



**MINUTES  
REGULAR CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, DECEMBER 13, 2021**

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

City Manager Scott Wingerson  
Assistant City Manager Bob Baer  
City Attorney Chris Williams

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

Mayor Mallams opened the Regular City Council Meeting Monday, December 13, 2021, at 7:30 pm.

**Item No. 2. On the Agenda.** Roll Call.

Mayor Mallams stated that all Councilmembers were present.

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

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

The agenda was approved as published.

**Item No. 5. On the Agenda.** Approval of the November 8, 2021, Closed City Council Meeting Minutes.

**Mayor Pro Tem Garnos** moved to approve the minutes of the November 8, 2021, Closed City Council meeting as presented. **Councilmember Spallo** seconded. The Vote: "aye", Councilmember Spallo, Councilman Frisby, Councilmember Moore, Mayor Pro Tem Garnos, and Mayor Mallams. (5-0)

**Item No. 6. On the Agenda.** Approval of the November 8, 2021, Regular City Council Meeting Minutes.

**Mayor Pro Tem Garnos** moved to approve the minutes of the November 8, 2021, Regular City Council meeting as presented. **Councilmember Spallo** seconded. The Vote: “aye”, Councilmember Spallo, Councilman Frisby, Councilmember Moore, Mayor Pro Tem Garnos, and Mayor Mallams. (5-0)

**Item No. 7. On the Agenda.** Consent Agenda

Following the Clerks’ reading:

**Councilmember Moore** moved to approve the Consent Agenda as published. **Councilman Frisby** seconded. The Vote: “aye”, Councilmember Spallo, Councilman Frisby, Councilmember Moore, Mayor Pro Tem Garnos, and Mayor Mallams. (5-0)

**Councilmember Moore** moved to approve **RESOLUTION R-21-54** A Resolution authorizing the City Manager to execute a Settlement Agreement and Mutual Release with North American Specialty Insurance Company for final payment in the amount of \$25,524.42 for work completed on the 2019 Water Main Replacement Project WP1986. **Councilman Frisby** seconded. The Vote: “aye”, Councilmember Spallo, Councilman Frisby, Councilmember Moore, Mayor Pro Tem Garnos, and Mayor Mallams. (5-0)

**Councilmember Moore** moved to approve **RESOLUTION R-21-55** A Resolution authorizing the City Manager to execute a Contract with MEGAKC Corporation, in the total amount not to exceed \$281,250.00 for the Carriage Commons Drainage Improvements Project CP2132 pending concurrence from the Missouri Department of Natural Resources. **Councilman Frisby** seconded. The Vote: “aye”, Councilmember Spallo, Councilman Frisby, Councilmember Moore, Mayor Pro Tem Garnos, and Mayor Mallams. (5-0)

**Councilmember Moore** moved to approve **RESOLUTION R-21-56** A Resolution authorizing the execution of a Contract with Spectrum Enterprise for Fiber Internet Service. **Councilman Frisby** seconded. The Vote: “aye”, Councilmember Spallo, Councilman Frisby, Councilmember Moore, Mayor Pro Tem Garnos, and Mayor Mallams. (5-0)

**Councilmember Moore** moved to approve **RESOLUTION R-21-57** A Resolution authorizing the City Manager to enter into an Agreement with Enterprise Fleet Management for acquisition and disposal of vehicles. **Councilman Frisby** seconded. The Vote: “aye”, Councilmember Spallo, Councilman Frisby, Councilmember Moore, Mayor Pro Tem Garnos, and Mayor Mallams. (5-0)

**Councilmember Moore** moved to approve the **Building Permit** at Van Subaru, 90 NW Vivion Road. **Councilman Frisby** seconded. The Vote: “aye”, Councilmember Spallo, Councilman Frisby, Councilmember Moore, Mayor Pro Tem Garnos, and Mayor Mallams. (5-0)

**Councilmember Moore** moved to ratify the **Special Event Permit**: Atkins-Johnson Farm and Museum, Cookies with Santa. Saturday, December 11, 2021 from 12:00 pm to 3:00 pm. **Councilman Frisby** seconded. The Vote: “aye”, Councilmember Spallo, Councilman Frisby, Councilmember Moore, Mayor Pro Tem Garnos, and Mayor Mallams. (5-0)

**Councilmember Moore** moved to approve the **Financial Report Month End October 2021**. **Councilman Frisby** seconded. The Vote: “aye”, Councilmember Spallo, Councilman Frisby, Councilmember Moore, Mayor Pro Tem Garnos, and Mayor Mallams. (5-0)

**Item No. 8. On the Agenda.** Communications from the Audience.

Jim Oldebeken, NE 76<sup>th</sup> Terrace, addressed the City Council. Mr. Oldebeken said that one of his primary goals is to help the community prepare to have one of the grandest 250<sup>th</sup> celebrations of the Declaration of Independence in this region. His hope for this celebration is for a spark in democracy restoration at the citizen level. He is concerned about a couple of things, one of which is citizens attending these meetings. Looking back on some old minutes from 1974, he was impressed about how many citizens were present. Mr. Oldebeken read a few sentences from those minutes. He said that citizens should be aware of what goes on in their city, and there is no better way to do that than to attend these meetings in person.

Mr. Oldebeken said that in some ways our difficulties with citizen involvement and the lack of a newspaper, have contributed to an on-going issue from one citizen who has been here often talking about personal concerns and his demands of this City. This has resulted in a lawsuit that was filed in January of this year for \$150 Million. Mr. Oldebeken said he believes that there are consequences for being so focused on one citizen and his demands. He thinks maybe there is a chance to benefit from this low spot by citizens becoming informed of this issue.

Mr. Oldebeken stated that because citizens have not been at these meetings, they may not be aware of this situation. He has focused himself, until the end of the year, to help our community become aware of this lawsuit. He presented the City Council with a packet of information that he has been distributing throughout the City. He continued by going into detail about the cave property that is involved in the lawsuit including maps that depict the cave. Mr. Oldebeken thanked the City Council for their time this evening.

**REGULAR AGENDA**

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

- Board and Commission Appointments (attached)

Mayor Mallams said that the City Council has two plaques for individuals stepping down from their service on a Board and Commission. *(They were not present)* Sid Robbins, who has served on the Arts Commission, and Lauren Crome, who has served on the Parks and Recreation Advisory Board. He thanked them both for their service.

**Councilmember Moore** moved to approve the **Board and Commission Appointments**. **Councilmember Spallo** seconded. The Vote: “aye”, Councilmember Spallo, Councilman Frisby, Councilmember Moore, Mayor Pro Tem Garnos, and Mayor Mallams. (5-0)

Councilmember Moore wished everyone a Merry Christmas and Happy Holidays.

Councilmember Spallo said that it has been a fantastic year for our City with all the work that has already been completed and the projects still to come as well as the change in our Police and Fire Departments. There is still a lot of work ahead of us and the City Council looks forward to supporting all that is yet to come in 2022. She also wished everyone Happy Holidays.

Councilman Frisby agreed with and echoed Councilmember Spallo’s comments.

Mayor Mallams thanked the City Council and City staff who worked to make the Mayor’s Christmas Tree lighting a great success. It was a great night! Also thanks to those who have supported the three non-profits. Thank you to Councilmember Spallo who is the Chair for Northland Christmas Store. Mayor Mallams passed along his congratulations to Director Accurso and his staff for the recent successful audit. He wished everyone a very happy and safe Holiday Season.

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

City Manager Wingerson announced that there were two pots of Federal funds that the City qualified for related to COVID. The first was CARES. About a year ago the City received \$2.5 Million, which was used for small business grants, help residents with utilities, and PPE for City personnel. A few months ago, the City received \$2.7 Million of a project \$5.4 Million of ARPA Funds. Those funds are currently in a holding account waiting for the Federal Government to issue their final ruling on how those monies can be used. As soon as they do that, staff will have some recommendations on how best to apply those funds to benefit the community.

City Manager Wingerson also took a moment to thank Assistant City Manager Baer for stepping up in the last week as City Clerk and again tonight. City Hall will be closed on December 23 and 24 for the Christmas Holiday. Merry Christmas to everyone!

## **Regular Agenda**

**Item No. 11. On the Agenda.** **First Reading Bill No. 21-38** An Ordinance amending Title IX of the City of Gladstone, 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.

**Councilman Frisby** moved **Bill No. 21-38** be placed on its First Reading. **Councilmember Moore** seconded. The Vote: “aye”, Councilmember Spallo, Councilman Frisby, Councilmember Moore, Mayor Pro Tem Garnos, and Mayor Mallams. (5-0). The Clerk read the Bill.

**Councilman Frisby** moved to accept the First Reading of **Bill No. 21-38**, waive the rule, and place the Bill on its Second and Final Reading. **Councilmember Moore** seconded. The Vote: “aye”, Councilmember Spallo, Councilman Frisby, Councilmember Moore, Mayor Pro Tem Garnos, and Mayor Mallams. (5-0). The Clerk read the Bill.

**Councilman Frisby** moved to accept the Second and Final Reading of **Bill No. 21-38**, and enact the Bill as **Ordinance 4.574**. **Councilmember Moore** seconded. The Vote: “aye”, Councilmember Spallo, Councilman Frisby, Councilmember Moore, Mayor Pro Tem Garnos, and Mayor Mallams. (5-0)

**Item No. 12. On the Agenda. First Reading Bill No. 21-39** An Ordinance approving the Show Me Courts Agreement with the Office of State Courts Administrator and authorizing the City Manager to execute the Agreement.

**Councilmember Spallo** moved **Bill No. 21-39** be placed on its First Reading. **Mayor Pro Tem Garnos** seconded. The Vote: “aye”, Councilmember Spallo, Councilman Frisby, Councilmember Moore, Mayor Pro Tem Garnos, and Mayor Mallams. (5-0). The Clerk read the Bill.

**Councilmember Spallo** moved to accept the First Reading of **Bill No. 21-39**, waive the rule, and place the Bill on its Second and Final Reading. **Mayor Pro Tem Garnos** seconded. The Vote: “aye”, Councilmember Spallo, Councilman Frisby, Councilmember Moore, Mayor Pro Tem Garnos, and Mayor Mallams. (5-0). The Clerk read the Bill.

Mayor Pro Tem Garnos asked why this not a violation of the Hancock Amendment. He thought Jefferson City wasn't supposed to pass things that would require expenditures on a municipal level.

City Attorney Williams answered that it is a requirement that the City convert to the Show Me Courts system. They are not, under the Hancock Amendment, allowed to impose unfunded mandates on the City, but he is not sure that we can choose not to participate. He said he could research it and get a better answer for them.

Mayor Pro Tem Garnos said it seemed like an unfunded mandate, but it is coming from the judiciary branch instead and getting passed on as court costs. He was just curious.

Mayor Mallams explained to those present that this new software allows all municipal courts to operate under a uniform platform, which is certainly an advantage. The costs will be covered with an increase in court costs.

**Councilmember Spallo** moved to accept the Second and Final Reading of **Bill No. 21-39**, and enact the Bill as **Ordinance 4.575**. **Mayor Pro Tem Garnos** seconded. The Vote: “aye”, Councilmember Spallo, Councilman Frisby, Councilmember Moore, Mayor Pro Tem Garnos, and Mayor Mallams. (5-0)

**Item No. 13. On the Agenda.** **First Reading Bill No. 21-40** An Ordinance amending Chapter 125, Municipal Court, of the Code of Ordinances of the City of Gladstone, Missouri, by adding Section 1.255.380 regarding court costs for Show Me Courts.

**Councilmember Moore** moved **Bill No. 21-40** be placed on its First Reading. **Councilman Frisby** seconded. The Vote: “aye”, Councilmember Spallo, Councilman Frisby, Councilmember Moore, Mayor Pro Tem Garnos, and Mayor Mallams. (5-0). The Clerk read the Bill.

**Councilmember Moore** moved to accept the First Reading of **Bill No. 21-40**, waive the rule, and place the Bill on its Second and Final Reading. **Councilman Frisby** seconded. The Vote: “aye”, Councilmember Spallo, Councilman Frisby, Councilmember Moore, Mayor Pro Tem Garnos, and Mayor Mallams. (5-0). The Clerk read the Bill.

**Councilmember Moore** moved to accept the Second and Final Reading of **Bill No. 21-40**, and enact the Bill as **Ordinance 4.576**. **Councilman Frisby** seconded. The Vote: “aye”, Councilmember Spallo, Councilman Frisby, Councilmember Moore, Mayor Pro Tem Garnos, and Mayor Mallams. (5-0)

**Item No. 14. On the Agenda.** **First Reading Bill No. 21-41** An Ordinance authorizing the City of Gladstone, Missouri, to issue its Taxable Industrial Development Revenue Bonds (Parkside Investors Project), Series 2021, in a Principal Amount not to exceed \$35,380,000 to finance the costs of a Project for Parkside Investors, LLC, a Missouri Limited Liability Company, consisting of constructing and improving real property; Approving a plan for an Industrial Development Project for the Company; Inviting affected Taxing Districts to submit comments to the City Council no later than December 13, 2021, for fair and due consideration by the City Council; Authorizing certain documents; and Authorizing certain other actions in connection with the issuance of the Bonds.

City Manager Wingerson stated that Rick McConnell, bond counsel, is here this evening, if the City Council has any questions for him.

Rick McConnell, Armstrong, Teasdale Law Firm, addressed the City Council. Mr. McConnell stated that this is the typical type of Chapter 100 transaction that we have seen before in terms of structure where the City will actually take ownership of the project to effect tax abatement. We have a big number in this ordinance, but this is really not a financing vehicle, it is a tax abatement vehicle. It is the vehicle that we have under Missouri Law in non-blighted areas to do tax abatement. The \$35 Million is the developer’s projected project costs; a very high quality project. His compliments to City staff for the negotiations with the developer. He would be happy to answer any questions.

**Councilmember Spallo** moved **Bill No. 21-41** be placed on its First Reading. Councilmember Moore seconded. The Vote: “aye”, Councilmember Spallo, Councilman Frisby, Councilmember Moore, Mayor Pro Tem Garnos, and Mayor Mallams. (5-0). The Clerk read the Bill.

**Councilmember Spallo** moved to accept the First Reading of **Bill No. 21-41**, waive the rule, and place the Bill on its Second and Final Reading. **Councilmember Moore** seconded. The Vote:

“aye”, Councilmember Spallo, Councilman Frisby, Councilmember Moore, Mayor Pro Tem Garnos, and Mayor Mallams. (5-0). The Clerk read the Bill.

Councilmember Moore stated that it seems like we do this often, but it is really exciting; a \$35 Million project in an area of the City that has not had much development.

Councilmember Spallo said that a project of this magnitude would not be happening if it were not for our City staff and City Manager. Congratulations!

**Councilmember Spallo** moved to accept the Second and Final Reading of **Bill No. 21-41**, and enact the Bill as **Ordinance 4.577**. **Councilmember Moore** seconded. The Vote: “aye”, Councilmember Spallo, Councilman Frisby, Councilmember Moore, Mayor Pro Tem Garnos, and Mayor Mallams. (5-0)

**Item No. 15. On the Agenda. Consider Building Permit: Parkside at Hobby Hill, 7510 North Oak Trafficway.**

**Mayor Pro Tem Garnos** made a motion to approve the **Building Permit** at 7510 North Oak Trafficway; Parkside at Hobby Hill. **Councilmember Moore** seconded. The Vote: “aye”, Councilmember Spallo, Councilman Frisby, Councilmember Moore, Mayor Pro Tem Garnos, and Mayor Mallams. (5-0).

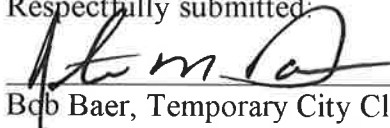
**Item No. 16. On the Agenda. Other Business.**

Mayor Mallams thanked many in the audience who serve on Boards and Commission for being present this evening.

**Item No. 17. On the Agenda. Adjournment.**

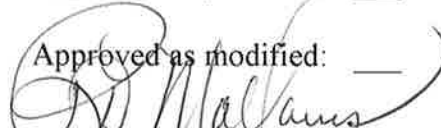
Mayor Mallams adjourned the December 13, 2021, Regular City Council meeting at 8:12 pm.

Respectfully submitted:

  
Bob Baer, Temporary City Clerk

Approved as presented:

Approved as modified:

  
Mayor R.D. Mallams