayor Carol Rudi opened the Regular November 23, 2009, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and noted that all Council members were in attendance.

**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 OCTOBER 26, 2009, CITY COUNCIL MEETING MINUTES.**

Councilman Barry McCullough moved to approve the Regular October 26, 2009, City Council Meeting Minutes as presented. Councilmember Carol Suter seconded. The vote: "Aye" – Councilman Barry McCullough, Councilmember Carol Suter, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. "Abstain" – Councilman Mark Revenaugh. (4-0-1).

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

Councilman Mark Revenaugh moved to approve the Consent Agenda as presented. Councilmember Carol Suter seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilman Mark Revenaugh moved to adopt **RESOLUTION R-09-88**, authorizing Change Order No. 1 in the amount of \$94,208.13 to the contract with American Marking and Paving Company, Incorporated for the North Broadway Englewood Road to 68<sup>th</sup> Street Project. Councilmember Carol Suter seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilman Mark Revenaugh moved to adopt **RESOLUTION R-09-89**, authorizing acceptance of work under contract with American Marking and Paving Company, Incorporated, for the North Broadway Englewood Road to 68<sup>th</sup> Street Project; and authorizing final payment in the amount of \$386,305.48. Councilmember Carol Suter seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilman Mark Revenaugh moved to adopt **RESOLUTION R-09-90**, authorizing acceptance of work under contract with Little Joe's Asphalt, Incorporated, for the 2009 Mill and Overlay Program; and authorizing final payment in the amount of \$1,000.00. Councilmember Carol Suter seconded. The Vote All "aye" - Councilman Barry

McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilman Mark Revenaugh moved to adopt **RESOLUTION R-09-91**, authorizing Change Order No. 1 in the amount of \$44,100.00 to the contract with Miller Paving & Construction, LLC, for the Shoal Creek Bicycle/Pedestrian Bridge and Antioch/Shoal Creek Bicycle/Pedestrian Connectors. Councilmember Carol Suter seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilman Mark Revenaugh moved to adopt **RESOLUTION R-09-92**, adopting a Mission Statement and Goals for the City of Gladstone, Missouri for 2009-2010. Councilmember Carol Suter seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilman Mark Revenaugh moved to **APPROVE A NEW SIX-DAY LIQUOR BY THE DRINK LICENSE** for LMMASC, Inc. dba Tortilla Flats, 5716-18 North Antioch Road; Gladstone, MO 64119. Managing Officer: Allison R. Miller. Councilmember Carol Suter seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilman Mark Revenaugh moved to **APPROVE A LIMITED ONE-DAY LIQUOR BY THE DRINK LICENSE** for St. Charles Borromeo Church, 804 Shady Lane Drive, for the "Night at Nashville" dinner on January 30, 2010. Hours: 6:00 PM - 11:30 PM. Managing Officer: Lori Creek. Councilmember Carol Suter seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilman Mark Revenaugh moved to approve the **OCTOBER 2009 FINANCIAL REPORT**. Councilmember Carol Suter seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (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.**

**Councilman Barry McCullough** stated that Council members had a fantastic opportunity to attend the National League of Cities Conference in San Antonio a couple of weeks ago.

It was a good time to meet and network with other City officials, and hopefully to come back with some good ideas to help improve Gladstone.

**Councilmember Carol Suter** agreed with Councilman McCullough, and said the dangerous part of sending Council members to places like this is that Council members do come back with ideas for staff. Councilmember Suter said she found a couple of ideas that fit in with the City goals for 2009 and 2010, and she is looking forward to sharing some details about this with staff. Councilmember Suter said she was delighted to see the pedestrian crossings going in on M-1 Highway. The traffic lights change to allow pedestrians to cross; however, the frustrating thing is that she saw an older gentleman in a wheelchair, unaccompanied, trying to cross five lanes of traffic, to go from Hy-Vee across the street to Walmart, when he could have just gone to the corner (crosswalk). Councilmember Suter said she was wondering, in terms of public information, whether in a future Coming Home to Gladstone magazine or something like it, if it might be helpful to let people know that the crosswalks are there and how they work, because people can go by day after day, and not notice the little changes. Councilmember Suter said she knows that people cannot be saved from themselves, because some people will just run across five lanes of traffic; however, a Press Release or something similar, would be helpful in alerting citizens that the crosswalks are there, and in encouraging people to use them.

**Councilman Mark Revenaugh** began by saying it was his privilege to attend the Awards for Valor luncheon on November 20, which was presented by law enforcement departments from across the city to recognize those police officers who had performed an unusually valiant act in the performance of their duties. One of Gladstone's own, Travis Peters, received the Bronze Award. Councilman Revenaugh said that when there was a break-in in Hamilton Heights, Travis Peters noticed the car that was reported to be leaving the area, and he was able to obtain surveillance of the vehicle until backup arrived. Officer Peters received an award for valor at that luncheon. This is just another example of how Gladstone citizens can be proud of the job that their Public Safety Department is doing.

**Mayor Pro Tem Les Smith** offered congratulations to Officer Peters, and said he had no further comments at this time.

**Mayor Carol Rudi** congratulated Officer Peters, and said she did note at the luncheon that quite often other departments send out more than one officer at a time to respond to calls, and sometimes our City is limited to only one officer. Mayor Rudi said she believes our officers frequently provide service to our community above and beyond the call of duty. Mayor Rudi asked Public Safety Director Mike Hasty to express her appreciation to our City's Police Officers.

Mayor Rudi reported that on Tuesday, November 24, 2009, at 6:00 PM, at the First Bank of Missouri on Antioch Road, the City would be holding the annual Mayor's Christmas Tree Lighting ceremony. There will be hot chocolate and cookies, Santa Claus, and lots of music. Mayor Rudi invited everyone to attend. Mayor Rudi encouraged everyone to contribute to the Mayor's Christmas Tree Lighting fund. The money will go to the Northland Christmas Store and Neighbors Helping Neighbors. If anyone does not wish to

bring money, canned goods and soaps will be accepted for the Northland Christmas Store. There is also a collection point for those types of goods at City Hall or at the Gladstone Area Chamber of Commerce. Mayor Rudi invited Parks and Recreation Director Sheila Lillis to report on the concerts coming up at the Community Center.

Parks and Recreation Director Sheila Lillis reported that a holiday concert open house will be held, which is an opportunity for people to see the Community Center and to enjoy the music. Gift certificates will be sold, so it will be a great place to Christmas shop. Those concerts will be held December 2, 10 and 15, from 6:30 PM to 7:30 PM. Staley High School will perform on December 2; Oak Park High School will perform on December 10; and New Mark Middle School will perform on December 15. Ann Garney will be the featured artist on December 1, from 6:00 PM to 8:00 PM, with artist comments at 6:30 PM. Light refreshments will be provided by Gladstone Hy-Vee. Director Lillis said there will be a fundraiser at Gladstone's Applebee's to benefit the Northland Christmas Store. Applebee's will be sponsoring a pancake breakfast from 8:00 AM to 10:00 AM. Tickets are \$5.00, and Director Lillis has tickets for sale for this event.

Mayor Rudi reported that Stone Canyon Pizza is doing a discount on a couple of items, in order to support the Northland Christmas Store.

**Item 7a. on the Agenda. BOARD AND COMMISSION APPOINTMENT.**

Mayor Pro Tem Les Smith moved to appoint Alan Ringhausen to fill the vacated seat on the Planning Commission, with a term to expire December 31, 2010. Councilmember Carol Suter seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

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

Assistant City Manager Scott Wingerson stated that an event has tentatively taken shape today, for December 4, at 10:00 AM. It will be a ribbon cutting for the M-1 sidewalks. The Missouri Department of Transportation (MoDOT) has expressed some interest in doing something nice; this is a big project for them. Mr. Wingerson said he believes it is the first stimulus project completed in the State. The ribbon cutting will be held at the transit shelter, which is new, and is in partnership with the City, MoDOT, and the Kansas City Area Transportation Authority. That transit shelter is located on M-1 Highway, across from Hy-Vee, just south of 72<sup>nd</sup> Street. The Mayor will be asked to say a few words. All the details will be given to Council members in their informational newsletter this week.

Mr. Wingerson reported that City Hall would be closed on Thursday and Friday in observance of the holiday, and he wished everyone a happy Thanksgiving.

Mayor Rudi invited the public to attend the ribbon cutting on December 4.

**Item 9. on the Agenda.** **PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions for Celia Webb for operation of a beauty salon on property at 5308 North Wyandotte Street. Applicant/Owner: Celia Webb. File #1339.

Mayor Rudi opened the Public Hearing, and said that there would first be a presentation from staff, followed by any comments from the applicant, and finally any comments from those in favor of the application and any comments from those in opposition to the application would be heard.

**Planning Specialist Chris Helmer** began by saying that this request is a renewal of a Special Use Permit application from Ms. Webb. Ms. Webb was here approximately one year ago for consideration of a one-year time period for her beauty salon. Since that time, Ms. Webb has complied with the conditions set forth in the Ordinance that Council members received in their meeting packets. Mr. Helmer said that City staff is recommending a five-year duration for this renewal, which is typical for this type of application request. Mr. Helmer said the Planning Commission held a public hearing several weeks ago on the matter, and unanimously voted in favor of the application and sends a favorable recommendation to the City Council; so in closing, staff is requesting a five-year duration for Ms. Webb.

**Applicant Celia Webb, 5308 North Wyandotte,** offered her thanks to the City Council, and said this has been a successful first year and everything has gone fine, and she has received no complaints from her neighbors.

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

Mayor Rudi closed the Public Hearing.

**Item 9a. on the Agenda.** **FIRST READING BILL 09-34,** granting a Special Use Permit subject to certain conditions to Celia Webb for operation of beauty salon on property at 5308 North Wyandotte Street. Applicant/Owner: Celia Webb. File #1339.

Mayor Pro Tem Les Smith moved to place Bill 09-34 on its First Reading. Councilmember Carol Suter seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 09-34, Waive the Rule and place the Bill on its Second and Final Reading. Councilmember Carol Suter seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final Reading of Bill 09-34 and to enact the Bill as **Ordinance 4.125**. Councilmember Carol Suter seconded.

Roll call vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 10. on the Agenda.** **FIRST READING BILL 09-35**, 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 6, 2010, 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 Barry McCullough moved to place Bill 09-35 on its First Reading. Councilman Mark Revenaugh seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Barry McCullough moved to accept the First Reading of Bill 09-35, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Mark Revenaugh seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Barry McCullough moved to accept the Second and Final Reading of Bill 09-35 and to enact the Bill as **Ordinance 4.126**. Councilman Mark Revenaugh seconded.

Mayor Pro Tem Smith said he remembered the election for the M-1 Highway, the groundbreaking and the ribbon cutting. At that time, our City could not afford the extra \$200,000 for sidewalks in the project. The sidewalk project now is about \$1.1 million. Mayor Pro Tem Smith said he thinks a lot about Joe Wally, who most people remember. Mr. Wally came to the ground breaking for M-1 Highway, and he had made lapel buttons that said "Gladstone, Missouri – Direction Up", and the pin had an arrow pointing up. Mr. Wally was so proud of the pins, and he came back to the ribbon cutting with very homemade cookies, that had a similar design on them. Joe Wally was a huge proponent of that project, and it was exciting to see how excited he was about it. Mayor Pro Tem Smith said he remembers when Bob Ashcroft was on our Council and served as Mayor, while his brother, John, was Governor of the State of Missouri, and he participated in the ceremony as well.

Mayor Rudi said she remembered when M-1 was a little, narrow, and dark road.

Mayor Pro Tem Smith said there was a flood in Brooktree approximately 18 months before that, and the City passed a million and one half dollar bond issue for storm drainage, which was the first time our City had ever committed funds for storm drainage projects of any significance, and the bond issue for M-1 Highway - the entire project - was two and one half million dollars. The sidewalks have cost us approximately \$1.1 or \$1.2 million. Times have changed.

Councilmember Suter said speaking of getting older, she wished to comment that a member of City staff is recognizing a significant milestone, so she wanted to wish Happy Birthday to Building Official Alan Napoli.

Roll call vote: All "aye" – Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 11. on the Agenda.     OTHER BUSINESS.**

There was no other business.

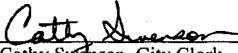
**Item 12. on the Agenda.     QUESTIONS FROM THE NEWS MEDIA.**

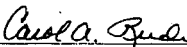
There were no questions from the News Media.

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

There being no further business to come before the November 23, 2009, Regular City Council meeting, Mayor Carol Rudi adjourned the Regular meeting, and said City Council would reconvene the Closed Executive Session.

Respectfully submitted:

  
Cathy Swanson, City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐  
  
Mayor Carol A. Rudi



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, DECEMBER 14, 2009**

**ADJOURNMENT TO CLOSED EXECUTIVE SESSION  
5:30 PM**

Mayor Carol Rudi opened the City Council Meeting to adjourn to a Closed Executive Session on December 14, 2009, at 5:30 PM. Councilman Mark Revenaugh 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 610.021(3) for Personnel Discussion. Councilman Barry McCullough seconded.

Roll Call Vote: All "aye" – Councilman Barry McCullough, Councilman Mark Revenaugh, and Mayor Carol Rudi. (3-0).

Note: Mayor Pro Tem Les Smith and Councilmember Carol Suter were also present at the meeting.

Mayor Carol Rudi recessed the Closed Executive Session at 6:30 PM, saying the Closed Executive Session would reconvene following the Regular City Council meeting.

**REGULAR CITY COUNCIL MEETING  
7:30 PM**

**PRESENT:** Mayor Carol Rudi  
Mayor Pro Tem Les Smith  
Councilman Mark Revenaugh  
Councilmember Carol Suter  
Councilman Barry McCullough

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor David Ramsay  
City Clerk Cathy Swenson



**Item 2. on the Agenda.**      **ROLL CALL**

Mayor Carol Rudi opened the Regular December 14, 2009, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and noted that all Council members were in attendance.

**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 NOVEMBER 23, 2009, CITY COUNCIL MEETING MINUTES.**

Councilmember Carol Suter moved to approve the Regular November 23, 2009, City Council Meeting Minutes as presented. Councilman Barry McCullough seconded. The vote: All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0)

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

Councilman Barry McCullough moved to approve the Consent Agenda as presented. Councilman Mark Revenaugh seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilman Barry McCullough moved to adopt **RESOLUTION R-09-93**, authorizing execution of a contract with Site Rite Construction Company, in the total amount not to exceed \$580,559.75 for the Sanitary Sewer Improvements - 58th Terrace and North Euclid project. Councilman Mark Revenaugh seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilman Barry McCullough moved to adopt **RESOLUTION R-09-94**, authorizing acceptance of work under contract with Mega Industries Corporation, for the Brooktree Lane Culverts Headwall Replacement; and authorizing final payment in the amount of \$7,438.00. Councilman Mark Revenaugh seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

Councilman Barry McCullough moved to adopt **RESOLUTION R-09-95**, declaring support for a Federal Communications Commission rule preserving a free and open Internet. Councilman Mark Revenaugh seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (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.

**Councilman Barry McCullough** had no comments at this time.

**Councilmember Carol Suter** stated that Council members would be making Board and Commission appointments this evening, and it was a wonderful process of identifying and interviewing people who were interested in serving on Boards and Commissions. It is always a delight to see how many citizens are interested in serving the City, and how talented and enthusiastic they all are. It is a joy to have more volunteers than we have positions to fill, and that is a rare position to be in these days in an American city.

Councilmember Suter wished everyone Happy Holidays. The year 2009 has been an amazing year in the life of the United States. Gladstone fared better than most, but everyone is still looking forward to 2010, which has some good things in store.

**Councilman Mark Revenaugh** had no comments at this time.

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

**Mayor Carol Rudi** invited everyone to attend the New Mark Middle School concert, which will be held at the Community Center on December 15, beginning at 6:30 PM. Mayor Rudi wished everyone happy and safe holidays.

### Item 7a. on the Agenda.      BOARD AND COMMISSION APPOINTMENTS.

Mayor Pro Tem Les Smith moved to approve the following Board and Commission appointments:

#### PLANNING COMMISSION EXPIRATION

#### **TERM**

Reappointment  
Reappointment

Anne Alexander  
Dianne Smith

December 2013  
December 2013

#### CAPITAL IMPROVEMENTS PROGRAM

Reappointment

Bill Arbuckle

December 2012

New Appointment

Sharon Euler

December 2011

**BOARD OF ZONING ADJUSTMENT**

|               |  |               |
|---------------|--|---------------|
| Reappointment | Charles Carmack (2 <sup>nd</sup> Alt.) | December 2014 |
| Reappointment | David Cox                              | December 2014 |

**CODE BOARD OF APPEALS**

|               |                 |               |
|---------------|-----------------|---------------|
| Reappointment | Roger Buckner   | December 2012 |
| Reappointment | Dennis Garrison | December 2012 |
| Reappointment | Ken Christeson  | December 2012 |

**PARKS AND RECREATION ADVISORY BOARD**

|               |                 |               |
|---------------|-----------------|---------------|
| Reappointment | John Houlihan   | December 2012 |
| Reappointment | Freddie Nichols | December 2012 |

**TELECOMMUNICATIONS ADVISORY BOARD**

|               |               |               |
|---------------|---------------|---------------|
| Reappointment | Bob Lohmeyer  | December 2012 |
| Reappointment | Tim Robertson | December 2012 |

**ENVIRONMENTAL MANAGEMENT ADVISORY COMMITTEE**

|               |                |               |
|---------------|----------------|---------------|
| Reappointment | Julie Conn     | December 2012 |
| Reappointment | Larry Thrasher | December 2012 |

**ARTS COMMISSION**

|                 |                 |               |
|-----------------|-----------------|---------------|
| New Appointment | Lee Hinderliter | December 2012 |
| New Appointment | Linda Smith     | December 2012 |

**THEATRE IN THE PARK**

|               |                 |               |
|---------------|-----------------|---------------|
| Reappointment | Michelle Coon   | December 2011 |
| Reappointment | Lenette Johnson | December 2011 |

**NEIGHBORHOOD COMMISSION**

|                                   |              |               |
|-----------------------------------|--------------|---------------|
| New Appointment (Bolling Heights) | Daniel Green | December 2012 |
|-----------------------------------|--------------|---------------|

Councilman Mark Revenaugh seconded the motion. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 8. on the Agenda.**

**COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reported that City Hall would be closed Christmas Day and New Year's Day, and he wished the Council a happy and safe holiday season, and said he, too, is looking forward to good things next year.

**Item 9. on the Agenda.**

**PUBLIC HEARING:** for consideration of a Special Use Permit subject to certain conditions to Joyce Vogt for operation of a Nail Salon on property at 2201 Northeast 56th Terrace. Applicant/Owner: Joyce Vogt. File #1340.

Mayor Rudi opened the Public Hearing, and said that there would first be a presentation from staff, followed by any comments from the applicant, and finally any comments from those in favor of the application and any comments from those in opposition to the application would be heard.

**Comments from Staff**

**Planning Specialist Chris Helmer** began by saying that this request is a renewal of a Special Use Permit application from Ms. Vogt, that was granted in 2004. Staff is recommending approval of this application, and the Planning Commission, after meeting on December 7, 2009, did unanimously vote in favor of this application. Included in Council's packet of information, was a letter from Ms. Vogt to City Council members and the Planning Commission regarding her nail salon home base business, and she has met the conditions set forth in the previous Ordinance as well as the one submitted to Council this evening. There is also a letter submitted by an area resident in support of the continued term for Ms. Vogt. Mr. Helmer concluded by saying that staff is recommending an extension of the five year term for this application.

**Comments from the Applicant**

**Joyce Vogt, 2201 NE 56 Terrace**, said her business is the same it has always been, and she has had no problems, and her business has worked out great for her.

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

Mayor Rudi closed the Public Hearing.

**Item 9a. on the Agenda.**

**FIRST READING BILL 09-36**, granting a Special Use Permit subject to certain conditions to Joyce Vogt for operation of a Nail Salon on property at 2201 Northeast 56th Terrace.

Councilman Barry McCullough moved to place Bill 09-36 on its First Reading. Councilman Mark Revenaugh seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Barry McCullough moved to accept the First Reading of Bill 09-36, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Mark Revenaugh seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Barry McCullough moved to accept the Second and Final Reading of Bill 09-36 and to enact the Bill as **Ordinance 4.127**. Councilman Mark Revenaugh seconded.

Roll call vote: All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 10. on the Agenda.** **RESOLUTION R-09-96**, authorizing the City Manager to enter into an agreement with the Mid-America Regional Council for Professional Administrative Services for the administration of the Neighborhood Stabilization Program Grant, Category #3.

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-96**, authorizing the City Manager to enter into an agreement with the Mid-America Regional Council for Professional Administrative Services for the administration of the Neighborhood Stabilization Program Grant, Category #3. Councilman Mark Revenaugh seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 11. on the Agenda.** **RESOLUTION R-09-97**, approving the settlement agreement with Clay County Realty, Inc. and Edith Investment Co., providing for the settlement of litigation and improvements to the Gladstone Plaza Shopping Center.

Councilmember Carol Suter moved to adopt **RESOLUTION R-09-97**, approving the settlement agreement with Clay County Realty, Inc. and Edith Investment Co., providing for the settlement of litigation and improvements to the Gladstone Plaza Shopping Center. Councilman Barry McCullough seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 12. on the Agenda.** **FIRST READING BILL 09-37**, amending Schedule IX of the Model Traffic Ordinance (Gladstone Municipal Code Section 4.100.020) designating speed zones in the City of Gladstone, Missouri to establish a 35 mph speed zone for Northeast 72nd Street from North Antioch Road east to the City limits.

Councilman Mark Revenaugh moved to place Bill 09-37 on its First Reading. Mayor Pro Tem Les Smith seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Mark Revenaugh moved to accept the First Reading of Bill 09-37, Waive the Rule and place the Bill on its Second and Final Reading. Mayor Pro Tem Les Smith seconded.

Mayor Pro Tem Smith said he was around when the Stonebrooke and Stonebrooke Estates subdivisions were rezoned, platted and developed. There was a lot of discussion from both neighborhoods at the time that the pool was built, about the traffic, as it related to the pool. They talked about everything from painting crosswalks, to stop signs, to traffic lights, to yellow lights, and to flashing lights. Mayor Pro Tem Smith asked if staff had talked to the neighborhoods, because the commitment at that time was that area would remain a low speed limit street. Mayor Pro Tem Smith asked if Public Safety had weighed in on a recommendation for this action.

City Manager Davis said yes, both Public Works and Public Safety were involved in these evaluations. The reason this is on the agenda is because Kansas City established a 35 miles per hour speed limit on 72<sup>nd</sup> Street between North Brighton and our city limits, and for a two block area, it drops to 25 miles per hour, and then it goes back to 35 miles per hour on the west side of 72<sup>nd</sup> Street. City Manager Davis said it was discussed because of the pool, that one thing in favor of this speed change is that there is a great sight distance either way. There are no hills that someone could travel over too fast. Children at Play signs or something of that nature will be placed in the area, and there may also be a cross walk, acknowledging the fact that there might be some children going from Stonebrooke Estates across the street. City Manager Davis said he would defer to Public Works Director Chuck Williams and Public Safety Director Mike Hasty, if necessary, as to what went into the decision.

Public Works Director Chuck Williams said what really initiated this action was a request from a citizen from Stonebrooke Estates, who suggested that since Kansas City was going to raise their speed limit, we should also raise our speed limit. Staff has performed a speed study in the past, and 85 percent of the people are driving at or below 40 miles per hour in a posted 25 miles per hour speed zone. Public Safety makes a concerted effort at trying to reduce that number, but unless an officer is sitting there, it is not going to occur. Another thing in factoring in the speed limit or any traffic control, is not to violate drivers' expectations. The drivers will be coming out of a 35 miles per hour speed zone, and they will be coming onto a somewhat wider street, and the expectation will be that the speed would remain the same, regardless of what the signs say. Director Williams suggested that this spring, as weather allows, staff could install an appropriately marked crosswalk that would serve the pool, and it could have the fluorescent yellow/green signing, which is now required by the Manual on Uniform Traffic Control Devices. The manual also allows for very bold black arrows, pointing down at the crosswalk, but staff could certainly do both to make it more visible. Director Williams said that staff did not initiate a conversation with either neighborhood in any detail.

Mayor Pro Tem Smith asked if Public Safety or the Traffic Division or anyone had a recommendation one way or the other?

Director Williams replied we spoke with them and we studied the traffic data, and there really is not a significant issue for accidents along there.

Mayor Pro Tem Smith said he is concerned about the children, and that was the concern with the residents when they placed the pool, because he was here and heard it and it was a huge concern, and he does not know if that concern has been lessened just because Kansas City increased their speed limit.

Director Williams replied that he is not aware of a significant pedestrian volume of traffic in that area. It is not that he is there every day by any means, but he is in that area on a reasonably regular basis in the summer, and he has never seen anyone crossing that street. That is not to say they don't, but he is just saying he has not seen it, and Public Safety could correct him on that. That is why he believes a pedestrian crosswalk would address any concerns to provide a safe location in which to encourage pedestrians to cross.

Councilmember Suter said she lives off of 72<sup>nd</sup> Street near that neighborhood, and travels that road often, and has never seen a child outside on the sidewalks or crossing the street, in any time of day, any day of the week. There is not a volume of pedestrians, compared to further west on 72<sup>nd</sup> Street, where there is a lot of pedestrian traffic.

Director Williams said he would not want to speak for the neighborhoods, but based on the current 85th percentile, he believes if there were very many that were doing that, there would be some indication from parents and residents in the neighborhood that we need to do more enforcement or do something to slow down the speeds. Director Williams said that staff has never received a phone call to that effect, but he shares Mayor Pro Tem Smith's concern.

Mayor Pro Tem Smith said he wants to be sure that staff is in the habit of getting a Public Safety recommendation on traffic issues. That ought to be good practice. Mayor Pro Tem Smith said we have a well-accredited traffic division, and he believes they should be weighing in one way or the other on any traffic related issues.

Mayor Rudi asked Mayor Pro Tem Smith if he felt the City should go to the extra effort of at least installing a painted crosswalk and arrows to begin with, so there is extra protection.

Mayor Pro Tem Smith said he would agree with that.

Mayor Rudi said that would be Council's recommendation to staff.

Director Williams said the signage may be installed at any point in time, even in the winter months. Pavement markings will have to wait until April or May.

The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Mark Revenaugh moved to accept the Second and Final Reading of Bill 09-37 and to enact the Bill as **Ordinance 4.128**. Mayor Pro Tem Les Smith seconded.

Mayor Pro Tem Smith apologized, but said he still does not understand if we, yes or no, have a recommendation from Public Safety, one way or another, on this issue.

City Manager Davis replied that it is his understanding that Public Safety is consulted on all traffic requests. There are certain warrants that have to be met, and certain analysis that have to be done, and he believes that Captain Bob Baer of the Traffic Unit participated in this particular exercise.

Roll call vote: "Aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, and Mayor Carol Rudi. "Nay" - Mayor Pro Tem Les Smith (4-1).

**Item 13. on the Agenda. FIRST READING BILL 09-38**, amending Schedule VIII of the Model Traffic Code (Gladstone Municipal Code Section 4.100.020) to establish "Stop" Sign locations at the northwest and southeast corners of the intersection at Northeast 72nd Terrace and North Monroe Avenue.

Mayor Pro Tem Les Smith moved to place Bill 09-38 on its First Reading. Councilman Mark Revenaugh seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the First Reading of Bill 09-38, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Mark Revenaugh seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Mayor Pro Tem Les Smith moved to accept the Second and Final Reading of Bill 09-38 and to enact the Bill as **Ordinance 4.129**. Councilman Mark Revenaugh seconded.

Roll call vote: All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 14. on the Agenda. FIRST READING BILL 09-39**, amending Schedule VIII of the Model Traffic Code (Gladstone Municipal Code Section 4.100.020) to establish a "Stop" Sign location at the southeast corner of the intersection at Northeast Shady Lane Drive and North Norton Avenue.

Councilman Barry McCullough moved to place Bill 09-39 on its First Reading. Councilmember Carol Suter seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.



Councilman Barry McCullough moved to accept the First Reading of Bill 09-39, Waive the Rule and place the Bill on its Second and Final Reading. Councilmember Carol Suter seconded. The Vote All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0). The Clerk read the Bill.

Councilman Barry McCullough moved to accept the Second and Final Reading of Bill 09-39 and to enact the Bill as **Ordinance 4.130**. Councilmember Carol Suter seconded.

Roll call vote: All "aye" - Councilman Barry McCullough, Councilmember Carol Suter, Councilman Mark Revenaugh, Mayor Pro Tem Les Smith, and Mayor Carol Rudi. (5-0).

**Item 15. on the Agenda. OTHER BUSINESS.**

There was no other business.

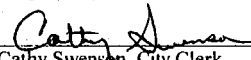
**Item 16. on the Agenda. QUESTIONS FROM THE NEWS MEDIA.**


There were no questions from the News Media.

**Item 17. on the Agenda. ADJOURNMENT.**

There being no further business to come before the December 14, 2009, Regular City Council meeting, Mayor Carol Rudi adjourned the Regular meeting, and said City Council would reconvene the Closed Executive Session.

Respectfully submitted:

  
Cathy Swenson, City Clerk

Approved as submitted: ☒  
Approved as corrected/amended: ☐  
  
Mayor Pro Tem Les Smith