



**MINUTES
CITY COUNCIL
MEETING
GLADSTONE,**

**MISSOURI
MONDAY, SEPTEMBER 23, 2013**

Mayor Jean Moore opened the City Council Meeting to adjourn to a Closed Executive Session on September 23, 2013, at 6:20 PM. Councilmember Carol Suter made a motion to adjourn to Closed Executive Session pursuant to Missouri Open Meeting Act Exemptions 610.021(2) for Real Estate Acquisition Discussion. Councilman Bill Garnos seconded.

Roll Call Vote: All “aye” – Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (4-0).

Councilman Gary Markenson was also present at the Closed Executive Session.

PRESENT: Mayor Jean Moore
Mayor Pro Tem Brian Hill
Councilmember Carol Suter
Councilman Bill Garnos
Councilman Gary Markenson

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

ABSENT: City Manager Kirk Davis

Item 2. on the Agenda. ROLL CALL.

Mayor Jean Moore opened the Regular September 23, 2013, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and noted that all City Council members were present.

Mayor Jean Moore welcomed everyone who attended the meeting in person and also those watching the meeting on-line. Mayor Moore said it was not often that there was a full house as there was this evening, so this was a big treat for everyone. Mayor Moore said

she and the City Council thanked everyone for their interest and involvement in City government.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

Mayor Moore introduced Gladstone Veterans of Foreign Wars (VFW) Post 10906, and said it was a privilege to have them present the Colors and lead the Pledge of Allegiance this evening. Members of the Post presented the Colors and led the Pledge of Allegiance, in which all joined.

Mayor Moore stated it was an honor for the City to have the State Color Guard present at this meeting. It was a joy having them and their efforts are deeply appreciated.

Item 4. on the Agenda. APPROVAL OF THE SEPTEMBER 9, 2013, REGULAR CITY COUNCIL MEETING MINUTES.

Mayor Pro Tem Brian Hill moved to approve the September 9, 2013, Regular City Council Meeting Minutes, as presented. Councilman Gary Markenson seconded.

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

Mayor Moore stated Councilman Garnos was absent from the September 9, 2013, Regular City Council meeting, so he abstained from this vote.

Item 5. on the Agenda. PROCLAMATION: Designating October 6-12, 2013, as “FIRE PREVENTION WEEK” in Gladstone, Missouri.

Mayor Moore invited the City firefighters who were present to please join her in front of the Council dais, where she read and presented to them the Proclamation. Mayor Moore invited the firefighters to introduce themselves as follows: Battalion Chief Sean Daugherty, Fire Captain Larry Kipping, Paramedic/Firefighter Barry Huff, Paramedic/Firefighter Tyler Rawley, Paramedic/Firefighter Mike Rogers, Paramedic/Firefighter Rachel Barker, Paramedic Firefighter Justin Perez, EMT/Firefighter Shawn Rulon, Paramedic/Firefighter Kim Shook, and Paramedic/Firefighter Tyler McCommins.

Following applause from the audience, Mayor Moore said whether it was Fire Prevention Week or the other 365 days of the year, the City thanks the firefighters for all they do to keep our City safe.

The firefighters thanked the Mayor and City Council.

Item 6. on the Agenda. **DISTINGUISHED SERVICE AWARDS** to **Luke Newport** and **Lois Domsch** and the **Antioch Middle School SAGE Class** for their commitment to the success of the Atkins-Johnson Farm and Museum.

Mayor Moore stated this was the first time a Distinguished Service Award had been presented. It is a brand new award that has been developed in the City of Gladstone, and tonight, Luke Newport and Lois Domsch and the Antioch Middle School were being honored for their commitment to the success of the Atkins-Johnson Farm and Museum.

Mayor Moore reported that these individuals received the Best Friends Award from the Atkins-Johnson Farm. This is an award that is given every year to people who have gone above and beyond to really make a difference in the Atkins-Johnson Farm. These individuals have done that. Mayor Moore said the City Council felt they deserved a little extra measure of thanks from them as well. Mayor Moore invited Mrs. Domsch and her SAGE class and Luke Newport to join her at the Council dais.

Mayor Moore stated Mrs. Domsch turned an idea about the barn at Atkins-Johnson Farm into an entire quarter's lesson plan about planning, marketing and community service. Initially, they had planned to just raise funds for the barn, and they successfully did that by pizza and t-shirt sales, and so they began another effort. Mayor Moore asked Mrs. Domsch to talk about that effort.

Mrs. Domsch said a friend, Dee Clemente, gave them parts for old fashioned dolls, so she figured out the process of making the dolls, and they began the process of manufacturing and selling the dolls.

Mayor Moore said this was an amazing story and she knew the students had a good time with the projects.

Mayor Moore invited the students to introduce themselves. The SAGE class students who were honored were: Dakota Ake; Madeleine Bailey; Jacob Bartz; Asa Biggs; Caitlynn Bohanon; Sydney Brogdon; Darrell Cawley; Abigail Clapham; Luci Conkling; Charlie Cunningham; Kaden Evans; Hannah Hernandez; Alexander Hulsey; Jorji Kellog; Harper Ross; Richard Sander; Liam Schrader; Timothy Upschulte; and Zack Watson.

Mayor Moore presented the Distinguished Service Award to Mrs. Domsch, and also one to the Antioch Middle School SAGE class for display at the school.

Mayor Moore said she and the City Council were so touched by the efforts of these young people for the Atkins-Johnson Farm, and she hoped that they continue their efforts, which are remarkable, and the City was so grateful for all they have done.

Mayor Moore said it was the Council's understanding that Luke Newport has gone way above and beyond, and if he could drive, he would be at the Atkins-Johnson Farm and Museum every day! Mayor Moore said she and the Council wished to honor him as well, as he has made a difference and really shone. Mayor Moore thanked Luke for everything he has done – it has been a great effort.

The presentations were followed by applause from the audience.

Mrs. Domsch explained that community service is part of the SAGE program. The parents and the school offer their support for this program.

Mayor Moore stated it “takes a village”, so it takes a big effort from parents and other teachers as well. Mayor Moore invited Luke to talk about his award and what he did, and asked him about the favorite thing that he did.

Luke Newport replied that his favorite project was the garage sale, where he helped a lot with setting up, and he also donated a lot of things to the sale. It was fun and he liked it.

Mayor Moore stated Luke's energy was something that everyone could take as a model for an outstanding effort.

Mayor Moore's comments were followed with applause from the audience.

Item 7. on the Agenda. CONSENT AGENDA

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

Councilmember Carol Suter moved to adopt **RESOLUTION R-13-49**, declaring certain City property as surplus and authorizing the sale of such property held by the City to the highest bidder at auction or by sealed bid; and authorizing the donation of surplus items to the Surplus Exchange. Mayor Pro Tem Brian Hill seconded. The vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-13-50**, authorizing acceptance of a proposal from Landmark Dodge Chrysler Jeep, Independence, Missouri for the purchase of one (1) Dodge Charger Police vehicle for the total purchase amount of \$22,796.57. Mayor Pro Tem Brian Hill seconded. The vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-13-51**, authorizing acceptance of work under contract with Linaweaver Construction, Incorporated, for the North Broadway Reconstruction – Northwest 76th Street to 250 Feet Beyond the City Limits Project, and authorizing final payment in the amount of \$500.00 for Project TB1114. Mayor Pro Tem Brian Hill seconded. The vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0)

Councilmember Carol Suter moved to adopt **RESOLUTION R-13-52**, authorizing Change Order No. 3 in the amount of \$158,704.88 to the contract with Hettinger Excavating LLC, for addition of 2014 quantities, as part of the 2013 Small Water Main Replacement Project. Mayor Pro Tem Brian Hill seconded. The vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0)

Councilmember Carol Suter moved to adopt the **AUGUST 2013 FINANCIAL REPORT**. Mayor Pro Tem Brian Hill seconded. The vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0)

REGULAR AGENDA

Item 8. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE.

Pete Hall, 5621 North Clinton Place, Gladstone, Missouri, began by saying that he came before the Mayor and City Council this evening for the purpose of talking a little bit about the Clay County Constitution. Approximately 175 years ago the form of government that is used to govern Clay County was established. Back then there were about 5,000 people. Mr. Hall said he was confident that what was established was pretty good 175 years ago. That form is still with us today. Some Statutes have changed, but, generally, the same form is in place. The voters of Clay County have asked the Charter be drawn this last year. Mr. Hall said he was very impressed with the group the Court appointed. One of our City Council members is on the Commission. There were fourteen people on the Commission, seven Democrats and seven Republicans, who held fourteen public hearings. It was very unusual to hold that many public hearings, but they were very sincere about their efforts in putting together a document that could govern the County.

Mr. Hall said he read the Constitution many times, and attended several of the meetings, and he wished to briefly talk about the facts of that document. On November 5, 2013, there will be a vote of the people of Clay County to see if that is the kind of government we would like to have. A lot of misunderstanding and unique things have happened. Historically, the facts get distorted the closer to the election that we get. Mr. Hall said the

current elected officials had his respect because all elected officials do. The Constitution would be chosen by the voters, so they are going to do all that they can do to try to keep their form of government going.

Mr. Hall reported that it would be a seven member Council, which would mirror the Gladstone City Council, except that there are seven members and not five. There would be six members from districts that will be chosen. Right now, we have two members, who represent 120,000 people in each district. This would pare that down to 38,000 to 39,000 people, but they would be equal districts. They would have one at-large individual, who would chair the group to make seven members. They would all have a vote, and there would be no veto power. It would be a non-partisan group. That would be very interesting, because 100 percent of the people who attended the public hearings voted that they wanted a non-partisan government in Clay County, and the attendees were asked at each public hearing. This would be similar to Gladstone. There are no other partisan City governments in Clay County at this point in time.

Mr. Hall stated that the elected officials of Clay County average about \$85,000 per year in salary and benefits, and they are not required to have any qualifications to do the job they have. They are protected because there is no way to recall them, or take them out of their jobs for a period of four years, which is how long their term is. The term would be the same with the new Commission. There would be the opportunity for people to do referendums, to recall them if there is something the voters do not like, or to change some of the government that the voters may not agree with that does not exist today.

Mr. Hall said one of the most unique things is that right now the County Commission has the ability to tax the people of Clay County up to 80 cents per \$100 of assessed valuation. Mr. Hall said currently, it is 21 cents. Two people can increase by an excess of 300 percent that tax for any reason or no reason at all. There are no criteria and it takes two people of the three to be able to do that. Mr. Hall said that scared him a little bit. The Constitution basically caps the 21 cents at 14 cents. There would be a 14 cent levy, and it would only be able to be increased by a vote of the people, so the Commissioners would not be able to increase the tax on the people without their approval. They can certainly work hard to get it passed if there is a good reason to do that. All of the elected positions, with the exception of the Sheriff and Prosecuting Attorney would be done away with, and discontinued, and a new form, which would be a County Administrator, similar to what we have in Gladstone, would be hired and they would have the ability, with the approval of the Council, to consolidate departments and hire qualified people for the different entities. Mr. Hall said that vote is November 5th. Mr. Hall said he had found, as he has gone around the County and to the City Councils, that there are a lot of questions. Mr. Hall asked the Mayor and Council if they had any questions about this issue.

Councilman Gary Markenson said, as a point of information, there is only one city in Missouri that has partisan elections, and that is the City of St. Louis. All the other 1,000 are non-partisan elections.

Mr. Hall stated there are none on this side of the state and none in Clay County for sure.

Councilman Markenson agreed that was correct.

Mr. Hall said the Commission members were very qualified and distinguished. There were six attorneys and a prior Commissioner. It was a very qualified group. They were originally pretty well split on partisan versus nonpartisan, but when there were 100 percent of the people who were asked the question if they preferred their County government to be partisan or nonpartisan, it was really hard for them to stick by their guns if they thought it should be partisan. The Commission had done an extraordinary job and it is unanimous. When that many strong Democrats and Republicans agree 100 percent in support of the document that was done, is amazing. What we do now is very antiquated and is full of very expensive mistakes. It is not a good system, and this would allow us to come into the 21st century.

Mr. Hall stated that when one goes to national Municipal League meetings, they will hear that when counties form constitutions, they seem to begin to grow and prosper. They find additional money to get other things done, so it is a rather exciting time that we are in right now. There are five large counties in Missouri that do have Charters. They are all a little different. Here, locally, we know that Jackson County and Johnson County both have Charters. This Charter was not copied from Johnson County, but when they are compared, it is very similar, and they are not doing too badly over there.

Mr. Hall said it was his sincere belief that the Mayor and City Council lead the City of Gladstone. The people in our community look to them to help provide direction. Mr. Hall said he wished to ask this evening that the Mayor and Council consider a Resolution in support of the new Constitution that would come before the voters in November. This is necessary for the growth of the County and it would save the citizens an awfully lot of money. The new County Council members would make \$1,000 per month as opposed to the \$85,000 mentioned earlier. We would not have paid politicians. We would have a little more citizen participation than we do in some of our cities. Mr. Hall said he knew that the existing government would love to continue on like it is – it is a pretty good deal. Mr. Hall said he believed that we need to stand up for what we believe is right; he knows he does.

Mayor Moore thanked Mr. Hall.

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

Councilman Gary Markenson had no comments at this time.

Councilman Bill Garnos thanked Mr. Garner and everyone else who worked so hard to put on the car show the weekend before last. He missed it when we went a year or two without the car show as a part of Gladfest. He thought this year's show was terrific. The cars and trucks were terrific. The attendance was great. There were a lot of people there, and it could not have been a nicer day. It was one of those City activities where you see all your neighbors and parents taking their kids out to show them classic cars. It was a really nice event.

Councilman Garnos said each week the Kansas City Star newspaper has a *Northland Neighborhood News* section that has always been a very weak section. He does not know how sections for other parts of the town are, but the *Northland* section is pretty weak. They were advertising, starting this week, a new expanded Northland section called *816 North*, and he believes it will give Public Information Officer Richard King and staff some new opportunities to help tell the story here in Gladstone, and to promote some of the positive things in our City. Councilman Garnos said he was looking forward to the new section.

Councilmember Carol Suter said to follow-up with the remarks by Councilman Garnos, the reporter who was covering a story with which she was involved was commenting last week that now it would be a bigger version, he has to write a bigger story. Councilmember Suter thanked the City of Gladstone for allowing the Constitution Commission to hold one of their public meetings at the Community Center last week. It was very well attended and a very nicely hosted event. Councilmember Suter said she was always delighted when public meetings are held, how often Gladstone residents appear. Our model for citizen engagement applies for things beyond the City of Gladstone, because people have become used to getting out to participate. Councilmember Suter noted that people from Gladstone are often seen, whether the meetings are here or somewhere else, and she has appreciated that.

Councilmember Suter said she had just returned today from a vacation in the Rocky Mountains. It was supposed to be in a house that they rented on the Big Thompson River just above Estes Park. Obviously, their vacation plans were changed, and they found some great accommodations elsewhere. Going to a city and state that is engulfed in so much destruction, and their reliance on so many emergency services reminded her again how absolutely critical to life in America are local city governments. The first responders are always the people from the city. Whether it is a big or little city, whether it is Boulder or a little town in the mountains that only has 50 people and maybe a Constable, everyone looks to city government first. That is who is there first in time, and then state and regional people pitch in, and FEMA starts to come in at the end.

Councilmember Suter said she wished to reiterate to City staff and to all who volunteer and work for the City how much citizens appreciate the work that we do and the role that we play in everyday life. It is nice to be recognized and appreciated in good times, but it is really the bad times that make people truly understand the role and importance of local government. Councilmember Suter said her heart went out to all the people who are struggling. They are saying that many of the roads will never be rebuilt, and some of the little towns will never be rebuilt. That is a sad situation.

Mayor Pro Tem Brian Hill stated he wished to thank Mr. Garner for all the work he did in putting together the Car Show. It was a wonderful event, and he was amazed at the number of entries, and the turnout. Mayor Pro Tem Hill said he had not set up one himself, but he knew from past experience with the Chamber of Commerce, that the auto show is a tremendous amount of work to coordinate. Mayor Pro Tem Hill thanked Mr. Garner, and said it was a great event and a great lead-up to Gladfest. Mayor Pro Tem Hill encouraged everyone to attend Gladfest beginning October 4. It sounds like it will be a much improved festival, and he has been told by the Mayor that there will be good weather. Ever since Bill Reynolds was Mayor, he always took credit for the weather, so it is the Mayor's job to have good weather.

Mayor Pro Tem Hill thanked Mr. Hall for addressing the Council on the Constitution, and for a factual presentation, contradicting some of the erroneous information that had been placed out there by certain parties with other than the public as their best interest.

Mayor Jean Moore had no comments at this time.

Item 10. on the Agenda. COMMUNICATIONS FROM THE CITY MANAGER.

Assistant City Manager Scott Wingerson began by saying the real City Manager sent his regrets. He was enjoying Clam Chowder in Boston and learning all the innovative techniques to keep us busy for the next year or so. He will be welcomed back later this week.

Assistant City Manager Wingerson reported there would be a double bill Friday night at Linden Square – Landslide, which is a Fleetwood Mac tribute band, and Killer Queen, which is a Queen tribute band. This should be pretty exciting. On Saturday night at 7:00 PM, the Nace Brothers would perform.

Item 11. on the Agenda. RESOLUTION R-13-53, authorizing the City Manager to execute a Special Warranty Deed conveying property to the Northaven Gardens Homes Association.

Councilman Markenson stated he had a conflict of interest because he serves on the Northaven Gardens Homeowners Board of Trustees, so he would be abstaining from the discussion and vote on this Resolution.

Councilmember Carol Suter moved to adopt **RESOLUTION R-13-53**, authorizing the City Manager to execute a Special Warranty Deed conveying property to the Northaven Gardens Homes Association. Mayor Pro Tem Brian Hill seconded. The vote: “Aye” – Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. “Abstain” - Councilman Gary Markenson. (4-0-1)

Item 12. on the Agenda. **FIRST READING BILL NO. 13-29**, providing for the assessment of an additional court cost by the Gladstone Municipal Court for the Sheriffs’ Retirement Fund pursuant to Section 57.955 of the Revised Statutes of Missouri.

Mayor Pro Tem Brian Hill moved to place **BILL NO. 13-29** on its First Reading. Councilman Bill Garnos seconded.

Councilman Markenson stated Sheriffs are covered by LAGERS, Social Security, and they have a retirement system that was adopted about fifteen years ago by the legislature, which is a third retirement benefit. For fifteen years it has been an official policy in the state of Missouri that municipal court costs are not covered by the \$3.00 fee. The Sheriff has nothing to do with the administration of justice in our municipal courts. The Attorney General has reversed himself, and now says we need to collect this. Lawsuits have been filed by a very prominent municipal judge in St. Louis, and the Supreme Court is holding hearings to determine if this in fact is the way it should be and should it be changed. If we do not collect it and the fee is upheld by the courts, we may be stuck with paying the \$3.00 for all the cases. If it is thrown out, our citizens lose their \$3.00, because it has already been turned in to the courts. Councilman Markenson asked if we could collect the money and escrow it until this issue is resolved – could something be done of that nature. This is so unfair to the people of Gladstone, to have to pay this \$3.00, when they receive nothing for the \$3.00.

City Counselor Randall Thompson replied he attended the hearing that the ad hoc committee on court costs held. This group was appointed by the Supreme Court. It was chaired by Judge Gary Witt, who is now on the Western District Court of Appeals, and he used to be a Circuit Judge in Platte County. Counselor Thompson said he attended their second meeting; apparently, they had already had a meeting. They were not going to discuss the \$3.00 Sheriffs’ retirement fee, but he asked to be heard, so they allowed him to speak. The message he received was that they had already dealt with it. The Attorney General opinion said it should be enforced, and that litigation has been filed, and since litigation was filed, they were going to wait until the result of that litigation to do anything further with respect to the \$3.00 Sheriffs’ fee.

Counselor Thompson said it would be probably a “first” if we were to collect and not pay out the fee, and he was concerned about that because he believes the office of State Court Administrators would probably bring some sort of action against the City of Gladstone, if we collected the fee and did not pay it to them. However, he could certainly look into that further, if the Council would want, before going forward with the Ordinance. Counselor Thompson said he had discussed this with Judge Rose and Judge Kloppenstein, who are our Municipal Court Judges, before the latest Attorney General opinion, and Judge Rose had entered an order directing the Court Clerk not to collect the \$3.00. We received another order from the office of State Court Administrators that the Supreme Court had created a new schedule of costs, and the \$3.00 was on that schedule of costs. In conjunction with the fact that the Attorney General issued another opinion saying that we had to collect the \$3.00 fee, Judge Rose authorized the Clerk to begin collecting it. There was a period of two days where we did not collect it between when we made that decision and when we received the updated information. Counselor Thompson said he would not want to place our Municipal Court Clerk in that position again. If we don’t start collecting it, we would be subject to criticism from the Supreme Court for failing to collect it. Counselor Thompson said he could research the issue of holding it in reserve if that is what the Council would like to do; meaning, holding it in reserve until the judicial decision is made.

Councilmember Suter inquired into what other litigation had been filed, and asked if the Missouri Municipal League was involved, or specific cities involved.

Counselor Thompson replied Judge Frank Vatterott, who is a Municipal Court Judge in St. Louis County, filed a suit, and asked for injunctive relief. That was denied. It was placed on the docket in Cole County for trial in January 2014. Nothing further will happen until then in this regard.

Councilmember Suter asked if the Missouri Municipal League was doing anything in regard to this issue with cities.

Counselor Thompson replied they were supporting the litigation by Judge Vatterott, but he did not know to what degree. They were receiving some counsel from an attorney named Alan Garner. Counselor Thompson said he spoke to Mr. Garner during the Missouri bar meeting, and he said he was assisting in that litigation and he believed he was doing that at the behest of the Missouri Municipal League.

Councilmember Suter asked if it was known what the other cities in Clay County were doing.

Counselor Thompson replied the majority of cities were collecting the fee, and they were going to regardless. We and probably Independence, and three other cities on the west side

of the State, like us, were not going to collect the fee. To his knowledge, everyone else was going to collect the fee.

Mayor Pro Tem Brian Hill said he did not see collecting the fee and withholding it as a resolution, because if you withhold it there would be the issues of OSCA (Office of State Courts Administrator) maybe doing something, also, what do you do with the fund in the event that you retain it. The cost of returning those funds to the people who paid them at \$3.00 is going to exceed on a per check basis the \$3.00. Mayor Pro Tem Hill said he agreed with Councilman Markenson that there are no services to municipal courts provided by the Sheriff, but he does not want to put our Court Clerk in the position of not being in compliance with what is the accepted law in the state, as the Attorney General has stated. If we go ahead and assess the court cost and submit it, and then, in January if there is a decision on this case that says we don't have to anymore, then we terminate doing it. In the interim, we are obligated to follow what is the acceptable law of the land, as stated by the Attorney General.

Counselor Thompson stated that was a very good point, and the practical side of it was if the \$3.00 fee is not allowed, that will not take effect until the judicial decision is rendered; meaning that, between now and then, he assumed they would expect us to collect it.

Councilman Markenson said this appears to be one of those things where you just have to grit your teeth and do it; however, he was wondering if in regard to Number 5 of the Legislative Findings - he had a hard time voting that the City Council finds it is in the best interest of the citizens of Gladstone to do this - could it state instead that the City Council finds that it is now required by the State Courts Administrator that citizens of Gladstone have to pay this fee.

Councilmember Suter said she agreed. This was clearly a political maneuver, because there was no reason for this to happen other than someone had a political interest in finding some more money for Sheriffs, and it should not be on the backs of citizens of cities. It is tough enough for people to face ever rising fines and penalties for small infractions of municipal law, but as it costs us more and more to provide court services that is the inevitable end of it. But to just unnecessarily burden citizens with in essence a tax that benefits them in no way, was horrendous. At the very least what we could do at this point was not put in writing something that we don't believe.

Councilmember Suter said she, too, did not think that this was in the best interest of the citizens of Gladstone, but it was in the best interest of the City to follow current State law, which is a slightly different thing. Councilmember Suter said she agreed with Mayor Pro Tem Hill, in that we need to follow the laws, unless there is some really outrageous principle that has to do with the City as a City entity. Our job is to represent the City as an entity, as well as the citizens. Councilmember Suter stated as a citizen, she was outraged,

as an elected official of this City, and looking out for the best interests of the City government, she believes we need to comply with State law.

Counselor Thompson asked if he might read some proposed language to amend Legislative Findings Number 5 to read: *The City Council finds that the Missouri Supreme Court and the Office of State Courts Administrator has directed the Municipal Court Clerk to collect the \$3.00 Sheriff Retirement Fee in accordance with Section 57.955 of the Revised Statutes of Missouri.*

Councilman Markenson said that saved his face and he thanked Counselor Thompson.

The City Councilmembers agreed with the language.

Counselor Thompson said that change would be made before the Mayor signs the Ordinance.

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

Mayor Pro Tem Brian Hill moved to accept the First Reading of **BILL NO. 13-29**, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Bill Garnos seconded. The vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0). The Clerk read the Bill.

Mayor Pro Tem Brian Hill moved to accept the Second and Final Reading of **BILL NO. 13-29**, and to enact the Bill as **Ordinance 4.251**. Councilman Bill Garnos seconded.

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

Item 13. on the Agenda. **FIRST READING BILL NO. 13-30**, adopting Article 4, Sections 2.110.160 through 2.110.270 under Title II, Chapter 110, of the Code of City Ordinances establishing nuisance restrictions for apartment buildings.

Councilmember Carol Suter moved to place **BILL NO. 13-30** on its First Reading. Mayor Pro Tem Brian Hill seconded.

Councilman Markenson stated he had some comments regarding this action and noted under definitions of apartment buildings, it is more than four apartments. Many apartment buildings just have four units, and we are exempting them from the Ordinance, and he wondered why we are doing that.

Assistant City Manager Scott Wingerson replied that was consistent with the Ordinance passed two weeks ago by the City Council regarding occupancy inspections, and it was just a line between a larger multi-tenant property with usually 16-18 units per building, and the smaller one, two, three, and four family properties.

Councilman Markenson pointed out on the top of Page 4, in the second line, where it talks about Section 2.100.020, and asked if that could be a typo.

Counselor Thompson agreed it was a typo.

Councilman Markenson noted on Page 7, Section 230, the second line, where it says *any property on which aggravated nuisance activity, as defined in Section 2.110.170, occurs may be declared nuisance property*, and asked if that should read aggravated nuisance property, which is different from nuisance property.

Counselor Thompson agreed that change would be made.

Councilman Markenson pointed out on Page 10, Subsection 5, where it says we can *issue an order to close and secure any apartments against all use or occupancy for a period of not less than sixty (60) days, nor more than one (1) year*, and asked what if it can be fixed up in 30 days, why would it have to be closed for 60 days.

Counselor Thompson replied that change could be made, if Council would like. That had been in every version presented to City Council.

Councilmember Suter said she would like to be certain this is consistent with the previous Ordinances.

Counselor Thompson suggested this action could be tabled until the next City Council meeting, if Council would prefer.

Councilmember Suter stated the language being referred to referred to a defined term. The defined term is Nuisance Property, which means any property on which aggravated nuisance activity or nuisance activity has occurred. Councilmember Suter said she was not sure this was incorrect. The way it is written, she believed, was correct, because it refers to a defined term, which is Nuisance Property, not aggravated nuisance property. That was her understanding.

Counselor Thompson said that was true and Councilmember Suter made a good point.

Assistant City Manager Wingerson said, in listening to the conversation, it seemed the substantial point is on 30 or 60 days; the rest are things that can be cleaned up. If it was

the Council's desire for that closure to be 30 days, then let staff make that change and get this Ordinance on the books, so we can start moving forward. We have been on this for 18 months or longer, so we need the time.

Councilmember Suter requested clarity on the 30 days – what was the difference between the 30 and the 60 days. Why did we go with 60 days – does it comport with something else.

Counselor Thompson said he would need to check with the other Ordinance to know whether or not it comports with something else, but he did not believe that it did, and said he believed that it came from other jurisdictions where he found what they believed worked, but he had nothing more than that.

Councilmember Suter said she did not want the Council to do something that was contradictory or not in sync with what had already been passed.

Counselor Thompson said he did not believe there were any provisions in the other Ordinance having to do with the closure of a facility.

Councilman Markenson suggested he would withdraw his concern with the 30-60 days. He did not know that would cause a problem, and he would be fine if the other items could be fixed.

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

Councilmember Carol Suter moved to accept the First Reading of **BILL NO. 13-30**, Waive the Rule and place the Bill on its Second and Final Reading. Mayor Pro Tem Brian Hill seconded. The vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the Second and Final Reading of **BILL NO. 13-30**, and to enact the Bill as **Ordinance 4.252**. Mayor Pro Tem Brian Hill seconded.

Mayor Pro Tem Hill thanked City staff for addressing this issue, and coming up with this comprehensive set of Ordinances. It has taken a lot of work. Our City has an extremely disproportionate amount of Public Safety time and crime that occurs in the apartment buildings, and he believes that this Ordinance goes a long way towards addressing that. In the long run, this is going to make a significant difference in the community.

Roll call vote: “Aye” – Councilman Gary Markenson, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. “No” – Councilman Bill Garnos. (4-1)

Item 14. on the Agenda. OTHER BUSINESS.

There was no other business to come before the City 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 September 23, 2013, Gladstone Regular City Council Meeting, Mayor Jean Moore adjourned the meeting.

Respectfully submitted:

Cathy Swenson, City Clerk

Approved as submitted: ____

Approved as corrected/amended: ____

Mayor Jean B. Moore