



**MINUTES
REGULAR CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, OCTOBER 26, 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 Chris Williams

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

Mayor Moore opened the Regular City Council Meeting Monday, October 26, 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: Carla Gleaton, Dennis Perkins, Joe Liles, and Stan Stoner for presenting the Colors.

Mayor Moore introduced Troop 1395; Jeff Riddle, Scout Master. Their attendance was for the Community Merit Badge.

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

City Manager Wingerson stated: *"Madam Mayor, and members of the City Council, Item No. 11 should read "First Reading of amended Bill 20-29, so if you would make that change on your agenda and act accordingly, that would be fantastic."*

The Agenda was approved as so amended.

Item No. 5. On the Agenda. Approval of the October 12, 2020, Closed City Council Meeting Minutes.

Mayor Pro Tem Mallams moved to approve the minutes of the October 12, 2020, Closed 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. 6. On the Agenda. Approval of the October 12, 2020, Regular City Council Meeting Minutes.

Mayor Pro Tem Mallams moved to approve the minutes of the October 12, 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. Small Business Saturday.

Mayor Moore stated: *“I won’t read the entire proclamation, but I will just do some high points. In this proclamation, the government of Gladstone, Missouri, is celebrating our local small businesses and the contributions they make to our local economy and community. According to the United States Small Business Administration, there are 30.7 million small businesses in the United States and they represent 99.7% of all firms with paid employees in the United States; responsible for 64.9% of net new jobs created from 2000 to 2018. We in Gladstone support our small businesses and we know that they create jobs, boost our local economy, and preserve our community. Therefore, I, Jean B. Moore, Mayor of the City of Gladstone, proclaim November 28, 2020, as Small Business Saturday and urge the residents of our community and communities across the country to support small businesses and merchants on Small Business Saturday and throughout the year. I think this is an especially important proclamation during the COVID-19 situation. So many small businesses are hurting and so I urge everyone to support our small businesses in the City of Gladstone.”*

REGULAR AGENDA.

Item No. 8. On the Agenda. Communications from the audience.

There were none.

Item No. 9. On the Agenda. Communications from the City Council.

Councilmember Spallo stated: *“Thank you, Mayor. I just wanted to report on October 16, Alan Napoli and I had the opportunity to participate in MARC’s First Suburbs Coalition Zoom meeting and several items were addressed. The main objective was to speak about updating the Mid America Regional Council Home Access Guide. It was last updated in 2013. This is a remodeling idea book which is very helpful when modifying housing for those residents aging in place and we all know how important that is here in Gladstone. The publication will give*

ballpark figures for home modification so residents may budget and be educated prior to receiving bids. I'm glad to report the City of Gladstone will participate in the production of this valuable guide which will be developed by the Universal Design Institute and it should be unveiled sometime in January of 2021. We can publicize that to our residents; I think it is important to do so and would like to see it as a marketing goal for us in 2021 to make sure that our residents know that this is available to them. Thank you."

Councilman Garnos stated: "Thank you, Mayor. I've got two items tonight. First, I wanted to report the Parks and Recreation Advisory Board had a good meeting last week. In addition to the usual staff reports, the Board was updated on the joint concession stand and restrooms for Oak Grove Park and the North Kansas City School District; the Friday Fright Night event; the AJ Farms pumpkin sales update; the Little Free Library concept for Oak Grove Park; and the status of the Rock Creek trail extension. We had a good meeting. I also wanted to make some comments about the new Clay County Constitution that's on the ballot next week, if I may. As you know, we've had a presentation by two members of the Constitutional Charter Commission; and I still say that one guy looked familiar. We've also had two citizens come to the podium with comments and concerns about the draft constitution. As a Council, we have passed a resolution saying this is an important issue, and that we encourage everyone to become educated on the issue and form and vote. We've had Mr. Oldebeken raise some concerns about the process by which the draft was developed, and some concerns about Sunshine Law requirements. I respect Mr. Oldebeken's concerns, and as you know, we take the issue of transparency in government and the Sunshine Laws very seriously here in Gladstone. However, in my mind, these are reasons for supporting the new constitution. We clearly have problems in Clay County government with transparency and with compliance with the Sunshine Laws, and for that reason, I will be supporting the new constitution. We also had Mr. Oakes complain to us about the draft constitution, and raised 24 issues with it, or as what he referred to it as "poison pills". One of Mr. Oakes' concerns was about accountability, and that five elected officials will essentially become like department heads, similar to here in Gladstone city government. There is some concern that by changing these from their current partisan elections, this will somehow reduce accountability in government. In my mind, it does just the opposite, and increases accountability. If I may give you an example. One of those positions that is currently elected at the County level is the County Clerk, with somewhat similar duties to our own City Clerk. If for example, hypothetically, Ruth went crazy and did something really bad; would there be greater accountability under our current set-up, where her day-to-day performance is monitored by the City Manager and the City Council, or would there be greater accountability if her position was elected? Or if she had to run for re-election every four years? I don't believe that would provide greater accountability; I think it would provide less. We clearly have problems in Clay County government with accountability, and for that reason, I will also be supporting the new constitution. Finally, I wanted to say that I do not believe a three-member county commission is inherently or structurally unworkable. We have a lot of counties in Missouri and across the country that are very capably run by three county commissioners. But I think the problems at the Clay County level are so serious, and so intractable, that it's going to take a fundamental, structural change to fix it once and for all. And if for no other reason, I would vote for the new constitution just to remove Clay County government from partisan politics. In 2013, the Bi-partisan Constitutional Commission recommended going to non-partisan elections for county offices. In 2020, a new Bi-partisan Commission also recommended going to non-partisan

elections, like our elections here in Gladstone. To have two Bi-partisan Commissions comprised of an equal number of Republicans and Democrats, independently appointed by the judiciary, to recommend that county elections should be non-partisan, I believe is huge, and I would support the new constitution on that basis alone. And would rhetorically asked whether there could possibly be a better time to remove our county government from the cesspool of party politics? A new county constitution is a big deal. I don't mean to be melodramatic here, but I was reminded of some language in our country's Declaration of Independence, where it talked about 'When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another', in declaring certain truths to be self-evident, the Declaration of Independence stated as follows: (and I'm editing here):

'Governments ... deriv[e] their just powers from the consent of the governed, that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.'

I was going to stop my dramatic reading at that point, but the Declaration of Independence goes on to state something interesting on point for this issue: (and again I'm editing here a bit):

'Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience has shown, that mankind are more disposed to suffer, ... than to right themselves by abolishing the forms to which they are accustomed. But when there is a long train of abuses and usurpations, ... it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.'

I believe this is where we are. I appreciate all the time and energy that has been spent to get this issue on the ballot and I hope the citizens of Gladstone will educate themselves on this important issue; guard against the mis-information and fear-mongering that is being used to try maintain the status quo at the county level. Thank you for indulging me, Mayor. That's all I have."

Mayor Pro Tem Mallams stated: "Councilman Garnos, that was absolutely wonderful. Winter is upon us. Director Nebergall, with your crews, thank you for keeping the streets safe for our residents over the past 12-18 hours, they did a good job. Thank you, Mayor."

Mayor Moore stated: "I have just a couple of items tonight. First of all, I want to congratulate our own City Clerk, Ruth Bocchino, on being elected Vice President of the Western Division of the Missouri City Clerk and Finance Officers Association. Congratulations! We are proud of you. I also want to thank the Road District for their continuous generosity in allocating \$350,000.00 to the City of Gladstone for our street maintenance program. They constantly rise to the challenge and are so supportive of our city so we are enormously grateful for them. I also want to remind everybody of the Fall Brush Drop Off November 6-8 at Public Works, and that is when you can drop off your fall clippings, etc. for free. That's what I have. Mr. City Manager, your turn."

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

City Manager Scott Wingerson stated: *"Mayor, thank you very much. Just two things. Last Friday was Friday Fright Night. Over 270 cars were served, representing over 500 kids, so the comments were that the event was held safely, and much appreciated by members of the public; especially the little ones who got to dress up and decorate their cars. Thanks to the Parks, Recreation, and Cultural Arts Department for sponsoring that event and making that happen. The second item has to do with COVID-19. There have been 5,646 cases in Clay County so far and 82 of those people have passed away from the virus. A couple of things; get a flu shot as we go into winter, that is the recommendation of the CDC and the Clay County Public Health Department. Really remain diligent with mask usage and social distancing and hygiene. Those are the three things that are most highly and universally recommended to prevent the spread of the virus. Finally, we are glad to welcome Clay County Public Health to a pop-up testing event that is available for any person, any resident of Clay County, on November 3, from 1-4 pm in Central Park. There are numerous other locations across the County, just check the Clay County Public Health Center website for those locations. Testing for the active virus and no need to be symptomatic or anything like that, so it is just a very pop-up event, kind of pop-up event, that is the way to say it. That's it, Mayor. Thank you."*

Item No. 11. On the Agenda. FIRST READING OF AMENDED BILL NO. 20-29 An Ordinance amending Ordinance 3.396, Title II, Chapter 130, Section 2.130.010, of the Code of Ordinances, City of Gladstone, Missouri, to update its regulations relating to horseback riding in City Parks and on City Trails.

Mayor Pro Tem Mallams moved amended **Bill No. 20-29** be placed on its First Reading. **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). The Clerk read the Bill.

Mayor Pro Tem Mallams moved to accept the First Reading of amended **Bill No. 20-29**, waive the rule, and place the Bill on its Second and Final Reading. **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). The Clerk read the Bill.

Mayor Pro Tem Mallams moved to accept the Second and Final Reading of amended **Bill No. 20-29**, and enact the Bill as **Ordinance 4.531**. **Councilmember Spallo** seconded.

Councilman Garnos stated: *"Mayor, I just wanted to mention that Parks and Rec Advisory Board does support this Ordinance coming to us; I wanted to add that."*

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. 12. On the Agenda. FIRST READING BILL NO. 20-32 An Ordinance authorizing the City Manager to enter into a joint use agreement for a restroom and concessions building bordering Oak Grove Park.

Councilmember Spallo moved **Bill No. 20-32** 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. 20-32**, 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. 20-32**, and enact the Bill as **Ordinance 4.532**. **Councilman Frisby** seconded.

Councilmember Spallo stated: *"Mayor, I think this is going to be a fantastic addition to Oak Grove Park. I have worked concessions at Oak Grove Park over the years out of a trailer and it was not fun. It was difficult and it was a lot of work, especially for the social groups that were doing that; especially during the heat of the summer. I congratulate the city on this partnership; the continued efforts that we have had throughout the years with the School District; it's a testament to our ability to honor these partnerships and this is going to be great for everybody. Thank you, Justin, and City Manager, for your hard work."*

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. FIRST READING BILL NO. 20-33 An Ordinance approving the replat of Lots 162 and 161, Rosewood, also known as 1608 & 1700 Northeast 73rd Terrace, in Gladstone, Clay County, Missouri, and directing the appropriate officials to affix their signatures to said plat for recording.

Councilman Garnos moved **Bill No. 20-33** be placed on its First Reading. **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). The Clerk read the Bill.

Councilman Garnos moved to accept the First Reading of **Bill No. 20-33**, waive the rule, and place the Bill on its Second and Final Reading. **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). The Clerk read the Bill.

Councilman Garnos moved to accept the Second and Final Reading of **Bill No. 20-33**, and enact the Bill as **Ordinance 4.533**. **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. 14. On the Agenda. FIRST READING BILL NO. 20-34 An Ordinance approving the replat of Lot 37 Normandy North Second Plat, and part of the Northwest quarter of Section

25, Township 51 North, Range 33 West, also known as 6312 Northeast Normandy Drive in Gladstone, Clay County, Missouri, and directing the appropriate officials to affix their signatures to said plat for recording.

Councilman Frisby moved **Bill No. 20-34** be placed on its First Reading. **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). The Clerk read the Bill.

Councilman Frisby moved to accept the First Reading of **Bill No. 20-34**, waive the rule, and place the Bill on its Second and Final Reading. **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). The Clerk read the Bill.

Councilman Frisby moved to accept the Second and Final Reading of **Bill No. 20-34**, and enact the Bill as **Ordinance 4.534**. **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. 15. On the Agenda. Other Business.

There was none.

Item No. 16. On the Agenda. Adjournment.

Mayor Moore adjourned the October 26, 2020, Regular City Council meeting at 7:59 pm.

Respectfully submitted:



Ruth E. Bocchino, City Clerk

Approved as presented: 

Approved as modified: _____


Jean B. Moore, Mayor