



**MINUTES
REGULAR CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, JANUARY 10, 2022**

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
Becky Jarrett, Deputy City Clerk

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

Mayor Mallams opened the Regular City Council Meeting Monday, January 10, 2022, 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 December 13, 2021, Closed City Council Meeting Minutes.

Mayor Pro Tem Garnos moved to approve the minutes of the December 13, 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 December 13, 2021, Regular City Council Meeting Minutes.

Mayor Pro Tem Garnos moved to approve the minutes of the December 13, 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-22-01** A Resolution authorizing Change Order No. 2 in the amount of \$38,782.00 to the contract with Royal Construction Services, LLC, for the Municipal Pool Bathhouse Renovation Project CO2053. **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-22-02** A Resolution authorizing the City Manager to enter into an agreement with Dr. Charles J. White, M.D. to provide Medical Director services to the City of Gladstone Fire and Emergency Medical Services Department. **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-23-03** A Resolution authorizing the City Manager to enter into an agreement with American Specialty Health (ASH) for providing fitness services to members of American Specialty Health. **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 November 30, 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 76th Terrace, addressed the City Council. Mr. Oldebeken stated that he continues to be concerned about the City being sued by Bob Bateman. He presented a number of exhibits making a case for the safety issue that remains regarding Mosby Cave. (see attached):

- Relevant Missouri lawsuits against local governments involving Robert L. Bateman- 24 years of lawsuits
- Quote from May 1, 2019 letter to City Manager from Bob Bateman
- Photo of Bob Bateman standing in flooded NE 76th Terrace (May 20, 2020)
- Quote from June 8, 2020 City Council meeting from Bob Bateman
- Photo of Hobby Hill Park boundary along Bob Bateman's property (with trespassing sign)
- Safety First quote from Forest Service, U.S. Department of Agriculture
- Newspaper article about 1993 St. Louis cave flooding/drowning
- Photo of channel of Cave Creek with dam
- Climatological data for Kansas City – May 2020
- Mosby Cave dimensions from Department of Natural Resources- 1937
- Mosby Cave dimensions – 2019

REGULAR AGENDA

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

Councilmember Spallo did not have any comments.

Councilmember Moore took a moment to recognize Anne Alexander's death. She said that Anne loved Gladstone. Serving on both the Planning Commission and Arts Commission, Anne always enjoyed being involved and lending her talents to help in any way she could. She will certainly be missed.

Councilman Frisby reminded community members to please use caution around the new crosswalk areas in downtown Gladstone.

Mayor Pro Tem Garnos also spoke about the recent passing of Anne Alexander. He said he got to know her while serving on the Planning Commission. He remembered going to her apartment one day and noticing the site plan for the new McDonalds on her dining room table where she was looking at the vehicle access onto Antioch Road. She was probably 85 at the time. He mentioned how she loved to draw animals and portraits. Anne's obituary described her as feisty and funny, smart and sassy, articulate and adamant, and he said he couldn't come up with a better description than that. Anne set a very high bar for independent living as a senior.

Mayor Mallams said he is very happy to see Resolution R-22-01, on the agenda tonight. Along with the renovation of the outdoor pool bathhouse, two new shade structures will be installed for pool patrons. He said he appreciates this for both the parents of newborns, and for old-borns like himself.

Mayor Mallams also said that he had a great time at Gladstone night at Oak Park High School last Thursday. He joined Chief Farris, Captain Boydston, and City Manager Wingerson for a fun evening of watching high school basketball. It will likely take place again next year and he would invite the entire Council to attend with their spouses.

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

No comments from the City Manager.

Regular Agenda

Item No. 11. On the Agenda. **First Reading Bill No. 22-01** An Ordinance calling a General Election for the election of one position to the Gladstone City Council on Tuesday, April 5, 2022; describing the form of the ballot and directing the City Clerk to submit certification of such election to the Clay County Board of Election Commissioners pursuant to RSMo. 115.125.

Councilmember Moore moved **Bill No. 22-01** be placed on its First Reading. **Councilmember Spallo** 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. 22-01**, waive the rule, and place the Bill on its Second and Final Reading. **Councilmember Spallo** 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. 22-01**, and enact the Bill as **Ordinance 4.578**. **Councilmember Spallo** 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. 22-02** An Ordinance declaring a 2016 Ford Transit van surplus property and authorizing the City Manager to enter into an agreement with the Clay County Sheriff’s Department to transfer ownership of said property in exchange for municipal prisoner housing credit.

Councilman Frisby commented that this is excellent “thinking outside the box.” This vehicle would likely just bring pennies on the dollar at the auction.

Councilmember Spallo moved **Bill No. 22-02** 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. 22-02**, 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.

Councilmember Spallo moved to accept the Second and Final Reading of **Bill No. 22-02**, and enact the Bill as **Ordinance 4.579** **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. 22-03** An Ordinance authorizing the City Manager to execute agreements between the City of Gladstone, Missouri, and the Kansas City Area Transportation Authority to provide public transportation services and property management assistance for the period of July 1, 2021 through December 31, 2021.

Councilman Frisby moved **Bill No. 22-03** 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. 22-03**, 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. 22-03**, and enact the Bill as **Ordinance 4.580**. **Councilmember Moore** 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. 22-04** An Ordinance authorizing the City Manager to execute agreements between the City of Gladstone, Missouri, and the Kansas City Area Transportation Authority to provide public transportation services and property management assistance for the period of January 1, 2022, through June 30, 2022.

Mayor Pro Tem Garnos moved **Bill No. 22-03** 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.

Mayor Pro Tem Garnos moved to accept the First Reading of **Bill No. 22-03**, 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.

Mayor Pro Tem Garnos moved to accept the Second and Final Reading of **Bill No. 22-03**, and enact the Bill as **Ordinance 4.581**. **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. Other Business

There was no further business to come before the City Council.

Item No. 16. On the Agenda. Adjournment.

Mayor Mallams adjourned the January 10, 2022, Regular City Council meeting at 8:03 pm.

Respectfully submitted:


Becky Jarrett, Deputy City Clerk

Approved as presented: 

Approved as modified: _____


Mayor R.D. Mallams

24 Years of Lawsuits

Against Local Governments!

RELEVANT MISSOURI LAWSUITS INVOLVING ROBERT L. BATEMAN

Source: www.courts.mo.gov/casenet/cases/searchCases.do

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
0699CC01499 - CITY OF KANSAS CITY																							
00CV82015 - CITY OF KANSAS CITY																							
							06AECV02075 - PLATTE CO.																
												SC91088 PLATTE CO.											
												10AECV01974 PLATTE CO.											
												SC91898 PLATTE CO.											
												700210127 CLAY CO.											
												WD73954 CLAY CO.											
												WD73947 CLAY CO.											
													SC92486 CLAY CO.										
															14AE-CV03444 - Bateman v. Bateman (Divorce)								
																				20CY-CV09121 GLADSTONE			
																					21CY-CV00973 GLADSTONE		

May 1, 2019

From Bob Bateman Letter to City Manager

*“If this matter is not resolved soon,
I am going to dam up part of the
drainage area in order to slow the
acceleration of damage.”*

BOB BATEMAN IS STANDING
IN 76 TERR

3 FT OF WATER
IN ROAD

MAY 20 2020



EXHIBIT 4

June 8, 2020

Statements from Bob Bateman to Gladstone City Council

"This cave could drown a child over there at Hobby Hill Park."

"I'm very concerned about that park next door. A little kid could wonder over there and it's just maybe 80 feet away. And ah, it's just a terrible situation."



Safety First!

From Forest Service, U.S. Department of Agriculture

“Do not enter a cave when there is rain predicted in the area.



*Caves often **flood** suddenly.”*

One Survives Cave Disaster

River To Rise Again

Forecast Sets Off Waves Of Action

By Tim Poor

Of the Post-Dispatch Staff

Going, going ... and still going.

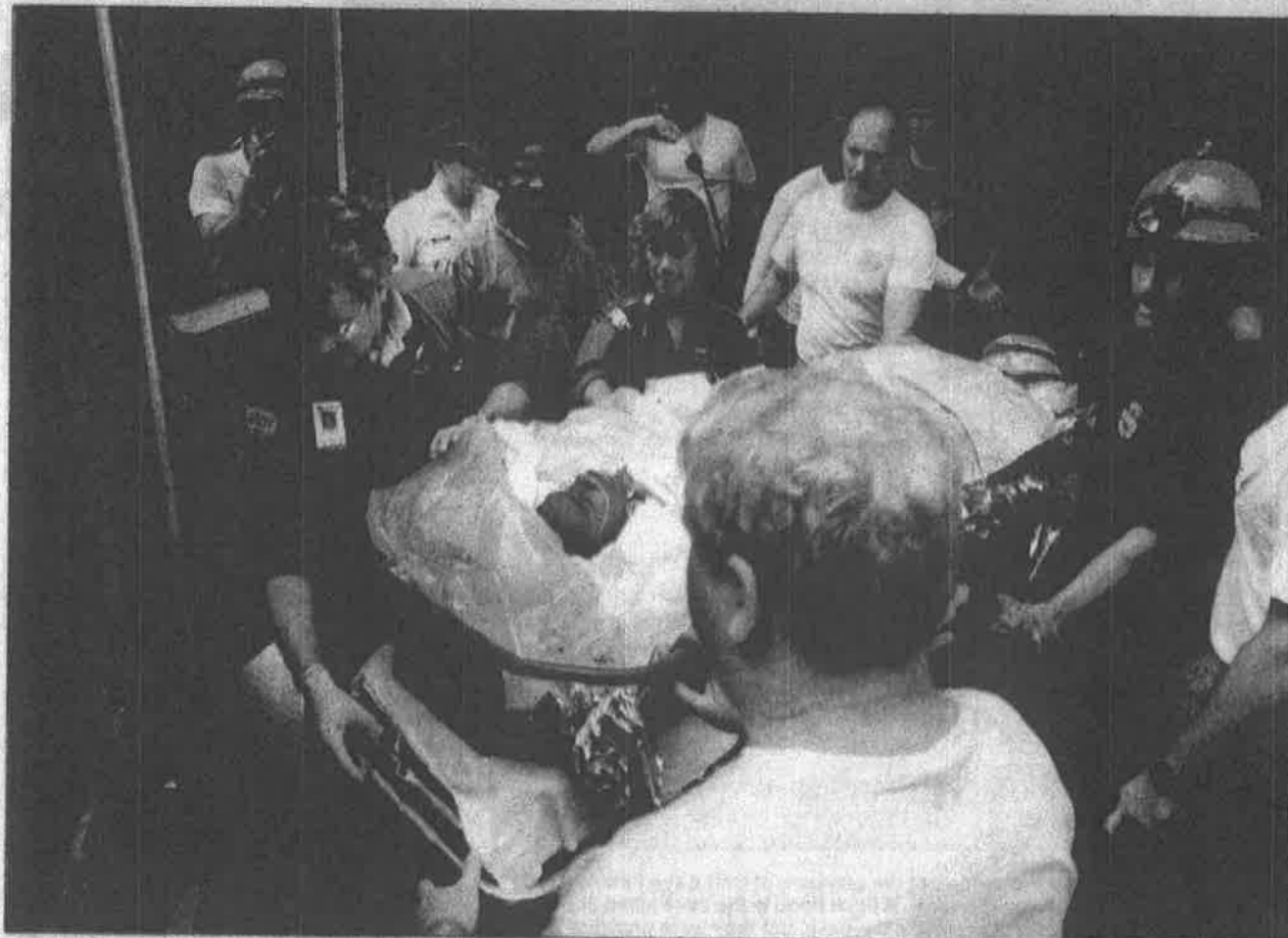
Up, that is.

Forecasters said Saturday that the Mississippi River would start rising again this week and set a record when it crests here next Sunday at 48 feet, a foot above last week's peak. And some pessimists believe the river could go even higher.

The stunning news caused floodworn residents from St. Charles to Ste. Genevieve, Mo., to gird themselves — and their levees — for another wet onslaught.

"This is like water torture, a constant dripping on my forehead," said Bob Anderson, a spokesman for the Army Corps of Engineers.

If the flood were a hurricane, this weekend might have been its eye; the river stayed at 46.5 feet at St. Louis Saturday. But more rain in the Upper Mid-



Gary Mahr, 13, being treated for hypothermia as rescuers carry him out of Cliff Cave in south St. Louis County. He was rushed by helicopter ambulance to Cardinal Glennon Children's Hospital. A relative, Kevin Ingram (fourth from left) smiles as he watches.

Wayne Crosslin/Post-Dispatch

Two Others Died Holding Each Other

By Peter Hemon
and Kim Bell

Of the Post-Dispatch Staff

Gary Mahr heard the roar of the water and clung to a ledge in an air pocket as a flash flood swept through a dark cave.

Four other boys and two counselors from St. Joseph's Home for Boys drowned in the outing to Cliff Cave in south St. Louis County.

Gary, 13, was rescued at 10:30 a.m. Saturday. He had spent more than 20 hours hunched on a ledge in a 4-foot-high, 2,000-foot-long passageway called the "Drapery Room Crawl."

Four of the bodies were found Friday and two others on Saturday.

The deaths prompted an investigation to determine whether anyone should be prosecuted for taking children into a park closed for two weeks because of flooding, said County Police Chief Ron Battelle.

Gary was in generally good physical shape at Cardinal Glennon Children's Hospital, where he was being treated for hypothermia and a bump



Gary Mahr



Kevin Manning/Post-Dispatch

Youngsters from St. Joseph's Home for Boys waiting Friday afternoon at the entrance of Cliff Cave Park in south St. Louis County for news about their friends who met with disaster while exploring a cave. A flash flood in the cave killed three boys from the home and a counselor. When the photo was taken, the youths knew of trouble in the cave, but they were unaware that anyone had died.

Distraught Families, Friends Want Answers

Cave Flood Drowns 4; 3 Missing

Outing Turns Into A Disaster For Children

By Martha Shirk and Kim Bell
Of the Post-Dispatch Staff

A caving expedition for 16 children from a St. Louis boys' home ended disastrously Friday when a flash flood swept through a cave in south St. Louis County, killing three children and a male counselor.

Two other boys and a 21-year-old female counselor still were missing at 10 p.m. Friday, when the search was called off for the night. It was set to resume at 9 a.m. today.

The children were from St. Joseph's Home for Boys, at 4753 South Grand Boulevard, a residential treatment center for abused or troubled youths.

Police withheld the names of the victims pending notification of relatives. Two of the dead boys were 10 and 12; the missing boys are 9 and 10.

The boys were exploring Cliff Cave, the centerpiece attraction in Cliff Cave Park, a county facility that has been closed for at least two weeks because of flooding from the



Post-Dispatch Map

■ **Cliff Cave** built like funnel, cave explorer says 4A

"One group wanted to go farther," said St. Louis County Police Chief Ron Battelle. "The other didn't."

One of the children who survived said, "We were in the cave walking



Climatological Data for KANSAS CITY DOWNTOWN AP, MO - May 2020

Date	Temperature				HDD	CDD	Precipitation
	Maximum	Minimum	Average	Departure			
2020-05-01	82	55	68.5	7.1	0	4	0.00
2020-05-02	82	61	71.5	9.8	0	7	0.00
2020-05-03	75	59	67.0	4.9	0	2	0.00
2020-05-04	61	52	56.5	-5.9	8	0	0.97
2020-05-05	71	50	60.5	-2.2	4	0	0.00
2020-05-06	62	45	53.5	-9.6	11	0	0.00
2020-05-07	65	42	53.5	-9.9	11	0	0.05
2020-05-08	60	44	52.0	-11.8	13	0	0.23
2020-05-09	64	38	51.0	-13.1	14	0	0.00
2020-05-10	60	42	51.0	-13.5	14	0	0.00
2020-05-11	52	40	46.0	-18.9	19	0	0.00
2020-05-12	56	45	50.5	-14.7	14	0	0.00
2020-05-13	65	50	57.5	-8.1	7	0	T
2020-05-14	81	64	72.5	6.6	0	8	0.02
2020-05-15	70	64	67.0	0.7	0	2	T
2020-05-16	75	62	68.5	1.8	0	4	T
2020-05-17	71	57	64.0	-3.0	1	0	T
2020-05-18	61	56	58.5	-8.9	6	0	0.00
2020-05-19	71	56	63.5	-4.3	1	0	0.00
2020-05-20	73	59	66.0	-2.1	0	1	0.00

1937

THE MOSBY SANDSTONE CAVE, CLAY COUNTY, MISSOURI

By GLENN G. BARTLE, HOWARD SPEER, and
EDWARD SCHUETT, Department of Geology,
The University of Kansas City, Kansas City, Mo.

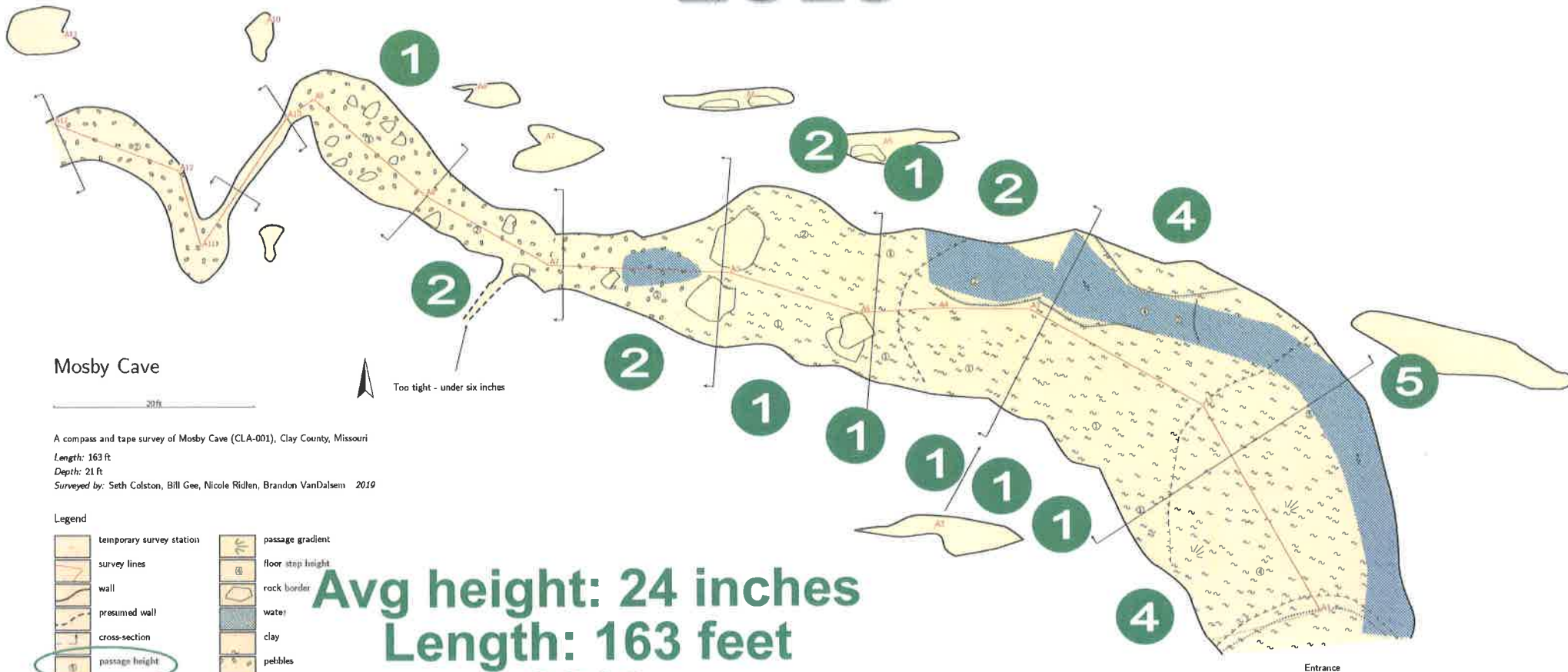
(Abstract)

The Mosby Sandstone Cave occurs in the Stranger Sandstone just north of Kansas City. The total length of the cave is approximately 250 feet, with an average width and height of two feet; but the entrance is much larger. The Stanton limestones and shales are exposed in sequence on the floor of the cave.

A chemical analysis of the sandstone shows only a trace of calcium carbonate; therefore solution of the sandstone is not important.

Solution of the underlying limestones has exposed the sandstone as the roof of the cave. The sandstone rapidly yielded to mechanical weathering, thus enlarging the cavity. This hypothesis is proven by the gradual change of the walls from sandstone to limestone back in the cave. Still farther back in the cave the roof changes from sandstone to limestone.

2019



Too tight - under six inches