



**MINUTES
CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, FEBRUARY 24, 2014**

Mayor Jean Moore opened the City Council Meeting to adjourn to a Closed Executive Session on February 24, 2014, at 6:00 PM. Mayor Pro Tem Brian Hill made a motion to adjourn to Closed Executive Session pursuant to Missouri Open Meeting Act Exemptions 610.021(1) for Litigation and Confidential or Privileged Communications with Legal Counsel, 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, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (3-0).

Councilmember Carol Suter and Councilman Gary Markenson were 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

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 Jean Moore opened the Regular February 24, 2014, 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 said to those people who were viewing the meeting on-line, who may have noticed there was a disruption in the on-line feed, there was an unfortunate incident in

that City Counselor Thompson was making a presentation to the Council and collapsed. Mr. Thompson had been taken by the Paramedics to the hospital. His vital signs were fine when he left, but we want to be sure he is totally fine and in good health. That explains the disruption in the on-line feed.

Mayor Moore said she and the City Council wished to extend a welcome to everyone who attended the meeting in person, and to those who were listening on-line. Mayor Moore said it was great to have everyone involved, active, and interested in what was going on in the Gladstone City government.

Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.

Mayor Moore stated it was an honor to have members of VFW Post 10906, our friends, with us tonight to lead the Pledge of Allegiance. VFW Post 10906 members posted the Colors and led the Pledge of Allegiance, in which all joined.

Mayor Moore thanked VFW Post 10906 members and said their participation was very much appreciated.

Mayor Moore extended a welcome to Jenny McGee, who is a member of the Future Leaders Academy, and her friend who she brought with her this evening. Mayor Moore thanked them both for attending the meeting.

Item 4. on the Agenda. APPROVAL OF THE FEBRUARY 10, 2014, REGULAR CITY COUNCIL MEETING MINUTES.

Councilman Gary Markenson moved to approve the February 10, 2014, Regular City Council Meeting Minutes, 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).

Item 5. on the Agenda. SPECIAL PRESENTATION BY AMERICAN LEGION POST 626 to Fire/EMS Captain Brent Friday and Public Safety Officer Dana Kever.

Former Mayor Wayne Beer began by saying each year the American Legion awards one Police Officer and one Firefighter/EMS (Emergency Medical Services) with recognition as Public Safety Officers of the year. The Post 626 nominees were recommended by their respective supervisors, and the Post in turn was recognizing them with the Post's Certificate of Appreciation.

Mr. Beer said the Police Officer being recognized this evening was Officer Dana Kever. Officer Kever was not present; however Mr. Beer stated he would discuss his resume, and he was sure Public Safety Director Mike Hasty would forward the award to him. Mr. Beer reported Officer Kever has been with the Gladstone Police Department for 26 years, having started in January of 1987. During his career, he served in Uniformed Patrol, the Traffic

Unit, and the Criminal Investigations Unit. He served with pride and distinction in all his assignments with an excellent attention to detail and with an excellent work ethic. During Officer Keever's time in the Investigations Unit, he was instrumental in solving countless burglaries, robberies, stealings, assaults, and homicides. While working in the Uniform Patrol Division, he served as a Field Training Officer, sharing his knowledge and experience with the new and younger officers. Officer Keever's Bureau Commander is Captain Bill Willoughby, who states, "Dana is a natural leader among the officers working on patrol." Captain Willoughby further states, "If I could describe Dana in three words they would be thorough, dependable, and loyal."

Mr. Beer said it was with great pleasure that Post 626 presents this honor, and it is his hope that Director Hasty will forward this Certificate of Appreciation to Officer Keever.

Director Hasty replied it would be his pleasure to forward the Certificate of Appreciation to Officer Keever, and on behalf of Officer Keever, he expressed appreciation for all the hard work that went into this, and for the recognition.

Applause followed the presentation.

Mr. Beer invited Captain Brent Friday to step forward to receive his Certificate of Appreciation. Mr. Beer reported Captain Friday has served in Missouri for 26 years as a Firefighter and in EMS in both paid and volunteer capacities. He has been with Gladstone for nearly 16 years and has been a Captain and Paramedic for the last three years. In addition to being Missouri certified as a Firefighter and Paramedic, he is also a Missouri Fire & EMS instructor. Captain Friday helps to coordinate the Fire Department's Honor Guard, a position that he has held for ten years. He initiated and helped implement the free blood pressure check program for the Gladstone community. He coordinates and works as an instructor for Gladstone's CPR program, training that is offered free of charge to all citizens, business owners, and their employees, and all civic groups within the City. Captain Friday serves as a member of the City's Safety Committee, whose mission is to create a safer working environment for all Gladstone employees.

Mr. Beer continued by reporting Captain Friday was an active member of The Patriot Guard, a motorcycle oriented group charged with two basic objectives:

1. To show sincere respect for our fallen heroes, their families and their communities.
2. To shield the mourning family and their friends from interruptions created by any protester or group of protesters.

Mr. Beer stated Captain Friday's supervisor, Division Chief Bob Baer, stated, "Brent has a great attitude and always works hard to motivate other Firefighters to train for the next call and to prepare themselves physically." Chief Baer further stated, "He possesses the ability to manage people in an administrative role, has the ability to give good direction during training as an instructor, and has the can-do attitude all Incident Commanders depend upon during an

emergency. He is a true professional and is a model for others to follow.” Mr. Beer stated it was a great pleasure to present a Certificate of Appreciation to Captain Brent Friday.

The presentation was followed with applause from the audience.

Captain Friday stated all this would not be possible without the support of the Mayor and the City Council. The CPR program, the Honor Guard, and everything else that staff is allowed to participate in is owed to the City Council, the City Manager, his staff, and all the other City employees in this town, because we would not be a City without everyone working together. Captain Friday offered his appreciation for the award.

Mr. Beer addressed the Mayor and Honorable Council persons by saying the Bennett & Dennis Herrick Memorial American Legion Post 626 greatly appreciated the time permitted this evening to make these awards. Mr. Beer thanked the Mayor and City Council. Mr. Beer introduced the officers of Post 626 as follows: Bob Box, Finance Officer; Gerald Braton, Second Vice Commander; Nelson Duncan, First Vice Commander; Doug Millison, Electronics NCO.

Mr. Beer stated before he was seated he wished to make a couple of parenthetic remarks and then to make a request. Mr. Beer said he remembered being seated in the City Council’s position a time or two where he felt he was being ambushed, and he did not wish for anyone to misconstrue his remarks as being anywhere near in his mind as any kind of an ambush. Mr. Beer said although he was not a member, he had the pleasure to ride with the Patriot Guard on a couple of missions, and he had great pride in doing so. Mr. Beer said one of the things for which he had great admiration and approval was their efforts to protect fallen warriors’ funeral parties’ privacy during funeral services. A few years ago, the Gladstone City Council enacted an Ordinance in the effort to assure funeral parties their privacy. Our Ordinance was modeled after a Bill enacted by the Missouri legislature and signed into law by the Governor. Gladstone and the State of Missouri were then threatened with legal action and Gladstone subsequently rescinded its Ordinance. Missouri revised its law and proceeded to court where the latest version was upheld. The parties of fallen heroes’ funerals now have their privacy protected by Missouri Statutes. Mr. Beer said his request was for the City Council to please enact an Ordinance similar to that which was rescinded, and in fact, modeled after the current Missouri Statute, if, for no other reason than as a redundancy, emphasizing, along with the Patriot Guard’s mission, how important it is to show the proper respect to those who have made the ultimate sacrifice to protect our right to assemble here tonight without fear of reprisal.

Mr. Beer thanked the Mayor and City Council.

Mayor Pro Tem Brian Hill stated he believed the City Council did pass such an Ordinance last summer, and he believed City Counselor Thompson did some research when this was happening with the Court, and if he remembered correctly, there was a subsequent court case where an Ordinance from the St. Louis area was upheld, and we modeled an Ordinance after it and passed it.

Mr. Beer thanked Mayor Pro Tem Hill and said that was excellent news.

Mayor Moore said staff would follow up with Mr. Beer, just to be certain.

Mayor Moore said this night was an opportune time, as was each and every Council meeting, or any other occasion to say thank you to our Fire and EMS. Captain Friday did not think he was going to be put to work this evening in the Council Chambers, and fortunately, he was right there along with other staff. Mayor Moore offered deep and heartfelt thanks on behalf of the entire Council for the amazing group of public servants the City has with the Fire and EMS.

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

Following the Clerk's reading, 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-14-10**, authorizing acceptance of work under contract with Bruner Contracting Company, LLC, for the additions and alterations to the Gladstone Animal Shelter; and authorizing final payment in the amount of \$23,551.98. 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-14-11**, authorizing execution of a contract with Mark Green, LLC for the contractual mowing of certain City of Gladstone Parks and Facilities for the 2014 mowing season. 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-14-12**, approving and authorizing execution of a contract with Heco, Inc., in the amount of \$27,000.00 for the demolition of the structure located at 2707 Northeast Brooktree Lane. 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-14-13**, adopting a Vision Statement for downtown Gladstone, Missouri. 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 approve the **JANUARY 2014 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).

Item 7. on the Agenda. **COMMUNICATIONS FROM THE AUDIENCE.**

Dennis Daily, 2309 NE 59th, said he had lived at this address for 31 years as of last October. Mr. Daily said when he moved in 31 years ago, he was very busy one day shoveling about 11 inches of snow out of his driveway, and about the time he was done, a Gladstone snow plow filled his driveway back up with snow. Last year for the two deep snows and one deep snow this year, at his doctor's request, he does not shovel snow – he hires his driveway cleaned. Mr. Daily said he asked a crew member what happens when Gladstone plows the snow and his driveway might be filled. The crew member said he would come back and clean out the snow. The plow driver last year and this year, when he saw that his driveway was clean, slowed the speed down on the snow plow. Up until a couple of years ago, the snow plow drivers used to run up his street 25-30 miles per hour. They threw snow seven feet into the driveway.

Mr. Daily said when he saw on the agenda this evening that there was something about Kansas City and Gladstone snow plowing, he had to come to the meeting to put in his two cents. Mr. Daily said last year and this year the snow plow drivers have been slower and safer, whether this was a directive from the City or the supervisor of the Public Works Department, he was thankful for it; as well as the fact, within 24 hours of the last snow fall, he had pavement showing on his street for one lane of traffic. The only reason there was one lane of traffic was because a few of his neighbors were not aware of where or how they parked. The plows did a good job, and if anyone thinks they did not do a good job, Wednesday after the snow plow, he drove from 72nd Street to Barry Road on Broadway, and up to the City limits of Gladstone, it was dry pavement, from there on, it was a skating rink. Mr. Daily said he wanted to attend this meeting to say thanks to the City of Gladstone and thanks to the Public Works Department for doing the job that they do.

Mayor Moore thanked Mr. Daily for his remarks.

John Garner, 111 Heatherton Court, said at the last City Council meeting, he brought up the snow removal around the bus stops, and he received an e-mail saying the City was looking into it, which he appreciated. Mr. Garner suggested the City contact the businesses, which are directly in front of the bus stops, and ask them if they would clean three feet on either side of the bus stops. They could be given a sign which says this bus stop sidewalk was cleaned by the business owner and please support this business. Maybe the businesses would remove the snow for free.

Mayor Moore thanked Mr. Garner.

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

Councilman Gary Markenson stated yesterday morning about 11:10 AM, he visited the Community Center to ride the bicycle, and there must have been 2,000 people in the Natatorium. There was a church group in the meeting rooms, the exercise room was filled with people, all the basketball courts were in use, and he thought what a great building and community asset – this is what the building is for. The building is often used to the maximum all the time. Everyone was having fun. It is a great community asset.

Councilman Bill Garnos stated he wished to recognize Dana Keever for his contributions to our City. Councilman Garnos said Officer Keever's daughter and his daughter have been friends since second or third grade, and he truly is one of our City's finest. Councilman Garnos said Officer Keever was to receive a long term tenure award at the Employee Recognition Luncheon, for which he was not able to be present to receive, so he wanted to personally offer his congratulations to him.

Councilman Garnos reported that since the last City Council meeting, there was a meeting of the Building Commission, where there was Findings of Fact, Conclusions of Law, an Order of Abatement and Settlement Agreement on property at 7300 North Prospect. The owner has until the end of May to make that building habitable. There was also an update on property at 2707 NE Brooktree Lane. There are three other properties that have been identified as potentially dangerous buildings that will be the subject of upcoming Building Commission meetings.

Councilmember Carol Suter reported last week she was at a meeting of the Clay County EDC Legislative Affairs Committee. The conversation was meeting with legislators to discuss what the State of Missouri might do to help with job creation, and entrepreneurs, and inventors to move their projects forward. Several people in that group made references to the fact they heard something was going on in Gladstone. Councilmember Suter stated our City was exploring those issues of research and education facilities. The room erupted into these wonderful glowing comments about Gladstone being the most innovative and creative City around, and statements about Gladstone setting a whole new bar for first tier suburbs. Councilmember Suter said when she first started serving on the City Council seven years ago, in the Northland, no one ever mentioned Gladstone, and she would see maps with a hole in the middle, which was Gladstone – we were not even on the map. A lot has changed in seven years, and it is gratifying to see all the progress our City has made is being recognized by folks in the Northland. It feels really good to be part of a progressive city.

Mayor Pro Tem Brian Hill reported there was a Parks and Recreation Advisory Board meeting last week, where he learned there was recently a delegation from Dubuque, Iowa who looked at our Community Center. They are interested in doing a similar project in Dubuque. They, too, were very impressed, and looked at us as a leader in that type of facility. They were here when school was out and the facility was full.

Mayor Jean Moore stated she had the opportunity to go to Jefferson City for the Missouri Municipal League event with the City Manager and Councilman Markenson. It was a good event, and they had the opportunity to have a dinner meeting with the City leaders from

Liberty, Riverside, and a number of State Representatives. Hopefully, some good work was accomplished.

Mayor Moore said she had the opportunity to speak at the Linden Neighborhood meeting the other night, and it was heartwarming to go to neighborhood meetings, see people participating in those meetings, and there are always good comments from people. Not only about what is going on in the City, but also there are tidbits like a gentleman who said when he drove by City Hall, he noticed the light on the flag pole was turned the wrong way, because it shined in his eyes, instead of shining on the flag pole. Mayor Moore said sure enough, that was the case and it was addressed, and just to reiterate, she and the City Council do want to hear from citizens. If there is something the Council is doing right or wrong, they want to hear about it.

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. **FIRST READING BILL NO. 14-03**, 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, 2014.

Mayor Pro Tem Brian Hill moved to place **BILL NO. 14-03** on its First Reading. Councilmember Carol Suter 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 First Reading of **BILL NO. 14-03**, Waive the Rule and place the Bill on its Second and Final Reading. Councilmember Carol Suter 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. 14-03**, and to enact the Bill as **Ordinance 4.260**. Councilmember Carol Suter seconded.

Councilman Gary Markenson stated he was philosophically opposed to Tax Holidays, so he would be offering a dissenting vote.

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

Item 11. on the Agenda. **FIRST READING BILL NO. 14-04**, to opt out of the state imposed sales tax holiday between August 1 and 3, 2014.

Mayor Moore asked Finance Director Debra Daily to explain this Bill. The City Council considers this every year, and it is confusing not only to the City Council, but also, she is sure, to the audience and citizens.

Finance Director Debra Daily began by saying the history regarding this matter may be helpful. The August sales tax was enacted first, and everyone participated by State Statute, unless there was an Ordinance approved to opt out. It was not well accepted that an Ordinance had to be approved to opt out, so when the "Show Me Green" tax holiday came around, it was put into place where an Ordinance must be approved to participate in or "opt in" to that tax holiday. That is where a lot of the confusion arises. When the City Council votes "no" on opting out of the August Sales Tax Holiday, they are saying yes, we will participate. If the City Council wants to participate in the August sales tax holiday, they should not approve this Bill. The two Bills for these two sales tax holidays are totally backwards of each other, and that is where the confusion lies.

Mayor Moore stated this sales tax holiday is typically for back to school supplies, where there would be no sales tax if one buys their school supplies or makes purchases for school during this time in the City of Gladstone, and asked if that were correct.

Director Daily replied that was correct. If the City Council were to pass this Bill, it would mean the City Council does not want to participate in the August sales tax holiday, because by Statute the entire State participates unless the City Council were to pass a Bill to not participate.

Mayor Moore said then the vote should be "no" if we want to participate in the sales tax holiday.

Director Daily replied that was correct.

Councilmember Carol Suter moved to place **BILL NO. 14-04** on its First 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 First Reading of **BILL NO. 14-04**, 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. 14-04**, and to enact the Bill as Ordinance 4.261. Mayor Pro Tem Brian Hill seconded.

Roll call vote: "Aye" – Councilman Gary Markenson. "Nay" - Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (1-4).

Mayor Moore stated Bill No. 14-04 failed, and was not enacted.

Item 12. on the Agenda. **FIRST READING BILL NO. 14-05**, approving a cooperative agreement with the City of Kansas City, Missouri for the removal of snow from streets located in the cities of Kansas City, Missouri and Gladstone, Missouri.

Councilman Bill Garnos moved to place **BILL NO. 14-05** on its First Reading. Councilman Gary Markenson 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.

Councilman Bill Garnos moved to accept the First Reading of **BILL NO. 14-05**, Waive the Rule and place the Bill on its Second and Final Reading. Councilman Gary Markenson 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.

Councilman Bill Garnos moved to accept the Second and Final Reading of **BILL NO. 14-05**, and to enact the Bill as **Ordinance 4.261**. Councilman Gary Markenson seconded.

Councilmember Suter asked City Manager Davis to provide a word of explanation regarding this action.

City Manager Davis reported Councilman Dick Davis from Kansas City, Missouri asked if we could assist in snow removal in a small area east of our City limits – North Jackson, North Spruce and a couple of other streets. These are streets where half the street is in Gladstone and the other half of the street is in Kansas City, and/or we plow in Gladstone and then we have the choice of lifting up the plow and going to the next street to turn around, instead of leaving the plow down, go up to the next street, plow it, and come back. City Manager Davis indicated a map where there were a series of cul-de-sacs. An example is on North Jackson, we are plowing it anyway, so why not leave the plow down and finish the street and come on back. For that, Kansas City is offering to help supply us with salt, which is particular important in years like this where there are salt shortages.

City Manager Davis said this benefits some of our residents and some of the Kansas City residents, who we don't mind helping. The fact of the matter is that we are on the street anyway, so we may as well leave the plow down for the most part.

Roll call vote: “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. **OTHER BUSINESS.**

There was no other business to come before the City 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 24, 2014, 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