



**MINUTES
REGULAR CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, SEPTEMBER 28, 2020**

PRESENT: Mayor Jean Moore
Mayor Pro Tem R.D. Mallams
Councilman Bill Garnos
Councilman Tom Frisby
Councilmember Tina Spallo

City Manager Scott Wingerson
Assistant City Manager Bob Baer
City Clerk Ruth Bocchino
City Attorney John Mullane

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

Mayor Moore opened the Regular City Council Meeting Monday, September 28, 2020, at 7:30 pm.

Item No. 2. On the Agenda. ROLL CALL

City Clerk Ruth Bocchino called Roll. All Councilmembers were present.

Item No. 3. On the Agenda. Pledge of Allegiance to the Flag of the United States of America.

Mayor Moore asked all to join in the Pledge of Allegiance to the Flag of the United States of America and thanked VFW Post 10906, Stan Stoner and Joe Liles, for posting the Colors.

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

The agenda was approved as published.

Item No. 5. On the Agenda. Approval of the September 14, 2020, Closed City Council Meeting Minutes.

Mayor Pro Tem Mallams moved to approve the minutes of the September 14, 2020, Closed City Council meeting as presented. **Councilman Frisby** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

Item No. 6. On the Agenda. Approval of the September 14, 2020, Regular City Council Meeting Minutes.

Mayor Pro Tem Mallams moved to approve the minutes of the September 14, 2020, Regular City Council meeting as presented. **Councilmember Spallo** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

Item No. 7. On the Agenda. PROCLAMATION: National Code Enforcement Month

Mayor Moore read the Proclamation and presented to Stephen Jackson and Eric Millsap.

Item No. 8. On the Agenda. CONSENT AGENDA.

Following the Clerk's reading:

Councilmember Spallo moved to approve the Consent Agenda as published. **Mayor Pro Tem Mallams** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

Councilmember Spallo moved to approve **RESOLUTION R-20-45** A Resolution accepting easements from certain property owners in conjunction with the Northeast 76th Street and North Tracy Avenue Storm Drainage Improvements Project CP2131. **Mayor Pro Tem Mallams** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

Councilmember Spallo moved to approve the **SPECIAL EVENT PERMIT:** Good Shepard WMC Worship Experience, 602 Northeast 70th Street, Linden Square, Sunday, October 4, 2020, 12:00-12:45 pm. **Mayor Pro Tem Mallams** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

REGULAR AGENDA.

Item No. 9. On the Agenda. Communications from the audience.

Bob Oakes approached Council and stated: *"My name is Bob Oakes and I live in Carriage Hills (4008 NE 62nd Terrace) and I'm here to oppose one of your Resolutions that you say that you are in favor of the Clay County proposed Constitution and I would guess that, have any of you read the Constitution, the proposed Constitution? Are you aware that five of the elected officeholders in Clay County would no longer be elected? That they would be appointed by the County Administrator. The Commissioners won't even vote for approval of it and those people will have a lifetime term, not elected, lifetime term. Do you realize that in that Constitution that they made some grave mistakes? One of them is the Assessor, you will have no Assessor in Clay County for nine months. The Constitution says in Article 4, Section 404, that after the election in November that the County Assessor cannot take office until September following the election which would*

be 9-1-21. No Assessor for nine months. The Constitution also says it cannot be amended for two years. The people of Clay County will not put up with this. Anyone, I made another statement here, I'd like to give these to you also; my last statement here it says, please read all these poison pills. I have eight in red, and another 22 or 23 after that. It looks like I'm missing one page; no there it is. And I'm saying these are all the highlights. This Constitution is written like fifth grade work. It couldn't get more than a D- in a high school paper. It is so bad, there is no index. There is no addendum. There is no definition of terms; it is the lousiest thing I've ever seen. It says words like 'continue', this is the very first Constitution; continue what? You can't be continuing if it is the very first one. It is terrible, terrible, terrible. And I'll say this, anybody, any group that stands behind this is going to be harshly graded by the voters, harshly, because it is a pile of you know what, OK? Can I give this to you?"

Mayor Moore asked if there was anyone else to speak to the Council.

Jim Oldebeken approached City Council.

Mayor Moore stated: *"I would like to remind you that we need to be speaking on items not on the agenda and that Resolution is on the agenda this evening."*

Mr. Oldebeken stated: *"My name is Jim Oldebeken, 7402 North Highland. Is it permissible to discuss the, something related to the last meeting that I have concerns about?"*

Mayor Moore stated: *"Certainly."*

Mr. Oldebeken stated: *"May I take my mask off?"*

Mayor Moore stated: *"Whatever works best for you, you are at a social distance."*

Mr. Oldebeken stated: *"Thank you, I'll try not to spray. OK. I will be as concise as I can. At the last meeting I made some comments about my opposition to the proposed Constitution. It related to significant lapses, violations of the Missouri Sunshine Law, which is a great concern for two reasons. One is, this document starts with trust. Government is a trust and the officers of the government are trustees. That's from Henry Clay. I provided to the city a document that I sent to the Attorney General with my concerns which is my duty as a citizen. You have that. Since then, after last week's, the meeting two weeks ago, I heard some statements made that I considered willfully false, like 'the minutes are done.' They are not done. I made a Sunshine Request, multiple; I don't have the first meeting, I don't have the second meeting. The first time I asked for minutes was on August 17th. If this is Sunshine, that's twilight. Things here have been wonderful, according to Sunshine. It gives me great comfort. Other statements that I have to bring up because if a false statement is made, we can't let that go. The statement: 'We complied with our records requirement with the Circuit Court Records Policies, I believe.' Well, I've already asked the Circuit Court what those policies are before this meeting. They are identical to the Sunshine Law and the Sunshine Law definitions don't provide exceptions for the courts. That's a concern. Also, it was stated that 'Wendy Bridges on our Commission was the Custodian of those records.' I had asked that for quite a while. Multiple times. In the document I'll provide you, you will see where that took place. I could go on; I'm not. That really disturbed me to hear*

willful false statements; after they got a letter that I received and they received alerting them that they were under investigation by the Attorney General for complaints about failure to comply. I wish you'd cover the rest of this in another format, or privately; but it's really sad. That's all I have, thanks."

Item No. 10. On the Agenda. Communications from the City Council.

Councilmember Spallo stated: *"Thank you. First and foremost, I'd like to say thank you to the Public Works Department and all the other city associates that assisted with the trash disposal weekend. It was fantastic. Tons of trash gotten rid of. All of the cooperation between residents and staff was good. I was out there several times making use of the event to myself and it was very well organized. From what I saw, there was a lot more people participating than had been in the past. It was very organized and staff was very friendly and helpful. Hats off to all them and a big thank you. Also, I wanted to remind all of our residents that if you haven't filled out your Census, that is due September 30. I was able to get some statistics from Scott Wingerson, and right now in regard to returns, Gladstone is at 75.2%, which is outstanding. I just really encourage everyone to complete that. It will help us in the future with funding and whatnot. Send them in! Have them postmarked by the 30th. Thank you."*

Councilman Frisby stated: *"Mayor Moore, just a couple of thank you's. Parks and Rec and to Public Safety, especially Animal Control. I went over this past Saturday and I heard Dunkin' Dogs; I didn't know if it was a combination of donuts and hot dogs or what I was expecting, but it was an event that was well run. I talked to a lot of residents who had their dogs there. They appreciated the event. They appreciated the Animal Control folks there keeping the peace as much as possible between the participants; and the Parks Department for putting that on. It was a well-run event and thank you."*

Mayor Pro Tem Mallams stated: *"Again, just pats on the back to Director Nebergall for the trash disposal weekend. It was very good."*

Mayor Moore stated: *"I would echo the same thing. We were there two times and it was great service all the time. I know we had a record amount of debris accepted by the city. It was great. I also had the opportunity on Saturday to go to the Car Stravaganza, which our former colleague was in charge of here at Linden Square. They had a lot of cars and it was good and the proceeds from that event will benefit the Mayor's Christmas Tree so I appreciated that."*

Item No. 11. On the Agenda. Communications from the City Manager.

City Manager Scott Wingerson stated: *"Mayor, thank you. I'd like to deviate a little bit and just respond to the public that spoke at the meeting tonight. I just wanted to say, I'm sure that Council realizes this, but the Resolution that is pending on your agenda tonight simply encourages residents of Gladstone and Clay County to become informed about the Clay County Constitution; it's an important issue facing our future and we want to make sure that everybody A) knows about it; B) has time to process it and listen to both sides of the argument and make an informed decision. If the Council considers and chooses to pass the Resolution, it's simply encouragement to the voters of Gladstone to educate themselves on the topic. It doesn't endorse*

or detract from the effort in one way or the other so I just wanted to clarify that for the two speakers tonight. 2020 Fright Night, as with everything else in 2020, has a little bit of a twist. Users are asked to wear their costumes and drive through Happy Rock Park where vendors will be handing out treats to all the ghosts and goblins; \$2.00 or donate two cans of goods per child. Proceeds will benefit the Northland Christmas Store. That is on October 23 from 6:00 to 7:30 pm at Happy Rock Park. A few months ago, the Council established a Small Business Grant through CARES Funding that the city received from Clay County, State of Missouri, and the Federal Government. The deadline is fast approaching, so any small businesses that are interested in that should get with the Clay County EDC or city staff immediately. The deadline is September 30. We continue to work on the street maintenance program all over town but probably most people understand 72nd Street between Troost and Holmes, basically, is the current segment that they are working on so I appreciate everybody's patience there as we make adjustments to try to make the commute to and from work easier on everybody and ultimately end up with a better street. Two more things, Mayor, if I could. One is I had the opportunity over the weekend to walk the Rock Creek Greenway Trail from Brooktree to 64th Street. It is absolutely stunning. It is well maintained. It is wide, it is beautiful, the houses are well maintained. It's just a perfect example of Fall foliage and I'd put it up against any view shed in the state right now. It's just absolutely stunning. So if you get a chance, drive, huh, drive, your mobility scooter, take a walk through there. Finally, I can't get away from a Council meeting without a COVID update: 4,017 cases confirmed in Clay County; 54 deaths; approximately 300 of those cases in Gladstone. Thank you, Mayor."

Mayor Moore stated: "Thank you, and I appreciate you clarifying our Resolution, that is a segue into Item No. 12 on our agenda."

Item No. 12. On the Agenda. RESOLUTION R-20-46 A Resolution encouraging the residents of Gladstone to become informed on the proposed Clay County, Missouri, Constitution and to vote on November 3, 2020.

Councilman Garnos moved to approve **RESOLUTION R-20-46** A Resolution encouraging the residents of Gladstone to become informed on the proposed Clay County, Missouri, Constitution and to vote on November 3, 2020. **Mayor Pro Tem Mallams** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

Item No. 13. On the Agenda. RESOLUTION R-20-47 A Resolution authorizing the City Manager to enter into an Agreement with Enterprise Fleet Management for acquisition and disposal of vehicles.

Mayor Pro Tem Mallams moved to approve **RESOLUTION R-20-47** A Resolution authorizing the City Manager to enter into an Agreement with Enterprise Fleet Management for acquisition and disposal of vehicles. **Councilmember Spallo** seconded.

Mayor Moore stated: "I would like to make a comment here. I would just like to give KUDOS to Director Accurso and Director Nebergall. I know they have worked on this idea for a very long time and I know research like this and recommendations like this to the City Council for action

go a long way towards saving money for the city and so I'm just really grateful for their ingenuity and their stick-to-it-iveness to staying with this to try to get this through."

The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

Item N. 14. On the Agenda. FIRST READING BILL NO. 20-30 An Ordinance authorizing the City of Gladstone, Missouri, to enter into a Lease Purchase Agreement with Security Bank of Kansas City whereby the City will lease certain property from the bank; approving a Declaration of Trust between Security Bank of Kansas City and the City pursuant to which certain Certificates of Participation will be executed and delivered for the purpose of financing certain project costs for the City; and approving certain other documents and the taking of certain actions necessary to deliver the Certificates of Participation.

Mayor Pro Tem Mallams moved **Bill No. 20-30** be placed on its First Reading. **Councilman Garnos** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0). The Clerk read the Bill.

Mayor Pro Tem Mallams moved to accept the First Reading of **Bill No. 20-30**, waive the rule, and place the Bill on its Second and Final Reading. **Councilman Garnos** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0). The Clerk read the Bill.

Mayor Pro Tem Mallams moved to accept the Second and Final Reading of **Bill No. 20-30**, and enact the Bill as **Ordinance 4.529**. **Councilman Garnos** seconded.

City Manager Wingerson stated: *"Mayor, if I could just introduce and thank at the same time two very important individuals to this effort to finance these improvements. The first is Rick McConnell from Armstrong-Teasdale; he is our bond counsel; you've known Rick before. Second is Tom Kaleko with Baker-Tilly, he is our municipal financial advisor and we couldn't do this type of work without their efforts and expertise and we really appreciate their support."*

Mayor Moore stated: *"Thank you, we all cheer them on and thank you for your efforts, gentlemen. We appreciate it."*

The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

Item No. 15. On the Agenda. FIRST READING BILL NO. 20-31 An Ordinance amending Title IX of the City of Gladstone, Clay County, Missouri, Code of Ordinances by repealing certain provisions contained therein and enacting in lieu thereof new provisions designated as Title IX relating to the construction and maintenance of structures and property within the city and designated as the "Building and Construction Ordinance" for the City of Gladstone, Clay County, Missouri.

Councilmember Spallo moved **Bill No. 20-31** be placed on its First Reading. **Councilman Frisby** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0). The Clerk read the Bill.

Councilmember Spallo moved to accept the First Reading of **Bill No. 20-31**, waive the rule, and place the Bill on its Second and Final Reading. **Councilman Frisby** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0). The Clerk read the Bill.

Councilmember Spallo moved to accept the Second and Final Reading of **Bill No. 20-31**, and enact the Bill as **Ordinance 4.530**. **Councilman Frisby** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

Item No. 16. On the Agenda. Other Business.

There was none.

Item No. 17. On the Agenda. Adjournment.

Mayor Moore adjourned the September 28, 2020, Regular City Council meeting at 8:00 pm.

Respectfully submitted:

Ruth E. Bocchino
Ruth E. Bocchino, City Clerk

Approved as presented: ✓

Approved as modified:

Jean B. Moore
Jean B. Moore, Mayor