



**MINUTES
CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, SEPTEMBER 9, 2013**

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

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

ABSENT: Councilman Bill Garnos

Item 2. on the Agenda. ROLL CALL.

Mayor Jean Moore opened the Regular September 9, 2013, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and noted that all City Council members were present, with the exception of Councilman Garnos, who was out of town due to a business trip.

Mayor Jean Moore welcomed everyone who attended the meeting in person and also those watching the meeting on-line. Mayor Moore said she and the City Council thanked everyone for being interested in participating in their City government, which is very much appreciated.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

Mayor Moore stated it was a very special honor this evening to have Cub Scout Pack 299 present the Colors and lead the Pledge of Allegiance, in which all joined.

Mayor Moore invited Pack 299 members to introduce themselves as follows:

Cameron Guidry stated he attends Oakhill Day School, and his father is Mike Guidry, who owns Pizza Street.

David Conkling stated he attends Oakhill Day School, and his father is David Conkling, who works at ProQuest.

Owen Riddle stated he attends Oakhill Day School, and his father is Jim Riddle, who owns Gladstone Auto Trim.

Graham Carter, stated he attends Oakhill Day School, and his father is Dennis Carter, who owns Pour Boys, and is a member of the Liberty Hospital Board.

Cole Johnson stated he attends Oakhill Day School, and his mother and father are Kelsey and Tim Johnson, both of whom are doctors.

Jackie Conkling introduced herself as the Webelos leader, and said she has had the pleasure of watching these boys grow up since they were two years old. Ms. Conkling said her plan was to have them work with their Eagle Scout projects by helping out with Gladstone. Ms. Conkling said the City would be seeing a lot of them, and asked that the City's needs and wants be considered, because they would certainly take care of them for the City. Ms. Conkling said she was an educational specialist, and she works for a small company called Delaney Educational out of San Diego, but her passion is day trading. Ms. Conkling said she may not be that great at it, as she is not living on an island anywhere, but hopefully, that will happen someday.

Mayor Moore offered thanks to Cub Scout Pack 299 from Oakhill Day School, who are sponsored by the Odd Fellows, and said she and the City Council are so grateful that they shared their talents by presenting the Colors and leading the Pledge this evening, which made the evening very special. Mayor Moore's comments were followed by applause from the audience.

**Item 4. on the Agenda. APPROVAL OF THE AUGUST 26, 2013,
REGULAR CITY COUNCIL MEETING MINUTES.**

Mayor Pro Tem Brian Hill moved to approve the August 26, 2013, Regular City Council Meeting Minutes, as presented. Councilmember Carol Suter seconded. The vote: All "aye" – Councilman Gary Markenson, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (4-0)

REGULAR AGENDA

Item 5. on the Agenda. COMMUNICATIONS FROM THE AUDIENCE.

Anne Alexander stated she wished to say thank you to the City Council and to the police. It only took three years with five court cases and finally, the dog is gone, and there is firewood on the concrete bottom where the former pen was located. There are several people, who have talked to her about their neighbors' dogs, and she informed them they could complain, but they say they do not want to make their neighbors mad. Ms. Alexander said she tells them – then, live with it. She has no sympathy for them. Ms. Alexander offered thanks to everyone who made this possible.

John Garner, 111 North Heatherton Court, said in regard to information from the Open Study Session this evening, it seemed to him that the City is giving up a lot to the apartment complexes. Mr. Garner suggested the apartment complexes should have a padlock on the swimming pools, where they would have to pay \$5.00 to get the code, and would require that they lock it back up to get their \$5.00 back from the manager. That way no child could probably remember the combination. Mr. Garner suggested that to avoid a used car lot, each apartment complex could be allowed to have three car spaces that would be designated for used vehicles, the spaces could be outlined in yellow, and they must change every 30 days. Mr. Garner suggested that trash cans should have four sides, and a gate that is one piece, where it swings open and can be latched back by the manager the night before the trash hauler comes. Then it could be latched back. Mr. Garner said he did not like looking at all the trash piled in front of all the trash containers, even at the ones on North Oak. It could be a yellow area that is big enough to swing the gate open and closed, and if someone parks there, the City parking can ticket them or have them towed. This might be a little of an inconvenience for some of the apartment complexes, but it would seem to be common sense not to give everything up to them.

Item 6. on the Agenda. COMMUNICATIONS FROM THE CITY COUNCIL.

Councilman Gary Markenson reported that this was a momentous weekend that may never happen again in our lives. The University of Missouri won; Kansas University won; the Cardinals took four from the Pirates; the Royals won; the Chiefs won; and the St. Louis Rams won. This will never happen again in our life time!

Councilmember Carol Suter stated that the Clay County Constitution Commission would be holding a meeting on Wednesday, September 11, 2013, at the Gladstone Community Center, at 7:00 PM. This would be an opportunity for people to ask questions or receive clarification, and to hear what is actually in the proposed

Constitution. It turns out to be very timely, because the Clay County Commissioners declared war last week on this, and have filed for an injunction to prevent anything coming to the vote in November. There are office holders attending public meetings and sending out announcements. Councilmember Suter said one of our City employees was on an e-mail list she saw today, where office holders were saying that if this passes, they would not conduct their business, they would not collect taxes, and they won't do anything between the time the thing passes and the new government takes place. There are all kinds of shenanigans going on to try to prevent the citizens of Clay County from being able to exercise their constitutional right to vote for a new form of government. Councilmember Suter encouraged everyone to attend the meeting to learn more about it.

Mayor Pro Tem Brian Hill had no comments at this time.

Mayor Jean Moore reported that at the Atkins-Johnson Farm Big Shoal Country Fair on Saturday, she had the opportunity to look at the new exhibit on the Homestead Act, and it was very interesting. Mayor Moore encouraged everyone to visit the exhibit. Mayor Moore reminded everyone of the Farmers' Market every Wednesday at the Hy-Vee parking lot. Mayor Moore invited everyone to attend the Gladfest Car & Truck Show, this Saturday, September 14, from 9:00 AM to 3:00 PM, in the Antioch Bible Baptist Church parking lot. Mayor Moore encouraged everyone to take advantage of this fun event, as well as the concerts at Linden Square. This time of the year the concerts begin at 7:00 PM.

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

City Manager Kirk Davis reported a lot of good comments were received at the Big Shoal Country Fair. One comment was received after the fair from a husband and wife who went out of their way to be sure that staff passed along their thanks to the Council. They stated they realized that not all communities would take on a project of this nature, and they live in Gladstone because this community reaches out to do new things that are exciting. They apparently had a good time that day. City Manager Davis said he wished to congratulate the staff on a good event, and he agreed that it is a very interesting exhibit, and he hopes everyone supports the Atkins-Johnson Farm & Museum.

Item 8. on the Agenda. **FIRST READING BILL NO. 13-28**, enacting a new title to the City of Gladstone, Clay County, Missouri, Code of Ordinances, entitled Title X, "Neighborhood Preservation Ordinance", and associated chapters within, pertaining to the preservation of residential neighborhoods.

Assistant City Manager Scott Wingerson stated he wished to clarify a few things that were discussed in the Open Study Session. Mr. Wingerson said in regard to Mr. Garner's comments, tonight was the fourth Study Session on this issue. The pool enclosure is a swimming pool code provision that is reflected here for convenience. The motor vehicle, as discussed in the Study Session, is the same as in the residential codes. Staff is trying to be consistent in those two areas. In terms of the Council's concerns from tonight, he would suggest three changes to the Code itself, not the Ordinance the Council is voting on, but the supporting Code. Section 10.200.104.2.1, titled Public Use Areas, the first sentence would be changed to read *All public use areas will be inspected once every three years or upon complaint*. In Section 10.200.104.2.2, titled Change of Occupancy, the following sentence will be added to the end of the section as follows: *The City reserves the right to inspect units that have received verbal consent after occupancy has occurred*. Section 10.200.302.8.3, titled Motor Vehicles for Sale, there is an exception that reads: A resident of an apartment community may have a motor vehicle for sale on said premises; but only one (1) motor vehicle per apartment. The change would add *per year*. One vehicle, per apartment, per year is how that would read.

Councilmember Suter asked, for clarification, if the schedule for the public space inspections is every three years, or upon complaint. Can it be sooner if there should be a problem property.

Mr. Wingerson replied yes to both questions, and if there is a visible concern there can be an inspection. A complaint could be someone within the apartment complex, someone outside the apartment complex, or it could be an internal referral from another department in the City to Community Development for an inspection.

Mayor Pro Tem Brian Hill stated it was mentioned in the Open Study Session that the public use areas would be inspected every three years or more frequently as deemed necessary by the Building Official, not only upon complaint.

Mr. Wingerson replied the concern he heard was regarding the discretion of the Building Official - to eliminate or reduce that discretion. For clarity's sake, every three years, which increases the frequency between three and five, to simply three, and upon complaint, so that staff can do it more frequently where conditions warrant that action.

Mayor Pro Tem Hill asked if there was any reason not to make it every three years or upon complaint, or more frequently as deemed necessary by the Building Official.

Mr. Wingerson replied he must have misunderstood; what he thought he heard was a reduction in the Building Official's discretion, not maintaining the Building Official's discretion.

Mayor Pro Tem Hill stated he believed the intent was not to take away the ability of the Building Official in his/her discretion to inspect, but to require that it be more frequent.

Councilmember Suter stated her concern was that *upon discretion* could be five years or more before a particular property was inspected. If it is reduced to everything will be inspected every three years, but could be more frequently if there were a complaint, or if the Building Official had an issue, which would seem to qualify as a complaint, that would be fine. Councilmember Suter said she was concerned with both ends; that is that the “good” guys get off scott free, because there is enough discretion to let them go for a long time, and the other side is that we need to make sure it is frequent enough that the “bad” guys get looked at.

Mr. Wingerson suggested: *All public use areas will be inspected once every three years, or more frequently as deemed necessary by the Building Official.*

Mayor Moore suggested adding: *or upon complaint.*

Councilmember Suter agreed, and said if a resident made a complaint and if it was totally at the discretion of the Building Officer, who may not believe the complaint is worthwhile, then there would be too much discretion with the Building Officer, and not responsive to residents, which is supposed to be part of this whole thing. To ensure residents that the City is on their side, not just on the side of the building owners.

Mr. Wingerson suggested the following: in Section 10.200.104.2.1 Public Use Areas, first sentence: *All public use areas will be inspected once every three years, or upon complaint, or more frequently as deemed necessary by the Building Official.*

Councilmember Suter and Mayor Pro Tem Hill agreed with the language as stated.

Mayor Moore thanked Mr. Wingerson.

Councilmember Carol Suter moved to place **BILL NO. 13-28** on its First Reading. Mayor Pro Tem Brian Hill seconded. The vote: All “aye” – Councilman Gary Markenson, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (4-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the First Reading of **BILL NO. 13-28**, 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, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (4-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the Second and Final Reading of **BILL NO. 13-28**, and to enact the Bill as **Ordinance 4.250**. Mayor Pro Tem Brian Hill seconded.

Mayor Pro Tem Brian Hill offered his thanks for the efforts of the City staff in preparing this Ordinance. It has been a ton of work, and has taken a lot of dedication. Mayor Pro Tem Hill said he would not mention any names, because he was afraid he would leave someone out, but he believes this represents a tremendous step forward towards dealing with the issues the City has experienced in our apartment communities. Mayor Pro Tem Hill said he recognized there may be some shortcomings, but it is also apparently on the cutting edge of Ordinances and regulations. There is not anything like this elsewhere in the State of Missouri, so to a certain extent, we need to try it on and see how things go, and maybe make some modifications to react to what we learn needs to be fixed. It is a good Ordinance, a good set of Ordinances, and it will be very helpful to staff in improving the apartment communities.

Councilmember Carol Suter stated she wished to express her appreciation to staff. She remembered the Council planning retreat where the Council first started talking about what can be done with apartment complexes to treat them more like neighborhoods. Now we have figured out some things we can do, and she appreciates that this is progressive, and we are leading the charge in Missouri for some creative approaches in making sure that all the residents of our community live in safe and appropriate places. Councilmember Suter said she appreciated all the work that staff had done, and it will be figured out as we go along what needs to be tweaked if necessary, but this is certainly an exciting start.

Mayor Moore said she wished to echo those comments. This has been an enormous effort by those sitting in the audience and others behind the scenes. It is much needed, and, hopefully, will be a wonderful step towards where we want to go. Mayor Moore said she was very pleased with everyone's efforts, and offered her thanks to everyone.

Councilman Gary Markenson stated he was in wholehearted agreement.

Roll call vote: All "aye" – Councilman Gary Markenson, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (4-0)

Item 9. on the Agenda. **OTHER BUSINESS.**

There was no other business to come before the City Council.

Item 10. on the Agenda. **QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

Item 11. on the Agenda. **ADJOURNMENT.**

There being no further business to come before the September 9, 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