

CITY OF GLADSTONE, MISSOURI

CITY COUNCIL MEETING

TRANSCRIPT OF MEETING/PUBLIC HEARING

February 9th, 2004

City Hall
Gladstone, Missouri

City Council Members:

Mr. Les Smith, Mayor
Mr. Joe Evans, Councilman
Mr. Bill Cross, Councilman
Ms. Carol Rudi, Councilman

Attendance:

Mr. Kirk Davis, City Manager
Mr. Scott Wingerson, Assistant City Manager
Ms. Cathy Swenson, Clerk
Mr. Dave Ramsay, City Attorney

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GLADSTONE CITY COUNCIL

MEETING/PUBLIC HEARING

ITEM NUMBER ONE:

MAYOR SMITH: I'd like to call to order the Monday, February 9, 2004 Gladstone City Council meeting.

ITEM NUMBER TWO:

MAYOR SMITH: Madame Clerk, would you please note that all Council members are present, with the exception of Mayor pro tem Wayne Beer who's out of town this evening.

ITEM NUMBER THREE:

MAYOR SMITH: Would you all please stand and join us for the Pledge of Allegiance?

(Wherein the Pledge of Allegiance took place.)

ITEM NUMBER FOUR:

MAYOR SMITH: The next order of business is the approval of the January 26th, 2004 City Council meeting minutes.

COUNCILMAN CROSS: Mayor Smith?

MAYOR SMITH: Councilman Cross?

COUNCILMAN CROSS: I move to approve the regular January 26th, 2004 City Council meeting minutes.

COUNCILMAN EVANS: Second.

MAYOR SMITH: There's a motion and a second, any discussion?

(No response.)

1 MAYOR SMITH: All in favor, please indicate by
2 saying "aye".

3 (All said aye.)

4 MAYOR SMITH: Opposed, same sign.

5 (No response.)

6 ITEM NUMBER FIVE (Consent Agenda):

7 MAYOR SMITH: The next item is the Consent Agenda
8 and Madame Clerk, would you please explain and
9 read the Consent Agenda?

10 MS. SWENSON: The Consent Agenda allows the City
11 Council to consider and approve routine items of
12 business without discussion. If any member of the
13 City Council, the City Staff or the public may
14 request removal of any item from the Consent
15 Agenda and request that it be considered under the
16 Regular Agenda if discussion or debate of the item
17 is desired. Items not removed from the Consent
18 Agenda will stand approved upon a motion by a
19 Council member, second and a unanimous vote to
20 approve the Consent Agenda as published or
21 modified. The Consent Agenda is as follows:
22 Resolution Number R-04-10, authorizing acceptance
23 of work under contract with Olsson & Associates
24 for the design of 76th Street improvements, North
25 Troost to North Lydia and authorizing final
26 payment in the amount of \$1936.50 for project

1 055014. Resolution Number R-04-11, authorizing
2 acceptance of work under contract with Pyramid
3 Excavation & Construction, Incorporated for the
4 basin covers at the water treatment plant and
5 authorizing final payment in the amount of \$17,800
6 for Project 0137-A. An approval of a limited one-
7 day Beer and Wine License to St. Charles Parochial
8 Church, 804 Shady Lane Drive, for a parish event
9 on Saturday, March 27, 2004, hours 6:00 p.m. to
10 12:00 midnight, Managing Officer, Mr. Paul G.
11 Danaher.

12 MAYOR SMITH: Is there anyone in the audience who
13 would like any of these items removed from the
14 Consent Agenda? Any Staff member? Any Council
15 member?

16 (No response.)

17 COUNCILMAN RUDI: I move we approve the Consent
18 Agenda as presented.

19 COUNCILMAN CROSS: Second.

20 MAYOR SMITH: There's been a motion and a second.
21 All in favor, please say "aye".

22 (All said aye.)

23 MAYOR SMITH: Opposed, same sign.

24 (No response.)

25 ITEM NUMBER SIX (Regular Agenda):

26 MAYOR SMITH: I'd first like to mention that we

1 have a scout with us this evening. We have
2 Brandon and Mike Berg(ph), Troop 354. Which one
3 is which?

4 MIKE BERG: I'm Mike.

5 MAYOR SMITH: You're Mike. Brandon, how old are
6 you and what school do you go to?

7 BRANDON BERG: I'm twelve and I go to Antioch
8 Middle School.

9 MAYOR SMITH: Thanks for being here this evening.
10 Item 6 is communications from the audience. If
11 there's anyone in the audience who would like to
12 address the Council this evening on any item that
13 is not on our Agenda, you may do so at this time.
14 (No response.)

15 ITEM NUMBER SEVEN:

16 MAYOR SMITH: Seeing no takers, City Council,
17 Councilman Evans?

18 COUNCILMAN EVANS: I just wanted to thank our
19 Public Works Department for another job well done
20 with the snow removal near us, very good, lots of
21 good comments from the citizens of Gladstone.

22 COUNCILMAN RUDI: I have the same remark to make.
23 It was a very good job. I had several citizens
24 tell me that about the time they thought the
25 streets aren't going to get plowed this time, for
26 the first time, here comes the truck, so thank you

1 very much.

2 COUNCILMAN CROSS: And I will make it a threesome.
3 Very definitely, we're proud of them and the Staff
4 and the work they've done, and the Director, and
5 everybody involved in it. It's very secure when
6 you go to meetings throughout the City and people
7 look forward to driving through Gladstone where
8 they know they will be safe for a little while
9 anyway.

10 MAYOR SMITH: No pressure, but I understand the
11 word in the metropolitan area is that we catch the
12 snow before it even hits the ground. I heard a
13 rumor, or maybe a story, or maybe a tall tale, but
14 I think this most recent snowstorm, our folks were
15 out for twelve, fifteen, sixteen hours at a time.
16 Perhaps our Director, Andy Noll, said they had
17 some incredible leadership. It's my understanding
18 that he jumped in a loader and also jumped in a
19 snow plow, and one of the guys could hardly even
20 stay with it any longer, told him to go home and
21 took over the wheel, and I think that's pretty
22 impressive, Andy, and congratulations to you, and
23 thanks to you and your department.

24 ITEM NUMBER EIGHT:

25 MAYOR SMITH: City Manager Davis?

26 MR. DAVIS: I'd like to echo the same thoughts,

1 appreciate everyone's patience relative to the
2 snow last week. We had a lot of it and a lot of
3 guys work for a lot of hours and it's true, Andy
4 did jump in the truck, so did Kirk Rome(ph), so
5 did some of the engineers. I think it was truly a
6 team effort out there. The rumor has it that when
7 Andy got in the truck, the rest of them left the
8 grounds real quickly, but I understand he did a
9 pretty good job, so kudos to everyone and the
10 Staff. We appreciate all their hard work out
11 there. Just a reminder to the Council, we're also
12 closed Monday for President's Day and no Planning
13 Commission meeting on Tuesday night. Thank you.

14 MAYOR SMITH: Very good.

15 ITEM NUMBER NINE:

16 MAYOR SMITH: Item 9 is a public hearing for
17 consideration of a Special Use Permit at 7508
18 North Oak Trafficway, Applicant North Oak Garden
19 Center, LLC, Owners Anthony and Fina Scire. This
20 is filed under 1211. The public hearing is
21 opened. Mr. Wingerson?

22 MR. WINGERSON: We were supposed to get the numbers
23 to the City Council. The Applicant has requested
24 an extension of the Special Use Permit for term of
25 five years that would allow them to continue the
26 operation of the North Oak Garden Center, North

1 Oak just south of 76th Street. The Planning
2 Commission recommends to you approval based on the
3 conditions in your Draft Ordinance by a unanimous
4 vote, 10-0. I'd be glad to answer any questions
5 you have now. Mr. and Mrs. Ryan are here if you
6 have any questions of them.

7 MAYOR SMITH: Any questions of Mr. Wingerson?

8 COUNCILMAN CROSS: My only question would be, and I
9 do remember when they were here and presented
10 that, had a presentation to open the place and
11 take over and run it and they promised all these
12 things and from what I have seen and experienced,
13 they definitely have fulfilled everything that
14 they said that they were going to do, and I think
15 it makes a nice site there on North Oak. I'm
16 going to be in favor of this.

17 MAYOR SMITH: Very good. Would the Applicants like
18 to make any comments this evening? Step right
19 forward please and give us your name and address
20 for the record.

21 ANNA RYAN: Hi. My name is Anna Ryan. I live at
22 509 Southwest 10th Street in Blue Springs,
23 Missouri. I wanted to introduce my husband, Kenny
24 Ryan, he's here with me as well. We're here for
25 the five-year Special Use Permit. Last year
26 brought many new opportunities, as we were honored

1 to participate in the Gladstone 2003 with much
2 success. We're excited about the future for 2004,
3 we have many new things planned. We have applied
4 for membership to the Gladstone Chamber of
5 Commerce. We're both honored and privileged to
6 sponsor the Tony Tobin show this year. He's been
7 number one rated lawn and garden and home-
8 improvement show in KC and the Midwest. We've
9 been invited to join his show and we'll be doing
10 live broadcasts Saturday mornings, hopefully from
11 a satellite position here in Gladstone a couple
12 weekends. We look forward to expanding our
13 facility and we will continue to work with the
14 City of Gladstone and its representatives to make
15 it a success. Any questions?

16 COUNCILMAN RUDI: I did hear your sponsorship of
17 the Tony Tobin show and I like that very much,
18 thank you. I like that promotion for Gladstone.

19 MAYOR SMITH: By all accounts, you have done
20 everything you said you would do the first time
21 you were in and we appreciate that. It's good to
22 have good business neighbors.

23 ANNA RYAN: Thank you.

24 MAYOR SMITH: Any questions?

25 (No response.)

26 MAYOR SMITH: Thank you. Is there anyone in the

1 audience who would like to speak in favor of this
2 application?
3 (No response.)
4 MAYOR SMITH: Anyone who would like to speak in
5 opposition?
6 (No response.)
7 MAYOR SMITH: Hearing none, we will close the
8 public hearing. Item 9-A is the first reading of
9 Bill 04-4, granting a Special Use Permit subject
10 to certain conditions to North Oak Garden Center,
11 LLC, 7508 North Oak Trafficway.
12 COUNCILMAN CROSS: Mayor Smith?
13 MAYOR SMITH: Councilman Cross?
14 COUNCILMAN CROSS: I move that we place Bill 04-4
15 on its first reading.
16 COUNCILMAN EVANS: Second.
17 MAYOR SMITH: A motion and the second. Any
18 discussion?
19 (No response.)
20 MAYOR SMITH: All in favor, please say "aye".
21 (All said aye.)
22 MAYOR SMITH: Opposed, same sign.
23 (No response.)
24 MAYOR SMITH: Madame Clerk, would you please read
25 the Bill?
26 MS. SWENSON: First reading, Bill 04-4, granting a

1 Special Use Permit, subject to certain conditions,
2 to North Oak Garden Center, LLC, 7508 North Oak
3 Trafficway, Applicant North Oak Garden Center,
4 LLC, Owners Anthony and Fina Scire, Number 1211.
5 COUNCILMAN CROSS: Mayor Smith?
6 MAYOR SMITH: Councilman Cross?
7 COUNCILMAN CROSS: I moved to accept the first
8 reading of Bill 04-4, waive the rule and place the
9 Bill on second and final reading.
10 COUNCILMAN EVANS: Second.
11 MAYOR SMITH: A motion and a second. Any
12 discussion?
13 (No response.)
14 MAYOR SMITH: All in favor, please say "aye".
15 (All said aye.)
16 MAYOR SMITH: Opposed, same sign.
17 (No response.)
18 MAYOR SMITH: Madame Clerk?
19 MS. SWENSON: Second reading, Bill 04-4, granting a
20 Special Use Permit subject to certain conditions,
21 to North Oak Garden Center, LLC, 7508 North Oak
22 Trafficway, Applicant North Oak Garden Center,
23 LLC, Owners Anthony and Fina Scire.
24 MAYOR SMITH: Councilman Cross?
25 COUNCILMAN CROSS: I move to accept the second and
26 final reading of Bill 04-4 and enact Bill as

1 Ordinance 3.895.

2 MAYOR SMITH: Would you agree to 3.898?

3 COUNCILMAN CROSS: Yes, if that's correct. If you
4 are right, I will be glad to do that, thank you.

5 MAYOR SMITH: We have a motion and a second. Any
6 discussion?

7 (No response.)

8 MAYOR SMITH: Call the roll, please?

9 MS. SWENSON: Councilman Joe Evans?

10 COUNCILMAN EVANS: Aye.

11 MS. SWENSON: Councilman Carol Rudi?

12 COUNCILMAN RUDI: Aye.

13 MS. SWENSON: Councilman Bill Cross?

14 COUNCILMAN CROSS: Aye.

15 MS. SWENSON: Mayor Les Smith?

16 MAYOR SMITH: Aye. Bill 04-4 has been enacted as
17 Ordinance Number 3.898 as of this date. Thank
18 you, and congratulations. Lots of publicity for
19 Gladstone, remember now.

20 ITEM NUMBER TEN:

21 MAYOR SMITH: Item 10 is a public hearing for
22 consideration of a zoning change from CP1 to CP2,
23 and site plan revisions for property located at
24 7117 North Prospect, Applicant Shafer, Kline &
25 Warren, Inc., Owner Hy-Vee, Incorporated, File
26 Number 1214. The public hearing process will be

1 the same as the last public hearing. We will hear
2 from our Staff, then from the Applicant, anyone
3 who might be in favor and anyone who might be
4 opposed to the application. The public hearing is
5 opened. Mr. Wingerson?

6 MR. WINGERSON: Mayor Smith and members of the
7 Council, thank you. I'd like to take just an
8 extra minute longer than I normally would for a
9 request of this type. I'll start with explaining
10 the request in general, like usual, to answer a
11 host of questions that have been raised at the
12 Planning Commission level, I'm at the Council
13 level, and through the public during the last
14 week, and then talk about the Staff and Planning
15 Commission recommendations for your action
16 tonight. The Applicant is really requesting two
17 separate projects tonight that require three
18 actions from the City Council. The first is a
19 Site Plan Revision which will allow the
20 construction of the retail addition to the south
21 side of the existing grocery store, together with
22 a drive-thru canopy for pharmacy use, to delivery
23 pharmaceuticals from the pharmacy to the customer
24 in the car. The second major part of the proposal
25 is the development of a convenience store with gas
26 pumps on what we commonly refer to as the arced

1 out parcel. It's more at the intersection of 72nd
2 and M1. That requires two actions from the
3 Council. First, a zoning change from existing CP1
4 to CP2 and second, a site plan approval for the
5 construction of the facility. There have been a
6 host of questions raised at the Planning
7 Commission and in the week since the Planning
8 Commission meeting, and I'll just go through them
9 rather quickly, and I'll certainly be available to
10 answer any additional questions the Council may
11 have. About how often or for how many meetings
12 per year does Hy-Vee hold special events. Hy-Vee
13 typically has a four to six week event in the
14 springtime to house the garden center. They also
15 have a smaller one two or three weeks in the fall
16 time and with that, during the summer months, they
17 have four to six weekends of special events. It
18 may be a Boy Scouts garage sale or a carwash or
19 those types of things, all of those are special
20 events. The question was asked about the land
21 area of Hy-Vee's gas stations and how does that
22 compare to this request. The representatives from
23 Hy-Vee can provide more detailed documentation,
24 however in the information that's been provided in
25 this site is very large and accommodates the size
26 of convenience store and petroleum gas station

1 that exists at other Hy-Vees and is certainly not
2 too much for the property based on what Hy-Vee is
3 done in other communities. There's been a lot of
4 discussion about the decibel levels, we have an
5 air intake device that's on the back of the
6 existing store. Representatives from Hy-Vee
7 measured the noise level, I believe, on a Thursday
8 following the Planning Commission public hearing
9 last week and measured it at 62 decibels. They've
10 had some success in other stores that adjoin
11 neighborhoods in bringing that down, and we
12 believe the condition that requires 60 decibels
13 will be an improvement for the neighborhood.
14 There was some concern at the Planning Commission
15 level about storm water and fluids, gasoline and
16 oil and vehicle fluids draining into the storm
17 water system. The intent is that that doesn't
18 happen but of course if it does, and it rains,
19 they have appropriate cleanup measures in place
20 and to that will be insured during the permitting
21 process and handled just like we do any other gas
22 station, Quik Trip caddy-cornered from there as an
23 example. It was asked if Hy-Vee contributed to
24 the improvements of 72nd Street. They did, they
25 dedicated all the right-of-way and contributed
26 \$109,000 for utility relocations. There's a long

1 history of financial contributions from developers
2 to the City to make public improvements. This
3 case is really no different than that. It's based
4 on documented and rational public improvement as
5 created by the developer. On what are the hours
6 of other pharmacies in town, Eckard is unlimited
7 and are actually allowed to operate on a 24-hour
8 basis and I would suggest to the City Council that
9 that is a different application as surrounding
10 that Eckhard at 72nd and Oak. It is surrounded by
11 commercial property, commercially used property,
12 so a different set of circumstances compared to
13 this application proposes a time limit from 7:00
14 a.m. 'til 2:00 p.m. At the Planning Commission
15 level, there was discussion of screening of the
16 existing air conditioning and cooling units, and
17 the question is, was the store required to do the
18 same thing as we have required of any other store
19 when it was built in the early '90s. The question
20 is yes, that Hy-Vee did exactly what was required
21 at the time. However, those requirements have
22 changed in the last seven or eight years and are
23 more stringent now than when the store was
24 originally built. Staff is recommending approval
25 on these requests as presented to you. I'd just
26 like to highlight on a couple of conditions. As

1 it relates to the Site Plan Revision for the
2 retail addition and the canopy, and we're
3 recommending that the hours of operation for the
4 drive-thru to be limited from 7:00 a.m. to 10:00
5 p.m., that all speakers contain adjustable volume
6 controls and all noise shall be significantly
7 imperceptible at the property lines, that's
8 related to the speakers and outside devices.
9 Existing and proposed air conditioning and cooler
10 units shall be visually screened and baffled to
11 reduce noise. I would suggest, in addition, for
12 the City Council, to a maximum of 60 decibels.
13 The use of the drive-thru for liquor sales is
14 strictly prohibited. The Planning Commission on
15 the Site Plan Revision related to that topic
16 recommends unanimously your approval. In terms of
17 this zoning change, Staff is recommending approval
18 as it relates to the site plan after the zoning
19 change. I think there will be a little bit of
20 concern on the part of the Applicant as it relates
21 to condition number five, and it talks about an
22 escrow calculated and provided to the City within
23 thirty days of Building Permit issuance. I think
24 we're very close. We've continued to negotiate
25 that during the week. We are currently, based on
26 traffic information that was submitted this week

1 and contained in your packet, or late last week
2 and contained in your packet, we believe that
3 their impact is in the neighborhood of \$32,500,
4 which is different on what we thought it was,
5 prior to the traffic information in front of the
6 Planning Commission. I think the Applicant will
7 also want to discuss with you, suggested condition
8 number six, which has to do with the right-of-way
9 dedication. The City has planned and been
10 approved for partial federal funding for a
11 bicycle/pedestrian trail along M1. The Applicant
12 is willing to dedicate an easement for the
13 construction of that, however, would like us to
14 minimize the impact on their property which, of
15 course, Staff is willing to do. With that, I
16 would suggest to you that the Planning Commission
17 recommends 5-5, a tied vote coming to you on the
18 zoning change for the Site Plan Revision for the
19 convenience store.

20 MAYOR SMITH: Any questions for Mr. Wingerson?
21 Councilman Rudi?

22 COUNCILMAN RUDI: Regarding the decibel level,
23 there was discussion at the Planning Commission
24 about a 55, as opposed to, at another store that
25 they were able to achieve. Why are we talking 60?

26 MR. WINGERSON: Mr. Brauer can explain this in much

1 clearer detail than I can, but in common terms,
2 the measurement location is different. I believe
3 the measurement at the Barry Road store, which was
4 the reference in the Planning Commission
5 discussion, actual measurement was taken further
6 away. The measurement of 62 was taken at the curb
7 line directly behind the store, so I think it's a
8 distance from the actual noise that's impacting
9 that change.

10 COUNCILMAN RUDI: And then regarding the escrow,
11 can you tell me a little bit about how you got
12 from \$130,000 to \$32,500?

13 MR. WINGERSON: Yes. Originally, escrow was
14 calculated based on one fourth of the improvements
15 being made, one fourth of the intersection's
16 improvements being made. Director Noll's staff,
17 through the Engineering Division, calculated that
18 escrow at approximately \$130,000. Because escrows
19 have to be tied to a rational development impact,
20 and we didn't have any traffic information, we had
21 to assess the full cost of those improvements as a
22 potential escrow. Since then, contained in your
23 packet is information from TranSystems that show
24 that basically the peak time, there's not a
25 significant impact to 72nd or M1, based on the
26 construction of the convenience store. So we

1 think, with all of those things together, it's
2 basically one fourth of the original one fourth
3 escrow amount, which we believe is appropriate for
4 a development of this type, that certainly will
5 impact both 72nd Street and M1, at least in terms
6 of trips, total number of trips.

7 MAYOR SMITH: Any other questions?

8 (No response.)

9 MR. WINGERSON: Thank you.

10 MAYOR SMITH: Now, we'd like to hear from the
11 Applicant or its representatives. State your name
12 and address for the record, please.

13 MR. BRAUER: Good evening. I'm Mark Brauer,
14 representing Hy-Vee, 5820 West Town Parkway, West
15 Des Moines, Iowa. With me is Tom Shafer who is
16 demonstrating the model here. Today, as Scott has
17 pointed out, we have two portions on the site.
18 The lower portion is the retail addition to the
19 south of the property which is retail expansion
20 along with a pharmacy drive-up lane. We are in
21 agreement with the stipulations made for that
22 facility. With respect to the decibel levels to
23 approach that, the property line immediately
24 behind the existing food store is approximately
25 36, 37 feet. That dimension is five times less,
26 we're about 200 feet actually at the Kansas City

1 Barry Road measurement, and actually, where the
2 sound is being measured for the 55 decibels at the
3 Kansas City Barry Road would have been the south
4 property line, all the way at the bottom of the
5 page, for 55 decibels, as opposed to measuring it
6 directly behind the store, within 30 feet of the
7 machine room. The point were trying to make with
8 that decibel is being honest with you that what is
9 operating today is 62, maybe 65 potentially in the
10 summer when everything is running, so we're trying
11 to be open and honest as to what's going on now.
12 We can agree to come up with some method to baffle
13 that and can reasonably achieve 60 decibels at the
14 property line behind our store. There's the
15 difference. I believe all our stipulations for
16 that site plan before the retail addition are
17 acceptable. Are there any questions on the south
18 half of the property?

19 MAYOR SMITH: You state there, you say the
20 application states in the conditions, and you
21 agree that it's for pharmacy sales only?

22 MR. BRAUER: The drive-up window is for pharmacy
23 sales only, that's correct. It's a bank tube,
24 essentially. Not essentially, it is a bank tube.
25 And that's consistent with the previous Ordinance.
26 We did come through here with a site plan approval

1 approximately two years ago for a drive-up window
2 at that point in time. Now, with the addition, we
3 held it off, figuring this was going to come.

4 MAYOR SMITH: Would you be agreeable to language -
5 we have the wrong condition. It says, "Use of
6 drive-thru for liquor sales is strictly
7 prohibited", but would you be willing to have us
8 include the language that the drive-thru shall
9 only be used for pharmacy sales? I'd hate to see
10 that be altered somehow, some way, someday, and
11 you have drive-thru grocery service or whatnot.

12 MR. BRAUER: We'd rather see it, that it's used
13 only for pharmacy sales, as opposed to creating
14 some innuendo for something else, exactly.

15 MAYOR SMITH: Any other questions on this part?

16 COUNCILMAN RUDI: Yes, I have another one. Could
17 you give me an example of what 60 decibels would
18 sound like? What have I heard that would be 60
19 decibels?

20 MR. BRAUER: Let me go to my handy dandy chart.

21 MR. WINGERTSON: Freeway noise is an example.

22 MR. BRAUER: Freeway noise is what's on our little-
23 -

24 COUNCILMAN RUDI: How close to the freeway am I
25 when I hear it?

26 MR. BRAUER: As far as freeway noise, how close?

1 You would be at the property line, or at the
2 right-of-way line. Here's the chart that we're
3 referring to. It's an older chart cause you'll
4 notice at 70 decibels, it talks about a
5 stenographer. But the essence of it is, is it
6 would be at the perimeter of, you know, a freeway,
7 right at the right-of-way. There's conversation
8 in an apartment that's at like 40-45. Telephone,
9 I believe, is on there. A telephone conversation
10 in the earpiece right in your ear is roughly 60.
11 I don't have any other examples than that.

12 MAYOR SMITH: Anything else?

13 (No response.)

14 MR. BRAUER: The second portion is the rezoning and
15 site plan approval for the convenience store
16 portion of the site, where the outline is referred
17 to by Staff. Visualization-wise, it is very
18 similar to the Quik Trip layout that is caddy-
19 cornered in that area. We have five fueling
20 islands, similar to the Quik Trip, and we have a
21 building that is very representative and is a
22 similar size. We have different functions, but
23 essentially, the same core functions exist. We
24 have re-moved that building to the corner for
25 visual presence, and we are altering no driveways
26 or any other circulation on 72nd or M1 for this

1 site, so it's all internal circulation. That is
2 our plan. We need to maintain the driveway
3 immediately off 72nd Street to get people into and
4 off of 72nd, and into the convenience store, if
5 they so choose that movement. We do not want to
6 cut that one off. There are different ways to
7 configure the parking behind the store itself.
8 This is our proposal to you today, and it has been
9 to the Planning Commission, as it retains the feel
10 of what is currently on the site and what our
11 customers know, not to say that it can't change,
12 but that is what they know. I'd be happy to
13 answer questions on that.

14 MAYOR SMITH: One of the concerns that was raised
15 by a neighbor was the traffic flow on and off 72nd
16 Street. How is that configured now? There's a
17 left turn and a right turn, and one lane coming
18 in; is that correct?

19 MR. BRAUER: One lane in and two lanes out, that's
20 correct.

21 MAYOR SMITH: The concern was it's not marked in
22 such a way as people, I guess, get confused as
23 they cross 72nd Street to the north to get to the
24 WalMart parking lot. Can you recommend a way that
25 that, perhaps could be striped differently or
26 marked differently to avoid that confusion?

1 MR. BRAUER: The middle lane of the two should be
2 marked as a thru or a left turn, meaning to cross,
3 and then the right lane should be a dedicated
4 right turn to keep traffic moving, for those who
5 want to go east.

6 MAYOR SMITH: Will you re-mark that?

7 MR. BRAUER: We can do that, yes.

8 COUNCILMAN CROSS: And I think that all we need to
9 do is remind the manager of the store when that
10 starts fading out, to re-mark it again.

11 MR. BRAUER: As we go through doing this, we'll
12 clean them up.

13 MAYOR SMITH: The markings or the manager?

14 MR. BRAUER: Both. After he sees the bill, maybe
15 he'll need some cleaning up.

16 MAYOR SMITH: Any other questions?

17 MR. BRAUER: As far as the stipulations then, with
18 respect to the escrow, our issue has been, because
19 I have to defend the corporation, that's my role,
20 is to make sure that the escrow is a fair share of
21 our contribution and others, and we would ask that
22 if this is the will of the Council to move this
23 forward, that other participants also be in
24 joining into that improvement on M1 and 72nd is
25 what I'm dealing with, generating that. We do
26 have an impact and we understand that we should be

1 responsible for our fair share, so we will stand
2 for that. As far as the decibels, we're asking
3 for 60 decibels specifically because of the
4 proximity of the property line. This is a
5 differing condition than what we've experienced in
6 the summer as far as Kansas City. As far as
7 right-of-way dedication, we would prefer an
8 easement to be worked out with Staff, as the trail
9 design is more secure and defined, and we would
10 appreciate language to that extent, as we work
11 with Staff to define that and as it calls for the
12 need.

13 MAYOR SMITH: Mr. Wingerson, do we think we can
14 have an escrow amount nailed down by our next
15 Council meeting on the 23rd? Is that possible?

16 MR. WINGERSON: Yes, that's possible. In fact, IBS
17 has submitted building plans and it just may be on
18 your Agenda the 23th for permanent approval, which
19 is why the condition is written that way, because
20 they were planned to be very close together.

21 MAYOR SMITH: Mayor Pro Tem Beer had asked to have
22 some input on the final approval of this. I'm
23 going to suggest to the Council that we only give
24 these items a first reading this evening, that
25 perhaps we'd be prepared to take final action on
26 it next week. That's why I asked the question.

1 MR. BRAUER: Any other questions for the Applicant?
2 COUNCILMAN EVANS: I just have one. On the south
3 portion, where are we going to move, or where will
4 those semi trailers that are parked there now,
5 where will they go?
6 MR. BRAUER: The short answer is away.
7 COUNCILMAN EVANS: That's great.
8 MR. BRAUER: We have some logistics to work out to
9 make that happen.
10 COUNCILMAN EVANS: Thank you, that's all I have.
11 Mayor Smith?
12 MAYOR SMITH: Anything else?
13 (No response.)
14 MAYOR SMITH: Thank you. Is there anyone in the
15 audience who would like to speak in favor of this
16 application?
17 (No response.)
18 MAYOR SMITH: Anyone who might be in opposition of
19 it?
20 (No response.)
21 MAYOR SMITH: Mr. Wingerson, any other comments?
22 MR. WINGERSON: If I can answer any other
23 questions.
24 MAYOR SMITH: Any questions?
25 COUNCILMAN RUDI: One question. On item number six
26 regarding the 10 foot right-of-way dedication.

1 Are you all right with the easement or do we need
2 to keep it as a dedication, or can we make it an
3 easement/dedication?

4 MR. WINGERSON: We had a brief conversation with
5 the engineering folks and I think Mr. Ramsay may
6 have been involved in that and I think we're okay
7 with the reservation, right-of-way reservation
8 because it is for a bicycle/ pedestrian trail.
9 The easement dedication, there's lots of different
10 ways to call it.

11 MAYOR SMITH: Any comments?

12 (No response.)

13 MAYOR SMITH: The public hearing is closed. Item
14 10-A is the first reading of Bill 04-5, approving
15 a Site Plan Revision for property at 7117 North
16 Prospect, and specifically relating to
17 construction of a retail addition and drive-thru
18 canopy.

19 COUNCILMAN CROSS: Mayor Smith?

20 MAYOR SMITH: Councilman Cross.

21 COUNCILMAN CROSS: I move to place Bill 04-5 on its
22 first reading.

23 COUNCILMAN EVANS: Second.

24 MAYOR SMITH: We've got a motion and a second. Any
25 discussion?

26 COUNCILMAN RUDI: Mayor Smith?

1 MAYOR SMITH: Councilman Rudi.

2 COUNCILMAN RUDI: On item number nine on 04-5, are
3 we going to change that to use of the drive-thru
4 is strictly for pharmacy sales, or something like
5 that?

6 MR. BRAUER: For pharmacy sales only.

7 COUNCILMAN CROSS: And it's also because of
8 Councilman Beer that we were going to hold it up?

9 MAYOR SMITH: Yes, if we could, just take the first
10 reading this evening.

11 COUNCILMAN RUDI: And also on eight, was the
12 decibel level, as a maximum of 60?

13 MR. BRAUER: Yes, please.

14 COUNCILMAN RUDI: Staff, are we all right with 60?
15 60 as the decibels?

16 MR. WINGERSON: Yes, 60 is, and we can, if it's
17 acceptable to the Council, we can create
18 appropriate language to reflect that for your
19 consideration on the 23rd.

20 MAYOR SMITH: We can do this one of two ways.
21 Either Councilman Rudi, you can make a motion to
22 amend or if the motion made would agree to those
23 two changes?

24 COUNCILMAN CROSS: I would definitely agree to
25 those two changes.

26 MAYOR SMITH: And the Councilman who seconded that

1 would agree?

2 COUNCILMAN EVANS: Yes.

3 MAYOR SMITH: Okay, very good. Any further
4 discussion?

5 (No response.)

6 MAYOR SMITH: All in favor, please indicate by
7 saying "aye".

8 (All said aye.)

9 MAYOR SMITH: Opposed, same sign.
10 (No response.)

11 MAYOR SMITH: Madame Clerk, would you please read
12 the Bill?

13 MS. SWENSON: First reading of Bill 04-5, approving
14 a Site Plan Revision for property at 7117 North
15 Prospect, and specifically relating to
16 construction of a retail addition and drive-thru
17 canopy.

18 MAYOR SMITH: Item 10-B is the first reading of
19 Bill 04-6, amending Ordinance Number 2.292 and
20 being an Ordinance relating to Zoning Ordinance
21 regulations and the establishment of Use Districts
22 within the City of Gladstone, Missouri.

23 COUNCILMAN RUDI: Mayor Smith?

24 MAYOR SMITH: Councilman Rudi.

25 COUNCILMAN RUDI: I move to put Bill Number 04-6 on
26 its first reading.

1 COUNCILMAN CROSS: Second.

2 MAYOR SMITH: Motion and a second. Any discussion?

3 (No response.)

4 MAYOR SMITH: All in favor, please indicate by

5 saying "aye".

6 (All said aye.)

7 MAYOR SMITH: Opposed, same sign.

8 (No response.)

9 MAYOR SMITH: Madame Clerk, would you please read

10 the Bill?

11 MS. SWENSON: First reading of Bill 04-6, amending

12 Ordinance Number 2.292 and being an Ordinance

13 relating to Zoning Ordinance regulations and the

14 establishment of Use Districts within the City of

15 Gladstone, Missouri.

16 MAYOR SMITH: Item 10-C is the first reading of

17 Bill 04-7, approving a Site Plan Revision at 7117

18 North Prospect and specifically relating to

19 construction of a convenience store with

20 petroleum.

21 COUNCILMAN RUDI: Mayor Smith?

22 MAYOR SMITH: Councilman Rudi.

23 COUNCILMAN RUDI: I move to put Bill Number 04-7 on

24 its first reading, with the following change on

25 item number six, and it reads, "A 10 foot right-

26 of-way reservation", rather than dedication.

1 COUNCILMAN CROSS: Second.

2 MAYOR SMITH: Motion and a second. Any discussion?

3 (No response.)

4 MAYOR SMITH: All in favor, please indicate by

5 saying "aye".

6 (All said aye.)

7 MAYOR SMITH: Opposed, same sign.

8 (No response.)

9 MAYOR SMITH: Madame Clerk, would you please read

10 the Bill?

11 MS. SWENSON: First reading of Bill 04-7, approving

12 a Site Plan Revision for property at 7117 North

13 Prospect, and specifically relating to

14 construction of a convenience store with

15 petroleum.

16 MAYOR SMITH: Thank you. And we will take final

17 action on all three of these items at our next

18 Council meeting on the 23rd, thank you.

19 ITEM NUMBER ELEVEN:

20 MAYOR SMITH: Item 11 is the first reading of Bill

21 04-8, declaring the results of the Tuesday,

22 February 3rd, 2004 Gladstone Primary Election, and

23 that the names of Les Smith and Roger Bowles shall

24 appear on the Tuesday, April 6th, 2004 General

25 Election ballot as candidates for (1) three year

26 position on the Gladstone City Council. Certified

1 results: Les Smith, 1,498; Roger Bowles, 421;
2 Robert Parkerson, 209.
3 COUNCILMAN CROSS: Mayor Smith?
4 MAYOR SMITH: Councilman Cross.
5 COUNCILMAN CROSS: I move we place Bill 04-8 on its
6 first reading.
7 COUNCILMAN EVANS: Second.
8 COUNCILMAN RUDI: Second.
9 MAYOR SMITH: There's a motion and two seconds.
10 Any discussion?
11 (No response.)
12 MAYOR SMITH: All in favor, please indicate by
13 saying "aye".
14 (All said aye.)
15 MAYOR SMITH: Opposed, same sign.
16 (No response.)
17 MAYOR SMITH: Madame Clerk, would you please read
18 the Bill?
19 MS. SWENSON: First reading Bill 04-8, declaring
20 the results of the Tuesday, February 3, 2004
21 Gladstone Primary Election, and that the names of
22 Les Smith and Roger Bowles shall appear on the
23 Tuesday, April 6, 2004 General Election ballot as
24 candidates for (1) three year position on the
25 Gladstone City Council. Certified results: Les
26 Smith, 1,498; Roger Bowles, 421; Robert Parkerson,

1 209.

2 COUNCILMAN CROSS: Mayor Smith?

3 MAYOR SMITH: Councilman Cross.

4 COUNCILMAN CROSS: I move to accept the first
5 reading of Bill 04-8, waive the rule and place the
6 Bill on the second and final reading.

7 COUNCILMAN EVANS: Second.

8 MAYOR SMITH: Motion and a second. Any discussion?
9 (No response.)

10 MAYOR SMITH: All in favor, please say "aye".
11 (All said aye.)

12 MAYOR SMITH: Opposed, same sign.
13 (No response.)

14 MAYOR SMITH: Madame Clerk?

15 MS. SWENSON: Second reading of Bill 04-8,
16 declaring the results of the Tuesday, February 3,
17 2004 Gladstone Primary Election, and that the
18 names of Les Smith and Roger Bowles shall appear
19 on the Tuesday, April 6, 2004 General Election
20 ballot as candidates for (1) three year position
21 on the Gladstone City Council. Certified results:
22 Les Smith, 1,498; Roger Bowles, 421; Robert
23 Parkerson, 209.

24 MAYOR SMITH: Councilman Cross.

25 COUNCILMAN CROSS: Mayor Smith, I move to accept
26 the second and final reading of Bill 04-8 and

1 enact the Bill as Ordinance 3.902.

2 MAYOR SMITH: Could I get you to agree to 3.899?

3 COUNCILMAN CROSS: Yes. I'll stand corrected as
4 usual, thank you. My fault, I didn't look at it.
5 (Off the record.)

6 MAYOR SMITH: Will you call the roll, please?

7 MS. SWENSON: Councilman Joe Evans?

8 COUNCILMAN EVANS: Aye.

9 MS. SWENSON: Councilman Carol Rudi?

10 COUNCILMAN RUDI: Aye.

11 MS. SWENSON: Councilman Bill Cross?

12 COUNCILMAN CROSS: Aye.

13 MS. SWENSON: Mayor Les Smith?

14 MAYOR SMITH: Aye. Bill 04-8 has been enacted as
15 an Ordinance Number 3.899 as of this date.

16 ITEM NUMBER TWELVE:

17 MAYOR SMITH: Item 12 is the approval of a Building
18 Permit, for a new facade and storefront at 6407
19 Northeast Antioch Road, Applicant/Owner Richard
20 Hawkins. This is Building Permit Number 04-0068.
21 We would first like to hear from Staff, and then
22 we'll give the Applicant an opportunity to make
23 comments.

24 MR. WINGERSON: Mayor Smith and members of the
25 Council, Staff suggested this item on the Regular
26 Agenda to have this discussion, and the Owner of

1 the property is Mr. Rich Hawkins who's with us
2 tonight. This is the building that's on Antioch
3 Road, across from White Chapel Cemetery, that was
4 damaged significantly, and in fact, in our
5 opinion, a total loss from the tornado in May. To
6 date, there's been no restoration activity,
7 however there has been some clean up and
8 demolition on the exterior of the property. Staff
9 is suggesting two conditions upon this Building
10 Permit approval. First, is that the Owner remove
11 the south drive at Northeast 64th Street. That is
12 really a follow through on a commitment for a
13 Special Use Permit for a daycare prior to the
14 tornado, and would like to make that a permanent
15 change to improve the safety of that intersection.
16 The second requirement is that the Owner treat the
17 exterior of the building on the south side or the
18 back side of the building that faces the single-
19 family subdivision south, and provide some
20 additional landscaping as an additional buffer.
21 Mr. Hawkins, I'm just concerned about both of
22 those requests and I'll find it appropriate to
23 allow us to listen to discussion. I'd be glad to
24 answer any questions that you have at this point.
25 MAYOR SMITH: Any questions of Mr. Wingerson?
26 COUNCILMAN CROSS: So up to this point with what

1 you said, Mr. Wingerson, the only thing he has
2 done is to clean the place up.

3 MR. WINGERSON: They've cleaned the place up
4 probably in the last forty-five to sixty days, in
5 terms of the outside. They've done a significant
6 amount of interior demolition.

7 COUNCILMAN CROSS: It just appeared to be at first,
8 that they were trying to repair it already or put
9 blocks back up. It's all just been cleaning up
10 and demolition then.

11 MAYOR SMITH: Mr. Hawkins, would you like to make
12 comments to the Staff and the Council? Give us
13 your name and address, please, for the record.

14 MR. HAWKINS: My name is Rich Hawkins. I live at
15 6900 North Quincy, Charleston Harbor subdivision.
16 I'm the Owner of 6407 Antioch property, and I'm
17 here and I wondered if you had any questions.

18 MAYOR SMITH: First of all, from the rendering, it
19 looks like you are going to make significant
20 improvements to the building and I think that
21 looks good. Specifically, if you could give us
22 some reason in your mind why we might want to not
23 follow Staff recommendations and make those two
24 conditions part of the approval?

25 MR. HAWKINS: Well, initially when I purchased the
26 property, I believe, in late 2001, it was with the

1 intention of turning a blighted piece of property
2 around that everybody around it, and myself and
3 anybody else may be proud of, was the intentions
4 of coming up with the concept, an image like this.
5 The first thing I had to do was evict some tenants
6 that I didn't believe would be successful in this
7 image here. Once I did get the daycare and the
8 learning center, everybody is aware of that, then
9 the building somewhat turned around. I had a crew
10 that was scheduled to show up on a particular
11 Monday to start improving the image of the
12 building, drastically improving, much like, I've
13 had some recent accomplishments. One being the
14 TCBY yogurt selling business, and turned it around
15 to, what I believe to be, a successful restaurant
16 that I think will be there for years to come. I
17 predict the restaurant will be a landmark, much
18 like Hayes or Bryant's or something like that.
19 It's currently owned by a family that will be in
20 the business for years to come, and I was careful
21 in selecting that tenant for that piece of
22 property, and I think that I've turned the piece
23 of property around successfully. Another piece of
24 property was on Antioch, the Professional Plaza at
25 Antioch and Englewood, which was blighted when I
26 took this piece of property over, had been more

1 than half empty. I brung a tenant that is
2 Creekwood Family Care, part of KU, over. They're
3 very successful in there. I don't know if anybody
4 has walked the property, but the front, in my
5 opinion, looks pretty well, and every square inch
6 of that property was manicured, all the way to the
7 back of the building, the inside of the building,
8 both sides of the building, the inside of the
9 building. Has anybody toured that property, the
10 inside of the property, the common parts?

11 COUNCILMAN CROSS: Yes, sir, many times. It looks
12 fine.

13 MR. HAWKINS: I mean up to date, since I've taken
14 the property over? I do this part time. I've
15 been known to be slow, and there's no doubt about
16 that I'm a little slow because I'll settle for no
17 less than high quality workmanship. I've turned
18 some of these properties around and that is my
19 goal with this piece of property. Again, as I
20 said, I had a crew showing up on a Monday, the
21 tornado happened Sunday and slowed things down.
22 Some of the tenants in this building were not
23 insured for this type of thing. I've been faced
24 with loss of rent, keeping the grass cut which I
25 have done, out-of-pocket boarding up, out-of-
26 pocket cleaning up the tornado debris, which I

1 don't know if everybody here can remember what
2 that looked like, but you couldn't even drive on
3 that parking lot. It was telephone poles, it was
4 trees, and they weren't my trees, they was other
5 people's trees, and I don't have a problem with
6 that, and other people's buildings, and I cleaned
7 it up, countless man hours and labor and cost of
8 doing that. I realize that it has been a sore eye
9 for that part of the community in the last ten
10 months. With debating with the insurance company
11 which was the right thing to do and other
12 difficulties with the property, getting it turned
13 around and expenses in developing this image, it's
14 taken some time. I know I haven't been perfect in
15 keeping the image up to date perfect, but I have
16 kept it boarded up and kept it mowed and in my
17 mind, in my mind, I am planning on doing this to
18 the building, and that is my intentions. On the
19 back of the building, here's my plans to date, and
20 I've only got two of them.

21 MAYOR SMITH: Is this the look that you had
22 anticipated prior to the tornado? I mean, did you
23 already have this plan?

24 MR. HAWKINS: Not exactly, no. This is a little
25 bit updated and is a little bit better in
26 appearance, although the plan that I had was ample

1 in appearance, in my opinion.

2 MAYOR SMITH: Well, if I could, just specifically
3 to the two conditions, especially since it seems
4 to be in concert with your desire to dress up the
5 property and make it look nice. What is the
6 objection to condition number two, which states,
7 "Dress up the south side of the building with
8 landscaping or facade work to the block wall"?
9 And again, I have looked, if the answer is on
10 these plans. Obviously, in my mind, that is the
11 side that the people who live in that neighborhood
12 see and you know, you're right, I think they're
13 very frustrated with the fact that, and I
14 understand you were negotiating with the insurance
15 company, to get the property cleaned up after the
16 tornado because some of the debris, in fact, was
17 blowing in their yards, so what are you doing on
18 this side of it that might be more visually
19 appealing to the neighbors?

20 MR. HAWKINS: Well, my plans with the back side of
21 it is going to be based on the tenant. It could
22 be a learning center, a daycare. I've talked to
23 one Christian coffee selling business that wanted
24 to put a patio back there, maybe have some chairs
25 and a place to go back and study and things like
26 that. A salon had wanted a place to go back and

1 sit back there. Whether that will all happen or
2 mature, it could and it probably won't, but before
3 I just go and make a commitment, with all due
4 respect to the City Council, if I start throwing
5 trees up that aren't planned yet, not knowing what
6 tenants are going to be there or if the whole
7 building is going to be occupied by one tenant, my
8 budget just won't call for that right now. I'm
9 under a pretty tight budget and you know, with my
10 experience with these buildings, whenever you
11 think it's going to be a certain amount, it's
12 usually about three times that amount, and I just
13 didn't want to make a commitment saying I was
14 going to put X amount of trees back there because
15 I can assure you, I can draw up some plans that
16 would make you happy but to stand here and say,
17 "Well, that's the plan and I'm going to be able to
18 carry it through to exactly," that plan, I'd be
19 just lying. Although I do have plans of making
20 the back of that building, as in my words, as
21 beautiful as the front is going to be. I think my
22 history in the past with the other buildings, if
23 you look at the back of the other buildings,
24 they're equally manicured and as nice as the
25 fronts.

26 MAYOR SMITH: Would you be willing, and I can

1 understand that, that you don't want to put in
2 something that you'll ultimately need to remove to
3 accommodate a tenant, but would you be willing to
4 reach some agreement with our Staff as to what, in
5 concept, it might look like and perhaps be willing
6 to, I don't know if it's possible to escrow funds
7 for or make some condition of revocation of a
8 permit or what not, to see that that does
9 ultimately happen. I mean, I can understand you
10 wanting to wait until you see what you need to do
11 and then doing it, but once we reach that point, I
12 think we need some assurance that it will happen.

13 MR. HAWKINS: Absolutely. I mean, I would be
14 willing to say that if you drove up there when the
15 building is completed and you didn't like it and I
16 didn't perform and it didn't look good and you
17 didn't think it looks like a brand new building,
18 I'll stop what I'm doing and do whatever you want.
19 I mean, there's going to be probably some various
20 tenants that go in there that's going to request
21 some permits and things like that, that I know
22 that they're probably going to be back here, and
23 there's no doubt that the building is going to
24 look new. I mean, that's just the way it is. I
25 mean, if something comes up in the future where
26 you wasn't happy, I would be glad to accommodate

1 whatever that you'd be asking for and, you know,
2 it wouldn't be that hard. We're talking about
3 some landscaping.

4 MAYOR SMITH: Mr. Davis, how can we tie something
5 along those lines down, or is that something that
6 needs to be discussed with Counsel before we take
7 action?

8 MR. DAVIS: I would prefer to discuss that with
9 Counsel and see that it was the most appropriate
10 tool that might tie down this obligation and give
11 the Applicant the opportunity to develop a
12 business plan, if you will, for the building.
13 It's really at the Council's direction.

14 MAYOR SMITH: Is it your intention, Mr. Hawkins, to
15 start right away on this?

16 MR. HAWKINS: Yes. Actually, I was going to start
17 two weeks ago. I was issued a Roof Permit to put
18 the roof on. I had contractors who were going to
19 rough in and start this, and I was kind of delayed
20 for the last two weeks. So that's just that much
21 more time that that building's sat.

22 MAYOR SMITH: To get this issue off dead center,
23 would you be willing if we would give you - if,
24 I'm saying, because we still have another major
25 issue to address - if we were willing to give you
26 approval subject to you working out such an

1 agreement with our Staff. That could be two days,
2 depending on how you all work together, or it
3 could be two weeks or two months, but at least
4 you'd know that the ball is kind of in your court
5 and you know, we're only looking out for
6 everyone's best interest to come to some agreement
7 and you can get started. That would be better
8 than saying, you know, no tonight and make you
9 come back in two weeks for sure. You might want
10 to make it happen sooner than that.

11 MR. HAWKINS: Absolutely.

12 COUNCILMAN CROSS: Mayor Smith?

13 MAYOR SMITH: Councilman Cross.

14 COUNCILMAN CROSS: Also, and Mr. Hawkins is not
15 aware of this, but some of us have received many,
16 many phone calls from those neighbors wanting to
17 know, "Can't we do something to help him get that
18 cleaned up?" I've even had people come up here to
19 City Hall and in open discussion, complain about,
20 "Why doesn't the owner clean that place up?" or,
21 "The debris is coming all over in our yard", and
22 you made mention that you move rather slow and try
23 to be very careful with the moves that you make
24 and you know, that sounds well and good but I'm
25 like Mayor Smith, I think if we can get - we like
26 the idea of that, but boy, we've caught an awful

1 lot of heat in the last ten months about the way
2 the place has looked since the tornado. We can
3 sympathize, but we have a lot of citizens who are
4 very upset about it, that nothing was done.

5 MR. HAWKINS: I can certainly understand that and I
6 sincerely apologize for that, but I really put my
7 best foot forward to clean up all this. You
8 wouldn't imagine all the debris I cleaned out of
9 that, I mean there was just no stopping it. A
10 week or two later, a wind storm would come up and
11 more debris would show up, insulation, paper, this
12 and that. I cleaned up the back of the church
13 property because some of my debris had went on
14 their property. Well, a lot of other people's
15 debris went on that property too and so to do it
16 right, I cleaned the whole thing. There was an
17 air conditioning compressor hanging off the back
18 of the building, just hanging there, and it was
19 there all summer and it looked really bad. And
20 you know, I thought, you know, to get up there and
21 just take that thing off, I should, but I think I
22 should be compensated from the insurance company
23 for having a professional HVAC man up there. So
24 here awhile back, we were doing some of the clean
25 up in preparation to get these permits and I was
26 up on the roof myself with some contractors and I

1 said, "Hey, let's push this thing off", so we
2 started pushing and there was still some
3 electrical wires, and I, of course, had the
4 electricity shut off the building and there's
5 still some freon. The freon lines break and shot
6 up and it was a very, it just shhh for the longest
7 time, it just shot everywhere, and I was right. I
8 had no business not having a professional up there
9 disconnecting that. I mean, I didn't stop and
10 think maybe it was still loaded with freon, and
11 that's the point I'm trying to make and even to be
12 up on the roof and handling some of these
13 dangerous things without a professional, but the
14 air conditioning compressor is removed now.

15 MAYOR SMITH: The other item is the driveway
16 approach you've got on the south entrance off of
17 Northeast 64th Street and as I recall, the last
18 approval that we gave for that property as a
19 daycare and that was a condition at that time, and
20 it never was completely closed off. I'll be
21 honest with you, this is a deal breaker for me. I
22 will not support this application unless that
23 drive is closed off. We discussed it at length
24 last time, that it becomes a safety issue. If
25 there were some reasonable or acceptable
26 compromise, if you will, for ingress and egress

1 that we can work out, what are your thoughts on
2 that?

3 MR. HAWKINS: My thoughts on that, I don't think
4 that that driveway is really necessary for various
5 tenants, although the last time we had this
6 conversation, it would be blocked off. I went out
7 there and designed and spent some money on a
8 design to block that off, and I had some
9 contractors out there doing it and I think his
10 name was Chuck, the Fire Marshall, showed up and
11 didn't like it and he didn't think that it should
12 be permanently enclosed, it should have some type
13 of application where it can be removed in case of
14 a fire, so I stopped and changed the design and
15 came up with what is currently there, the copper
16 dome thing, and I thought it looked good. I
17 actually designed it. It probably doesn't look
18 that good. It was for the safety of the daycare,
19 which I understand that. Now that the daycare is
20 gone, long gone, possibly could come back, another
21 tenant in particular, a florist selling business
22 that could cater to maybe across the street or
23 what have you, I don't know, really wants that to
24 be open. Which I think that once the tenants or
25 tenant is in there and sees that it's closed and
26 it shouldn't hurt their business, I think they

1 would be okay with it. However, I've talked to -
2 there's been some discussion about a bank location
3 and having a drive-thru and needing to be able to
4 access off of 68th Street. My feelings are, I
5 could live without it, but the breaker is it's
6 back to the budget, that you know, that I need to
7 escrow the \$2800 to close it off. I had it closed
8 off and I thought I had it looking good and as far
9 as the safety is people cutting through the
10 parking lot, people drive through that parking lot
11 to avoid a traffic signal.

12 MAYOR SMITH: Here's kind of the deal. Had you
13 closed it off permanently the last time, we
14 wouldn't have to have this discussion this time,
15 and I think that's why we're looking for a
16 permanent solution to the problem. Mr. Davis,
17 have we had any discussions today regarding some
18 alternatives to that point of ingress and egress?

19 MR. DAVIS: We've had several discussions relative
20 to the design of what would basically stand by
21 Pleasant Valley Road and T into Antioch in a much
22 more defined fashion than the current merger.
23 That would require a stop sign and I believe -
24 Andy, are you the engineer on that? Where are you
25 at on the design of that curve?

26 MR. NOLL: The plan is out for bid right now, for

1 modification of the curve radius.

2 MR. DAVIS: And that's for construction?

3 MR. NOLL: Correct.

4 MR. WINGERSON: Mayor Smith, Mr. Noll and I had a
5 brief conversation about alternatives to allow the
6 driveway to remain open. One alternative would be
7 to construct a raised median in that vicinity. In
8 effect, that would limit that driveway to a right
9 hand in eastbound and a right hand out westbound,
10 if you can picture that. Certainly a suitable
11 alternative would require a right-of-way
12 reservation from Mr. Hawkins, as well as a much
13 different level of escrow. The current escrow,
14 just so that we're speaking factually, the request
15 is \$2,350, not \$2,800. Between Andy and I, we
16 would estimate between \$50,000 and \$75,000 to
17 install a raised median in addition to the right-
18 of-way relocation, or the right-of-way
19 reservation.

20 MAYOR SMITH: You don't like that one as well, huh?

21 MR. HAWKINS: I don't have a problem with losing a
22 driveway. I mean, if that's what has to happen,
23 that's fine, but I don't have it in the budget,
24 the \$2,800, and with all due respect, the way I
25 see it, that if this is something that the City
26 wants, that's fine. I can give my ingress and

1 egress, which is in my opinion, valuable to that
2 property and valuable to the tenants, several
3 different tenants. I just don't have it. I just
4 don't think it's fair that I pay for it.

5 MAYOR SMITH: Well, and I hope you understand we're
6 not doing it to be arbitrary in any way. We think
7 it's a safety issue, and we have to not only
8 protect the tenants, but the people who frequent
9 that building, and we consider it a safety issue
10 for everyone in that area, not to mention what
11 might come down the pike in the future, so that's
12 kind of where we're coming from. Does Council
13 have any comments?

14 MR. HAWKINS: On the safety issue, sir, with all
15 due respect, it's blocked off now and I thought it
16 would be more safer to turn in that way and turn
17 out that way than to try to navigate around that,
18 what I call hairpin turn, and come into the
19 property.

20 MAYOR SMITH: Mr. Wingerson, can you better
21 articulate our issues and concerns there, than I
22 did? It wouldn't take much, I understand.

23 MR. WINGERSON: It was a Special Use Permit for the
24 daycare and I'm sorry, Mary and I were having a
25 side conversation, but hopefully I'll answer your
26 question anyway. When the Special Use Permit for

1 the daycare was approved, the Planning Commission
2 and the Council had significant discussion about
3 that driveway, and the installation of the locking
4 device or whatever you want to call that was
5 really a compromised position on, I think,
6 everybody's part, The Council's, the Commission's
7 and the Staff's part. I think what we're
8 suggesting now is that the building is
9 significantly more than fifty percent damaged by
10 the tornado which requires that current building
11 codes and development standards be applied to the
12 property. In effect, that's what we're doing, at
13 the same time, trying to be aware of Mr. Hawkins'
14 concerns. Unfortunately, with the reconfiguration
15 of Antioch Road, 64th Street and a couple of other
16 side streets there that impact on that
17 intersection, we just don't see any way to leave
18 that driveway open. It wouldn't be appropriate or
19 safe to allow that to occur.

20 MAYOR SMITH: Any comments from the Council?

21 COUNCILMAN RUDI: I have a question. With this
22 building fifty percent damaged or more, would we
23 need to also require sidewalks?

24 MR. WINGERSON: There's not - that's an excellent
25 question, Ms. Rudi. I don't think so. We have
26 significant plans for Antioch Road there based on

1 much different criteria than applicable to Mr.
2 Hawkins, as well as changes on the whole way that
3 works. St. Andrews Church did provide a lot of
4 money and provided that curb and guttering.
5 MAYOR SMITH: We're not requiring any escrow for
6 that road improvement or sidewalks in front of
7 this property?
8 MR. WINGERSON: Well beyond the scope of this
9 project, the renovation. Does that answer your
10 question?
11 MAYOR SMITH: Yes.
12 COUNCILMAN EVANS: Mayor Smith?
13 MAYOR SMITH: Councilman Evans.
14 COUNCILMAN EVANS: I have a question for Director
15 Adamo. Do we have any issues of fire safety
16 standing out if we close this drive permanently?
17 DIRECTOR ADAMO: No.
18 MAYOR SMITH: Anything else?
19 (No response.)
20 MAYOR SMITH: Thank you, Mr. Hawkins. I'm sorry,
21 do we have any other comments?
22 MR. HAWKINS: I'm just here to say if we need to
23 lose a driveway, fine, we can lose a driveway.
24 What I'm trying to do, as I indicated, I will do,
25 if Council will just have some compassion and
26 waive the \$2,300 or \$2,800 or whatever it is,

1 escrow, I'm find with it, I mean whenever it will
2 happen, and I'll keep the driveway blocked until
3 the plans mature. I'm here to work with the City,
4 I want to make the City happy. I want to do some
5 nice things in terms of fixing older buildings up
6 and older properties and bring in come quality
7 businesses to these buildings, and I think I can
8 accomplish that.

9 COUNCILMAN RUDI: Mr. Hawkins, if you were here in
10 the previous public hearing, we had an issue of an
11 escrow come up, and that's not something that we
12 normally just drop or waive. It's standard
13 business practice and I don't think that we want
14 to start a precedent by doing that. It's nothing
15 personal, it's just the way that we think of
16 things. Mayor Smith, I would feel much better if
17 Mr. Hawkins could get with Staff between now and
18 the next meeting and go over this again and see if
19 they can get these issues ironed out, rather than
20 even doing a half-hearted approval.

21 MR. HAWKINS: Would you consider an exception to a
22 tornado victim?

23 COUNCILMAN RUDI: We have had some homes that were
24 damaged and we couldn't make exceptions for them
25 either.

26 MR. WINGERSON: I will go along with whatever the

1 rest of the Council wishes. I was trying to be
2 somewhat compassionate in giving you a conditional
3 approval, if you will, which then kind of, like I
4 said, put the ball in your court to work it out
5 with our folks. It sounds like that at the very
6 best, that's what we can do, but we're more likely
7 to not do anything until it gets worked out. What
8 is the Council's preference with this?

9 COUNCILMAN CROSS: My feelings are just like Mayor
10 Smith's, just like Ms. Rudi's, I think you should
11 get together with Mr. Wingerson and your City
12 Manager and work out and be a little bit more
13 specific about what they're going to do. I like
14 the looks of this and what he plans on doing, but
15 I think there's certain things that still need to
16 be ironed out before we give a final approval on
17 it.

18 COUNCILMAN RUDI: Yes, I think it's a very
19 attractive improvement to that building. Part of
20 what makes it attractive is all that landscaping
21 that's around it and we're talking about waiting
22 on that, so that's part of my problem too.

23 MR. HAWKINS: Thank you very much for the
24 compliments. One last thing I wanted to say about
25 landscaping, that is a concept and there will be
26 some landscaping, but can I point out some areas

1 here? Some of these trees, I mean, some of these
2 trees are almost on the easements over here and
3 the street goes by here and you know, some of
4 these different trees exactly like that, there
5 will be some along here, but I won't be able to
6 make it look exactly like that. But I mean, I
7 will do my best and I think that you'll be proud
8 of it and I think the complaints will vanish.

9 MAYOR SMITH: Counselor, let me ask a question,
10 please? If the Building Permit were to be denied
11 this evening, could he reapply and be on our next
12 Council Agenda without additional fees?

13 MR. WINGERSON: We don't know of any additional
14 fees, should a permit be denied. Certainly the
15 Council could continue the discussion as you've
16 suggested, or Council could approve it with the
17 Staff recommended conditions, and it would be up
18 to Mr. Hawkins whether or not he chose to comply.

19 MAYOR SMITH: I think the Applicant prefers, and I
20 don't want to put words in your mouth, that we get
21 this off dead center. So what if the Council were
22 to make a motion to approve the permit with the
23 conditions as stipulated, and it would be up to
24 Mr. Hawkins to either comply or work something out
25 to satisfactory with us in the meantime. Would
26 anyone like to entertain a motion?

1 COUNCILMAN CROSS: So moved that we do.
2 COUNCILMAN EVANS: Second.
3 MAYOR SMITH: So the motion and the second is for
4 approval of the Building Permit with two Staff
5 conditions. Is that correct?
6 COUNCILMAN CROSS: Yes.
7 MAYOR SMITH: Is there any discussion?
8 (No response.)
9 MAYOR SMITH: Madame Clerk, call the roll, please.
10 MS. SWENSON: Councilman Joe Evans?
11 COUNCILMAN EVANS: Aye.
12 MS. SWENSON: Councilman Carol Rudi?
13 COUNCILMAN RUDI: Aye.
14 MS. SWENSON: Councilman Bill Cross?
15 COUNCILMAN CROSS: Aye.
16 MS. SWENSON: Mayor Les Smith?
17 MAYOR SMITH: Aye. The Building Permit has been
18 approved with Staff conditions attached, and I
19 guess that at this point, it's a matter of whether
20 or not you can work something out with Mr.
21 Wingerson relative to changing any of those
22 conditions and bringing it back before the
23 Council. If he does not recommend any changes of
24 the conditions, then you have a Building Permit if
25 you comply. If you don't comply, then you don't.
26 ITEM NUMBER THIRTEEN:

1 MAYOR SMITH: Item 13 is Resolution R-04-12,
2 amending the 2004 Annual General Fund Budget,
3 Combined Water and Sewerage System Fund Budget,
4 and Municipal Pool Fund Budget for the City of
5 Gladstone, Missouri, and authorizing expenditure
6 of funds. Revised General Fund Budget, revenue
7 \$13,251,819, expenditures \$13,168,980. Revised
8 CWSS Fund Budget, revenue \$6,219,284, expenses
9 \$6,219,284. Revised Municipal Pool Fund Budget,
10 revenue \$297,307, expenses \$297,307.

11 COUNCILMAN CROSS: Mayor Smith?

12 MAYOR SMITH: Councilman Cross.

13 COUNCILMAN CROSS: I move to approve Resolution 04-
14 12.

15 COUNCILMAN RUDI: Second.

16 MAYOR SMITH: Motion and a second. Any discussion?
17 (No response.)

18 MAYOR SMITH: All in favor, please indicate by
19 saying "aye".

20 (All said aye.)

21 MAYOR SMITH: Opposed, same sign.

22 (No response.)

23 MAYOR SMITH: Resolution R-04-12 has been approved.

24 ITEM NUMBER FOURTEEN:

25 MAYOR SMITH: Item 14. Is there any other business
26 to come before the Council this evening?

1 (No response.)
2 ITEM NUMBER FIFTEEN:
3 MAYOR SMITH: Any questions from the news media?
4 (No response.)
5 ITEM NUMBER SIXTEEN:
6 MAYOR SMITH: Hearing none, we stand in
7 adjournment.
8 (End of Proceeding.)
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1 REPORTER'S CERTIFICATE

2

3 I, JANET H. WIMER, Certified Court Reporter,
4 Certified Shorthand Reporter, Certified Verbatim
5 Reporter, do hereby certify that I personally appeared
6 at the taking of the proceeding as set forth in the
7 caption sheet hereof; that I then and there took down
8 by use of the Stenomask closed microphone, the
9 proceedings had at said time and that the foregoing is
10 a full, true and correct transcript of such proceeding.

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