



**MINUTES  
REGULAR CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, APRIL 22, 2019**

**PRESENT:** Mayor Carol Suter  
Mayor Pro Tem Jean Moore  
Councilman Bill Garnos  
Councilman R.D. Mallams  
Councilman Kyle Yarber

City Manager Scott Wingerson  
Assistant City Manager Bob Baer  
City Clerk Ruth Bocchino  
Attorney Chris Williams

**Item No. 1. On the Agenda.** Meeting Called to Order.

**Mayor Suter** opened the Regular City Council Meeting Monday, April 22, 2019, at 7:34 pm in the Gladstone City Council Chambers.

**Item No. 2. On the Agenda.** ROLL CALL.

All Councilmembers were present.

**Item No. 3. On the Agenda.** PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

**Mayor Suter** asked all to join in the Pledge of Allegiance to the Flag of the United States of America and thanked VFW Post 10906 Carla Gleaton, Bill Softka, and Stan Stoner for posting the Colors.

**Item No. 4. On the Agenda.** Approval of Agenda.

The agenda was amended to add an Outdoor Special Events Permit for the Linden Square First Responders Community Festival May 11, 2019, from 11:00 am to 1:00 pm under agenda Item No. 17; Other Business.

**Item No. 5. On the Agenda.** Approval of the April 8, 2019, Regular City Council Meeting Minutes.

**Councilman Mallams** moved to approve the minutes of the April 8, 2019, Regular City Council meeting as presented. **Councilmember Moore** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

**Item No. 6. On the Agenda. PRESENTATION OF A CHECK FROM THE AMERICAN LEGION FOR THE HOBBY HILL FLAG POLE DONATION.**

**Mayor Suter** accepted a donation check in the amount of \$7,000.00 from Doug Millison, American Legion Post 626, for a flagpole at Hobby Hill Park.

**Item No. 7. On the Agenda. PROCLAMATION: OLDER AMERICANS MONTH**

**Mayor Suter** presented the Proclamation to Su Bacon from the Senior Citizens Services Board.

**Item No. 8. On the Agenda. PROCLAMATION: BUILDING SAFETY MONTH**

**Mayor Suter** presented the Proclamation Alan Napoli, Community Development.

**Item No. 9. On the Agenda. PROCLAMATION: POLICE WEEK**

**Mayor Suter** presented the Proclamation to Sergeant Eli Dorsey.

**Item No. 10. On the Agenda. PROCLAMATION: EMERGENCY MEDICAL SERVICES WEEK**

**Mayor Suter** presented the Proclamation to Tracy Chaney, Fire, EMS, and Quality Control Manager, and staff.

**REGULAR AGENDA.**

**Item No. 11. On the Agenda. RESOLUTION R-19-17** A Resolution authorizing execution of a contract with Jim Gallucci for the commission of two archways for installation at the Shoal Creek Trail near the entrance of Happy Rock Park.

**Mayor Pro Tem Moore** moved to approve **RESOLUTION R-19-17** A Resolution authorizing execution of a contract with Jim Gallucci for the commission of two archways for installation at the Shoal Creek Trail near the entrance of Happy Rock Park. **Councilman Garnos** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

**Item No. 12. On the Agenda. APPROVE FINANCIAL REPORT FOR MONTH END MARCH 2019.**

**Councilmember Mallams** moved to approve the Financial Month End for March 2019. **Mayor Pro Tem Moore** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

**Item No. 13. On the Agenda. Communications from the Audience.**

Douglas Millison, 7001 North Highland Court, Gladstone, Missouri, approached Council and stated: *"What I would like to do, Council, is just take a moment and tell you why we gave you a check for \$7,000.00. I didn't want to hold up all the proclamations you had going so I figured this would be an appropriate time. The Bennett-Dennis-Harrick Memorial Post 626 is pleased to make this donation to the City of Gladstone this evening. The preamble of the American Legion's Constitution has, for the last 100 years, called on us to inculcate a sense of individual obligation to the community, state, and nation. One way we can do that is to stand united with the city when we have the means at our disposal, and to lead by example. We are making this donation in honor of the Military Family. This is Children and Youth Month in the American Legion. May 12<sup>th</sup> is Military Spouse Appreciation Day, the 13<sup>th</sup> is Children of Fallen Patriots' day; and the 14<sup>th</sup> is Mother's Day. What better time to honor America's Military Families. Yes, this park is for everyone, but by placing the American Flag in the park and dedicating the symbol of our country to the Military Family, we are saying that we see you. We understand you. We honor the sacrifice that your entire family makes. The USO published an article on their website titled 'Five Things You Need to Know' about Military Families. They are like you, like any family. Deployments are difficult. They are always the new kid at school. Linked In is for beginners compared to our professions and it is always a balancing act. The park itself is a place one goes to relax, to play, to spend time with their kids, parents, and grandparents. The park itself is a necessity to many, but for a family just getting back together, or getting ready to spend it apart, it's a tool to instill experience and memories. We applaud the city for the work they have done on this park and all other parks in Gladstone, and for allowing us to participate in this small way. I'll end with a quote from over 200 years ago, which still rings true, and is especially relevant in Gladstone: 'Our country abounds in necessities, the arts, and comforts of life.' James Madison, 1813. Thank you, thank you very much."*

Don Mason, 3700 Northeast 76<sup>th</sup> Terrace, Gladstone, Missouri, approached Council and stated: *"About 15-20 years ago, the city helped out a person that had a sump pump put in their house. They put it underground in the easement because one man fell and slipped and broke his hip and it was leaving moss and mosquitoes on the street. They put it underground and it broke last summer in front of their house. They didn't fix it and they finally fixed it and so when they got it back hooked up, it broke between mine and my neighbor's house and it is running in the street. The city put it in, the city sent out an employee, and I asked him, are you going to fix this and he said no. Google broke it and it is your responsibility to call Google. Google will not even answer my calls. I want to know if there is anything you guys can do to help me out. I went to the hospital on the 8<sup>th</sup>, and I already thanked Mike Hasty, to give congratulations to his people that probably saved my life from another stroke. I cannot do this. I dug that hole up and it's all I can do, and it pumps from two to every five minutes. If I let it run through the street in the wintertime, that will freeze and somebody will have a wreck; which happened this year down the street during one of the storms. It got in the street. The city crew came out and cleaned that whole street because it was ice. I'm afraid this is going to happen again. I've got a picture of*

*going down my drain and it's going to be nothing but moss, leaves, and mosquitoes and I can't fix it. I don't have the funds. I don't know if it's broken one place or all the way down but I know that the city put it in and the guy who put it in, his name was John McConachie, if you want to check the records. He was a supervisor of the street department."*

**Mayor Suter** stated: *"Thank you for bringing this to our attention. I'm sure City Manager Wingerson will be able to get together with you on this."*

City Manager Wingerson stated: *"What Mr. Mason didn't explain to you is he was a long time water plant operator for the City of Gladstone so he has some history with us that helps him in this regard. Google will return our phone calls so give us a chance to work on it this week and we will coordinate with Mr. Mason and let you know what happens through FYIN."*

**Item No. 14. On the Agenda. Communications from the City Council.**

**Councilman Yarber** stated: *"Thank you. Today is Earth Day. We don't necessarily have to wish the earth happy birthday but Earth Day is not necessarily for the planet because certainly the planet is doing fine. It's a reminder of what we need to be doing in order for human beings to remain on the planet. Within, at least the lifetime of all who are sitting up here, people walked on the moon and we went to space and we started seeing pictures of what the earth looks like from space and we have this image of it as the blue and green sphere. My daughter, if she lives to the age that certainly is within the possibility, she will live till the year 2100 and it is estimated that the earth will be, that same picture from space, will be of a sphere that is brown and gray. So we need to be, in every one of our decisions, it's unfortunate Earth Day is only one day a year, it needs to be much more often than that, so in every one of our decisions, we need to be thinking about that. We've got some young people with us today. We will be judged by what we leave to you. What messes we leave to you to fix up and we hope that this earth remains a place that you can live out long and happy lives and not have to be trying to come up with extra creative ways of dealing with what wasn't dealt with by previous generations. Just a reminder that one day a year is not enough to think about the earth. Thank you."*

**Councilman Garnos** stated: *"Thank you. Just a couple. I also wanted to thank the American Legion for the flag and flagpole. I think that is an important addition to Hobby Hill and we've always wanted one there. Thank you for helping us with that. Director Merkey, I'm assuming you will let the SAGE students know that despite the best planning for an event, one bad day's weather and all the planning can be thrown away like almost happened last year. I think that should be part of the ongoing lesson for them is not only how difficult it is, but also on the day of the event it can all get trashed very quickly. Finally, on a serious note, while we do go through a lot of proclamations here, they are important and Police Week and the proclamation is especially important for those of us that have a friend that is on the National Law Enforcement Memorial, and I do. Thank you for the proclamation."*

**Mayor Pro Tem Suter** stated: *"I was just going to mention a couple of things: the EMS open house, which the First Responders did for themselves; but also coming up in the next couple of weeks is Spring Clean Up which is a really important weekend in Gladstone. That's the 26<sup>th</sup>-28<sup>th</sup> of April and then brush disposal is May 3<sup>rd</sup>-5<sup>th</sup>. A lot of tree damage happened over the winter*

*and I see a lot of people haven't gotten to it yet so I hope we are able to remind folks to get out and get that stuff trimmed up when they have the opportunity to dispose of it."*

**Item No. 15. On the Agenda. Communications from the City Manager.**

City Manager Wingerson stated: *"Thank you, Mayor, and members of the Council. Good evening. You stole most of my thunder, so just a couple of things for me; I'll just go through the notes here. The 9<sup>th</sup> Summer Season of the Farmer's Market begins May 1 right here at Linden Square. Two new banners have been installed just east of Linden Square to acknowledge the location. Touch a Truck takes place at Happy Rock Park West on Saturday May 4<sup>th</sup> from 10 am to noon. There is a rumor that there will be a Blackhawk helicopter this year at Touch a Truck so many thanks to those who worked on getting that done. Super Hero party is May 11<sup>th</sup> at the Community Center. Parents, kids, and Council are welcome to dress up and be ready for fun. I've been, on a personal note, I've been to a lot of meetings like this and I've never been so intimidated than having 17 and 18 year old's sitting right behind me. They are from Oak Park High School, thanks for being here, led by Bryan Edinger, their leadership teacher. Finally, on a more serious note, Councilman Garnos talked about it, the American Legion and specifically Doug Millison has been a big supporter of this community and I would just like to say thank you. Thank you, Mayor."*

**Mayor Suter** stated: *"I thought tonight was a great night to have so many young people in the audience. It does our hearts good to see young people who are interested in what is going on in their local communities because we often wonder about what is going to happen within the next generation. This gives us some hope."*

**Item No. 16. On the Agenda. FIRST READING BILL NO. 19-17** An Ordinance amending certain provisions of the Code of Ordinances of the City of Gladstone, Missouri, regarding the abatement of nuisances.

**Councilman Garnos** moved Bill No. 19-17 be placed on its First Reading. **Mayor Pro Tem Moore** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0). The Clerk read the Bill.

**Councilman Garnos** moved to accept the First Reading of Bill No. 19-17, waive the rule, and place the Bill on its Second and Final Reading. **Mayor Pro Tem Moore** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0). The Clerk read the Bill.

**Councilman Garnos** moved to accept the Second and Final Reading of Bill No. 19-17, and enact the Bill as **Ordinance 4.468**. **Mayor Pro Tem Moore** seconded.

**Councilman Mallams** stated: *"I have a question. It states several times through here, and I'll just go ahead and read the sentence: it says 'state that if the owner of the property fails to begin removing the nuisance within the time allowed.' Can you be more specific on what that 'time allowed' is? Does it vary with the nuisance?"*

Alan Napoli, Community Development, approached Council and stated: *"No, all nuisances have a minimum of 10 days. We only allow 10 days for a nuisance."*

**Councilman Mallams** stated: *"I read here 'order the removal of the abatement of such condition within a reasonable amount of time, not less than 10 days.' So the abatement is going to be..."*

Mr. Napoli stated: *"Within that 10 days, the 11<sup>th</sup> day, or right there shortly after, we will be going back out to re-inspect. If at that time it is not removed, we will have it removed on certain violations."*

**Councilman Mallams** stated: *"It just seemed a little confusing to me. All right, thank you."*

**Councilman Yarber** stated: *"Thank you. I'm reading over one section of this. 'any person shall create, permit, or continue a nuisance of any kind, nature, or description in, upon or about any property in the city which does or could endanger life and limb, damage or depreciate the value of property, real or personal or-and here is where I start to have a little problem-annoy or disturb-I can understand disturb-but annoy the owners of property in and about the area'. So we don't have a very clear definition of what might 'annoy' a neighbor."*

Mr. Napoli stated: *"And we will have to tweak it and work on that. That is right out of the statutes so I'm not sure that they even define it. It's probably general and probably some things in here as we go along will probably get a little more tweaked out and probably some definitions added down the road when I update all the other codes."*

**Councilman Yarber** stated: *"So if we have, if I have an assurance that we are going to better define 'annoy' I could support it. If we are going to leave it with that vague of language, then I appreciate everything in here, but that would be very troublesome because it's not clearly defined."*

Mr. Napoli stated: *"We will work on that, definitely, and I will double check the state statutes to make sure that they don't have something in there what their definition of annoy is. We may eventually pull that out of there if we really can't come up with a good definition that would satisfy everybody. It is very vague and very generalized."*

**Councilman Yarber** stated: *"So if that changes, is that something we would have to revisit or is it..."*

Mr. Napoli stated: *"It would be revisited. What my intent is, in probably the next several months here, I will be bringing all the codes forward and this will be part of the property maintenance code and I will add it into that section of the code and tweak all that out at that time. Probably in the next five to six months. In the meantime, if there are any issues that come up we can address it sooner if we have to."*

City Manager Wingerson stated: *"Mayor, sorry, Councilman, I didn't mean to interrupt. At goal setting we presented a full strategy dealing with code enforcement and a big part of those code*

*enforcement violations are nuisances which tend to spring up, no pun intended, in the spring, summer, and fall. What we are trying to do is get in place an ordinance that mirrors state law so that we can take advantage of changes and efficiencies in state law that allow us to address these nuisances this spring rather than waiting for a full code review that Mr. Napoli is talking about later this year. It's kind of an intermittent step so that we can move forward towards addressing Council goals of enhanced code enforcement in advance of the full work of the comprehensive review of the ordinances. Does that help?"*

**Councilman Yarber** stated: *"I certainly understand the speed in which we are trying to pass this so we can start dealing with things immediately. If I have assurance that we are going to better define what 'annoy' means, you picked the wrong bush and that really annoys me, your neighbor saying that, yeah, if I have an assurance that we are going to better define that, then I can support this."*

City Manager Wingerson stated: *"Mayor, you do have that assurance as well as to know that the application of this ordinance will primarily apply to tall weeds and grass, overgrown landscaping, and trash."*

**Mayor Suter** stated: *"As we have learned from experience it is better to be in compliance with the state law even if it is imperfect in the interim, than to not be so if challenged, it is the state law and this is exactly the language so at some point someone in the legislature had to defend it I guess. Thank you. Any other questions or comments? Thank you Mr. Napoli. Hearing none, Madam Clerk please call the roll."*

The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

**Item No. 17. On the Agenda.** Other Business.

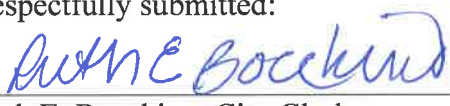
**Mayor Suter** stated: *"This is where we have an application for an Outdoor Special Event Permit from the Parks, Recreation, and Cultural Arts Department for the Linden Square First Responders Community Festival. Because of a conflict on the 18<sup>th</sup> they are asking to move their event to May 11<sup>th</sup>."*

**Councilman Mallams** moved to approve the Outdoor Special Events Permit, Linden Square, 602 NE 70<sup>th</sup> Street, First Responders Community Festival, Saturday, May 11, 2019, 11:00 am to 1:00 pm, sponsored by the SAGE Program, run by the North Kansas City School District. **Councilman Yarber** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilman Bill Garnos, Mayor Pro Tem Jean Moore, and Mayor Carol Suter. (5-0)

**Item No. 18. On the Agenda.** Adjournment.

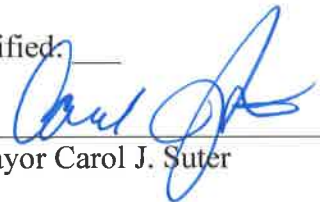
**Mayor Suter** adjourned the April 22, 2019, Regular City Council meeting at 8:07 and reconvened in the North and South Conference Rooms to continue the Open Study Session.

Respectfully submitted:

  
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Ruth E. Bocchino, City Clerk

Approved as presented:  \_\_\_\_\_

Approved as modified: \_\_\_\_\_

  
\_\_\_\_\_  
Mayor Carol J. Suter