



**MINUTES
CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, OCTOBER 24, 2011**

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

Councilmember Jean Moore opened the City Council Meeting to adjourn to a Closed Executive Session on October 24, 2011, at 6:15 PM. Councilmember Jean Moore 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 Brian Hill seconded.

Roll Call Vote: All "aye" – Councilman Bill Garnos, Councilman Brian Hill, and Councilmember Jean Moore. (3-0).

Mayor Pro Tem Carol Suter and Mayor Barry McCullough were also present at the Closed Executive Session.

Mayor Barry McCullough adjourned the Closed Executive Session.

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

PRESENT: Mayor Barry McCullough
Mayor Pro Tem Carol Suter
Councilmember Jean Moore
Councilman Brian Hill
Councilman Bill Garnos

City Manager Kirk Davis
Assistant City Manager Scott Wingerson
City Counselor Randall Thompson
City Clerk Cathy Swenson

Item 2. on the Agenda. ROLL CALL.

Mayor Barry McCullough opened the Regular October 24, 2011, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and noted that all Council members were present.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

Mayor Barry McCullough led the Pledge of Allegiance, in which all joined.

Item 4. on the Agenda. APPROVAL OF THE REGULAR OCTOBER 10, 2011, CITY COUNCIL MEETING MINUTES.

Councilman Brian Hill moved to approve the **REGULAR OCTOBER 10, 2011 CITY COUNCIL MEETING MINUTES** as presented. Councilmember Jean Moore seconded.

The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0)

Item 5. on the Agenda. CONSENT AGENDA

Following the Clerk’s reading, Councilman Bill Garnos asked that **RESOLUTION R-11-88**, rescinding and replacing Resolution R-11-86, and authorizing execution of a professional architectural service agreement with Brian Clark & Associates, Inc. in an amount not to exceed \$18,365.00 for the Village Center Amenities – Phase 1 Consulting Services Project, be removed from the Consent Agenda, as he would be abstaining from the vote on this item, as he did at the last meeting.

Note: At the October 10, 2011, City Council Meeting, Councilman Bill Garnos stated he would be abstaining from voting on this matter, as he had a prior business dealing with one of the firms involved in the Confluence team.

Mayor McCullough stated that Resolution R-11-88 would be removed from the Consent Agenda, and would be considered under the Regular Agenda as Item 5a.

Mayor Pro Tem Carol Suter moved to accept the Consent Agenda as amended. Councilmember Jean Moore seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0)

Mayor Pro Tem Carol Suter moved to adopt **RESOLUTION R-11-87**, authorizing acceptance of a proposal from Bartlett and West for the metering of sanitary sewer inflow and infiltration in the amount of \$28,400.00. Councilmember Jean Moore seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0)

Mayor Pro Tem Carol Suter moved to approve the **SEPTEMBER 2011 FINANCIAL REPORT**. Councilmember Jean Moore seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0)

Item 5a. on the Agenda. **RESOLUTION R-11-88**, rescinding and replacing Resolution R-11-86 and authorizing execution of a professional architectural service agreement with Brian Clark & Associates, Inc. in an amount not to exceed \$18,365.00 for the Village Center Amenities – Phase 1 Consulting Services Project.

Councilman Brian Hill moved to adopt **RESOLUTION R-11-88**, rescinding and replacing Resolution R-11-86 and authorizing execution of a professional architectural service agreement with Brian Clark & Associates, Inc. in an amount not to exceed \$18,365.00 for the Village Center Amenities – Phase 1 Consulting Services Project. Councilmember Jean Moore seconded.

The vote: “Aye” – Councilman Brian Hill, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Barry McCullough. “Abstain” – Councilman Bill Garnos. (4-0-1).

Item 6. on the Agenda. **COMMUNICATIONS FROM THE AUDIENCE.**

Anne Alexander, 3121 NE 59th Terrace, #3, began by saying that she understands from various members that progress is being made with the barking dogs. More and more, this is not just her problem, but also a universal problem, but people do not want to make their neighbors mad, so they won't come talk to the City Council to do something about it. The history of this is that for almost three years the dog barked between midnight and 6:00 AM. She would call the police, they would come out, they go to the barking dog's family, and she signs the complaint. Then they got to go to court. She has been to court five times. Once she goes to court, they keep their dog quiet for a while, and then, invariably, it starts again. Ms. Alexander said she is looking forward to not getting up at night to meet the police; however, she does not know what more the police could do than they have already done. Ms. Alexander asked the City Council if they plan to utilize an existing Ordinance.

Mayor McCullough stated that was correct.

Ms. Alexander said she would like to see a copy of the Ordinance, and asked what the City Council feels the police can do beyond what they have done, because they have been a huge help. Ms. Alexander said she would like to see these things in writing. Sunday, she discovered on the next block are two yappy little dogs. Ms. Alexander invited another resident to step forward to visit with the City Council about a dog with which he has a concern.

Nick Compton, 3011 NE 59 Terrace #4, stated the last couple of months he has been having a problem with a barking dog directly behind him. He visited the office at Kendallwood to see if the dog bothered anyone else, and they gave him Anne's number. He met up with Anne, they compared notes, and he wanted to back her up on this issue. Mr. Compton said he had talked to other individuals who were afraid to confront the owner, but they acknowledged that they could not sleep at night. The dog barks all night long, and it appears to him that some of the animals

are being abused. The one behind him is on a chain, and he does not know if they ever take it in. It just yelps and yelps with a high pitch voice – something is going on. Mr. Compton suggested this might be fought on two levels. The abuse of the animals and the barking.

Mayor McCullough encouraged Mr. Compton to contact Animal Control directly if he believes there was abuse, and reporting barking dogs to the police is an option, especially when it is overnight. It is probably impacting others who are trying to sleep. With repeated offenses, that mechanism can kick in as Ms. Alexander has experienced, where the owner is ultimately fined. That seems to be a useful mechanism for solving the problem. Mayor McCullough stated that Counselor Thompson could provide documentation as to our Ordinances and how the noise Ordinance would relate to this particular incident.

Counselor Thompson invited Ms. Alexander and Mr. Compton to contact him, and he would be happy to go over the Ordinances on the books and discuss how they work.

Mr. Compton agreed that he would call Animal Control during the day to report abuse or barking.

Counselor Thompson stated that an animal on a chain could be in violation of the City's Ordinance, so that needs to be reported.

Larry Newport, 2002 NE 69 Terrace, thanked Parks and Recreation Director Sheila Lillis, Recreation Programmer Paige Robbins and all the staff for a nice lunch they had last Friday at the Community Center.

Item 7. on the Agenda. COMMUNICATIONS FROM THE CITY COUNCIL.

Councilman Bill Garnos had no comments at this time.

Councilman Brian Hill stated he was contacted today by a resident in the 6700 block of North Woodland. The resident was concerned that he had received a communication from the homeowners' association saying there have been a lot of burglaries and break-ins of vehicles in that area. Councilman Hill said he would like to respond to the resident as to whether Public Safety has taken any action.

City Manager Kirk Davis asked that if Councilman Hill would provide the resident's name and address, staff would be happy to contact him. City Manager Davis said he was not aware of any history in that general area, but Captain Jeff Self was in the audience, and he was certain he made note of the concern. Staff would be happy to contact the gentleman, find out the history of this area, and get back to Councilman Hill.

Councilman Hill said the homeowners' association sent out something in their newsletter about this issue. Although, he does not know the homeowners' association's president's name, that may be someone who would be appropriate to also contact to see what the neighborhood's concerns are, and to coordinate with Public Safety.

City Manager Davis said he would follow-up on this issue.
Councilmember Jean Moore had no comments at this time.

Mayor Pro Tem Carol Suter asked for an update on the trail in Happy Rock Park West. Where are we in the process and her neighbors are asking when the bridge will be completed.

Assistant City Manager Scott Wingerson replied that he was not certain of the exact completion date of the bridge, but it will be quite an event when it is completed. The project is expected to be substantially complete by November 15.

Mayor Barry McCullough welcomed Anthony Nichols, who is a Poli Sci (Political Science) student, and asked if Mr. Nichols had any questions he wished to ask the City Council.

Mr. Nichols thanked the Mayor and City Council for allowing him to visit this evening. Mr. Nichols stated that everyone who works in the front office is extremely helpful every week when he comes into City Hall asking questions. The City has a great staff, who is very patient.

Mayor McCullough thanked Mr. Nichols and said that is wonderful to hear. Mayor McCullough asked Mr. Nichols where he attends school.

Mr. Nichols said he attends Park University and Maple Woods. He just transferred here from Arizona, so he needs to make up some “gen ed” that did not transfer, and he is currently studying social services.

Mayor McCullough offered good luck to Mr. Nichols and invited him to attend City Council meetings any time.

Mayor McCullough congratulated City Manager Davis on his appointment to the Board of Directors for the KC Area Development Council. It is a prestigious appointment, it speaks well for him.

City Manager Davis thanked Mayor McCullough and said he was looking forward to serving on the Board.

Mayor McCullough said he had the pleasure of speaking to 105 new inductees into the National Junior Honor Society at Antioch Middle School last week. It was a “blast”, and fantastic to know that we have that many good kids coming up through our school system right here in Gladstone.

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

City Manager Kirk Davis reported that 8:00 AM to 5:00 PM, November 4, 5 and 6, is the City’s brush drop-off weekend at Public Works. That is the half-price weekend. If folks want to get rid of some branches and yard debris, that would be the time to do it.

City Manager Davis stated that Friday Fright Night is always popular in Oak Grove Park, and that will be held this Friday night, from 6:00 PM to 9:00 PM. This would be an opportunity to see a bunch of kids in their costumes!

Item 9. on the Agenda. **RESOLUTION R-11-89**, authorizing acceptance of a proposal from Olathe Ford for the purchase of a 4x4 truck with snow plow in the net purchase amount of \$48,492.00.

Councilmember Jean Moore moved to adopt **RESOLUTION R-11-89**, authorizing acceptance of a proposal from Olathe Ford for the purchase of a 4x4 truck with snow plow in the net purchase amount of \$48,492.00. Councilman Brian Hill seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0)

Item 10. on the Agenda. **RESOLUTION R-11-90**, authorizing acceptance of a proposal from Shawnee Mission Ford for the purchase of a 4x2 truck with snow plow for the net purchase amount of \$38,957.00.

Councilman Brian Hill moved to adopt **RESOLUTION R-11-90**, authorizing acceptance of a proposal from Shawnee Mission Ford for the purchase of a 4x2 truck with snow plow for the net purchase amount of \$38,957.00. Mayor Pro Tem Carol Suter seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0)

Item 11. on the Agenda. **RESOLUTION R-11-91**, authorizing acceptance of a proposal from Olathe Tractor & Equipment for the purchase of a tractor with boom mower in the net purchase amount of \$84,987.00.

Councilmember Jean Moore moved to adopt **RESOLUTION R-11-91**, authorizing acceptance of a proposal from Olathe Tractor & Equipment for the purchase of a tractor with boom mower in the net purchase amount of \$84,987.00. Mayor Pro Tem Carol Suter seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0)

Item 12. on the Agenda. **RESOLUTION R-11-92**, authorizing acceptance of a proposal from Diamond International for the purchase of a dump truck with snow plow and spreader in the net purchase amount of \$82,337.00.

Councilman Bill Garnos moved to adopt **RESOLUTION R-11-92**, authorizing acceptance of a proposal from Diamond International for the purchase of a dump truck with snow plow and spreader in the net purchase amount of \$82,337.00. Mayor Pro Tem Carol Suter seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, Mayor Pro Tem Carol Suter and Mayor Barry McCullough. (5-0)

Item 13. on the Agenda. **FIRST READING BILL 11-27**, amending Schedule V of the Model Traffic Code (Gladstone Municipal Code Section 4.100.020), to establish a “No Parking” Zone along the north and south sides of Northwest 61st Street for east and westbound traffic from North Broadway Avenue east 150 feet.

Mayor Pro Tem Carol Suter moved to place **Bill 11-27** on its First Reading. Councilmember Jean Moore seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Barry McCullough. (5-0). The Clerk read the Bill.

Mayor Pro Tem Carol Suter moved to accept the First Reading of **Bill 11-27**, Waive the Rule and place the Bill on its Second and Final Reading. Councilmember Jean Moore seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Barry McCullough. (5-0). The Clerk read the Bill.

Mayor Pro Tem Carol Suter moved to accept the Second and Final Reading of **Bill 11-27**, and to enact the Bill as **Ordinance 4.199**. Councilmember Jean Moore seconded.

Roll call vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Barry McCullough. (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 media.

Item 16. on the Agenda. **ADJOURNMENT.**

There being no further business to come before the October 24, 2011, Gladstone Regular City Council Meeting, Mayor Barry McCullough adjourned the meeting.

Respectfully submitted:

Cathy Swenson, City Clerk

Approved as submitted: ____
Approved as corrected/amended: ____

Mayor Barry McCullough