



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, FEBRUARY 27, 2012**

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

Councilmember Jean Moore opened the City Council Meeting to adjourn to a Closed Executive Session on February 27, 2012, at 6:00 PM. Councilman Brian Hill 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 Bill Garnos seconded.

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

Mayor Barry McCullough was 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  
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

**ABSENT:** Mayor Pro Tem Carol Suter

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

Mayor Barry McCullough opened the Regular February 27, 2012, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and noted that all Council members were present, except for Mayor Pro Tem Carol Suter, who was on vacation.

**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 FEBRUARY 13, 2012, CITY COUNCIL MEETING MINUTES.**

Councilman Brian Hill moved to approve the **REGULAR FEBRUARY 13, 2012, CITY COUNCIL MEETING MINUTES** as presented. Councilmember Jean Moore seconded.

The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, and Mayor Barry McCullough. (4-0)

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

Following the Clerk’s reading, Councilman Brian Hill moved to accept the Consent Agenda as presented. Councilmember Jean Moore seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, and Mayor Barry McCullough. (4-0)

Councilman Brian Hill moved to adopt **RESOLUTION R-12-21**, authorizing acceptance of a proposal from Landmark Dodge, for the purchase of two (2) 2012 Dodge Police Chargers for the total purchase amount of \$43,826.00. Councilmember Jean Moore seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, and Mayor Barry McCullough. (4-0)

Councilman Brian Hill moved to adopt **RESOLUTION R-12-22**, authorizing execution of a contract with A.T. Switzer Painting Company, in the total amount not to exceed \$42,571.00 for the Painting Outdoor Swimming Pool Project. Councilmember Jean Moore seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, and Mayor Barry McCullough. (4-0)

Councilman Brian Hill moved to adopt **RESOLUTION R-12-23**, authorizing acceptance of a proposal from Foremost Equipment, Rochester, New York, for the purchase of twenty (20) Zoll Plus Automatic External Defibrillators (AEDs) for the total purchase amount of \$25,000.00. Councilmember Jean Moore seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, and Mayor Barry McCullough. (4-0)

Councilman Brian Hill moved to adopt **RESOLUTION R-12-24**, accepting Temporary Construction and Permanent Drainage Easements in conjunction with the Northeast 76<sup>th</sup> Street Reconstruction Project. Councilmember Jean Moore seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, and Mayor Barry McCullough. (4-0)

Councilman Brian Hill moved to approve a **CHANGE IN LOCATION ONLY** for End Zone II, LLC, which holds a Class AE Liquor by the Drink License, from 6420 North Prospect to 6583 North Oak Trafficway. Managing Officer: Donna L. Armstrong. Councilmember Jean Moore seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, and Mayor Barry McCullough. (4-0)

Councilman Brian Hill moved to approve the **JANUARY 2012 FINANCIAL REPORT**. Councilmember Jean Moore seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, and Mayor Barry McCullough. (4-0)

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

Larry Newport, 2002 NE 69 Terrace, thanked the Parks and Recreation Department for the nice breakfast they put on, and thanked the City of Gladstone and Parks and Recreation Director Sheila Lillis for the new Senior bus.

Robert Stover, 1605 NE 67 Street, stated he had visited with the City Attorney about a proposed change in the animal control Ordinance. Mr. Stover said he was in law enforcement and is now disability retired, and back in the old days of law enforcement, when there was domestic violence situations, the police would ask the injured spouse whether or not they wanted to press charges. That did not work, and now the police officers file the charges, so the spouse does not have to put themselves out there. In our City’s barking situations, there are numerous times when dogs are barking on a regular basis, and before Animal Control will cite, there has to be a complaint signed by one of the citizens. Mr. Stover said he would like to see, rather than pitting citizens against citizens, because we have had some assault situations happen as a result of that, is some type of change where if there are multiple complaints by parties in the surrounding area of the dog, and people all go together or individually call, that the City would be the one who files the charges against the dog owner and not put neighbor against neighbor. That harbors a lot of resentment and it just does not go away, and lasts for long periods of time.

Mayor McCullough thanked Mr. Stover for his remarks, and asked City Counselor Thompson to follow up with Mr. Stover on this issue.

City Counselor Thompson said as to domestic violence circumstances, there is rather particular legislation that was aimed at a particular problem. Generally speaking, our City Ordinances must track with State Ordinances, and there is no provision in State Ordinances or Statutes that allow an officer to be the complaining party if they did not witness a particular circumstance concerning a dog barking. However, our officers already have that authority and will often times

write their own complaint if they are in fact present when the dog is barking, but if they are not present when the dog is barking, they have to rely upon the witness or the individual who reported it.

Mr. Stover said he understood, but he believed that most of the violations that we are talking about occur in the middle of the night, not during the customary hours of animal control. It also takes the valuable time of the police to respond to these calls, when they could be doing more important things than sitting around a neighborhood waiting for the dogs to bark, before they do a “knock and talk”. Mr. Stover said he is the President of his Neighborhood Association and he hears from other Presidents that it is a big problem, and a lot of people don’t want to do anything because they do not want to be the one that went against the neighbor. Mr. Stover said he believes in the case of multiple complaints this could be done, so it is not a “he said” “she said” type of thing.

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

**Councilman Bill Garnos** reported that the first Coffee with Council was held last Wednesday, and Mayor Pro Tem Carol Suter and he were there. There were ten citizens who showed up, all with questions and issues and things to discuss. For limited advertising and a first time, it went well and was well received. Councilman Garnos thanked Public Information Officer Richard King for his support and help with this. The next Coffee with Council is scheduled for a week from Wednesday, at 2:00 PM, at Perkins Family Restaurant on North Oak Trafficway. Councilman Garnos said people are becoming more comfortable coming before Council with issues and questions and problems, and hopefully, this will be an extension of that, and give the Council an opportunity to have a dialogue with citizens, instead of having an issue presented via a one-way communication. This effort is off to a good start. Hopefully, this will be good for everyone in the long run.

**Councilman Brian Hill** stated there have been swim meets at the Community Center, and he has heard from three different people who are members of the Community Center, who contacted him over the last week or ten days to complain about parking problems. Councilman Hill said it was his understanding that if there was an event such as a swim meet on a weekend, that there would be a staff person monitoring the parking lot, directing people, who are not members and who are attending the event, where to park. All three people said they were at the Community Center on a Friday or Saturday, and a couple ended up parking at the ball field, because the lot was full, and no one was monitoring the parking lot.

Councilman Hill stated he noticed there was some earth moving work on Antioch Road, at about 56<sup>th</sup> or 57<sup>th</sup> Street, where the warm tamale stand is on the weekends. The northern part looks like it is becoming a dump. Councilman Hill said he wanted to point that out to the Codes staff to be sure they were aware of this issue.

**Councilmember Jean Moore** had no comments at this time.

**Mayor Barry McCullough** said he has enjoyed the trails in the parks. The last two weekends, he and his wife have taken their dogs and enjoyed walking on the trails, along with, he believed, everyone else in the City! There is a lot of activity on the trails, which is fun to see.

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

City Manager Kirk Davis stated in response to the issues that Councilman Hill raised, staff is on top of the trash issue. Staff has talked to the property owners, and that issue is hopefully being resolved, but it is in the process, and folks have been cited at this point in time. City Manager Davis said in regard to the Community Center parking, that will be looked at again to be certain there were people who were monitoring the parking lot. City Manager Davis said he knew there was signage up, and people were in part of the lot at least part of the time, because he experienced the same thing. There are a couple of issues, people may also park at City Hall, especially in the evenings, there is parking around the park, and there are 250 spaces at the Community Center.

City Manager Davis said, as the Council knows, the City is hoping to fund a parking lot that will be next to the Gladstone Area Chamber of Commerce house that will also serve as overflow parking for these big events. These big events are very popular, and are drawing about 600 swimmers per day, and over the course of two to three days, that is usually a capacity crowd. Staff tries to hold spaces in the Community Center parking lot for members, and block that off. City Manager Davis said he knew that staff did that, but he is not sure if people moved the signs, but that will be looked at to make sure people are adequately advised as to where to park. During the big meets, parking is at a premium.

**Item 9. on the Agenda.            FIRST READING BILL NO. 12-3,** 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, 2012.

Mayor McCullough explained that the following Bills that are being considered by the Council always cause confusion because of the way these Bills were legislated. The Council may approve one and not approve the other so the City may participate in both Sales Tax Holidays.

Councilmember Jean Moore moved to place **Bill 12-3** on its First Reading. Councilman Brian Hill seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, and Mayor Barry McCullough. (4-0). The Clerk read the Bill.

Councilmember Jean Moore moved to accept the First Reading of **Bill 12-3**, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Brian Hill seconded. The vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, and Mayor Barry McCullough. (4-0). The Clerk read the Bill.

Councilmember Jean Moore moved to accept the Second and Final Reading of **Bill 12-3**, and to enact the Bill as **Ordinance 4.206**. Councilman Brian Hill seconded.

Roll call vote: All “aye” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, and Mayor Barry McCullough. (4-0).

**Item 10. on the Agenda.**     **FIRST READING BILL NO. 12-4**, an Ordinance to opt out of the State imposed Sales Tax Holiday, between August 3 and August 5, 2012.

Councilman Brian Hill moved to place **Bill 12-4** on its First Reading. Councilmember Jean Moore seconded. The vote: All “nay” – Councilman Bill Garnos, Councilman Brian Hill, Councilmember Jean Moore, and Mayor Barry McCullough. (0-4).

Mayor McCullough stated that Bill No. 12-4 was not approved.

**Item 11. on the Agenda.**     **OTHER BUSINESS.**

There was no other business.

**Item 12. on the Agenda.**     **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

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

There being no further business to come before the February 27, 2012, Gladstone Regular City Council Meeting, Mayor Barry McCullough adjourned the meeting.

Respectfully submitted:

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Cathy Swenson, City Clerk

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

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Mayor Barry McCullough