



**MINUTES  
CITY COUNCIL MEETING  
GLADSTONE, MISSOURI  
MONDAY, MARCH 10, 2014**

Mayor Jean Moore opened the City Council Meeting to adjourn to a Closed Executive Session on March 10, 2014, at 6:45 PM. Councilmember Carol Suter made a motion to adjourn to Closed Executive Session pursuant to Missouri Open Meeting Act Exemptions 610.021(1) for Litigation and Confidential or Privileged Communications with Legal Counsel, 610.021(2) for Real Estate Acquisition Discussion, and 610.021(3) for Personnel Discussion. Mayor Pro Tem Brian Hill seconded. Roll Call Vote: All “aye” – Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (4-0).

Councilman Gary Markenson was also present in the Closed Executive Session.

**PRESENT:** Mayor Jean Moore  
Mayor Pro Tem Brian Hill  
Councilmember Carol Suter  
Councilman Bill Garnos  
Councilman Gary Markenson

City Manager Kirk Davis  
Assistant City Manager Scott Wingerson  
City Counselor Randall Thompson  
City Clerk Cathy Swenson

**Item 2. on the Agenda.      ROLL CALL.**

Mayor Jean Moore opened the Regular March 10, 2014, City Council Meeting at 7:30 PM in the Gladstone City Council Chambers, and noted that all City Council members were present.

Mayor Jean Moore said it was an honor to welcome those here tonight, and also those who are listening to the meeting on-line. Mayor Moore said she and City Council members appreciated everyone's interest in government and for being active citizens.

**Item 3. on the Agenda. PLEDGE OF ALLEGIANCE.**

Mayor Moore stated it was an honor to have Boy Scout Troop 992 to Present the Colors, and lead the Pledge of Allegiance, in which all joined.

Mayor Moore introduced Scout Master Dennis Wycoff, and invited the Boy Scouts to introduce themselves as follows: Michael Boyd; Connor Keough, Jacob Pritchett; Matthew Thomas, Sebastian Vaughn, A.J. Raney, Cade Martsching, Paul Reed, Colby Williams, Connor McCarthy, Dylan Miller, Ethan King, Hunter Cooper, Jonathan Wycott, Hunter Swisher, and Turner Van Duser. The following Scout leaders introduced themselves: Curtis Taylor, Chris Williams, David Reed, Brenda Cooper, and Shelly Boyd.

Mayor Moore thanked the Troop and said it was a great treat to have each of them in attendance at this meeting, and she and the City Council thank them for being involved.

**Item 4. on the Agenda. APPROVAL OF THE FEBRUARY 24, 2014, REGULAR CITY COUNCIL MEETING MINUTES.**

Councilman Gary Markenson moved to approve the February 24, 2014, Regular City Council Meeting Minutes, as presented. Councilmember Carol Suter seconded.

The vote: All "aye" – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0).

**Item 5. on the Agenda. CONSENT AGENDA**

Following the Clerk's reading, Councilman Gary Markenson moved to accept the Consent Agenda as presented. Councilmember Carol Suter seconded. The vote: All "aye" – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0).

Councilman Gary Markenson moved to adopt **RESOLUTION R-14-14**, authorizing acceptance of work under contract with Hettinger Excavating, LLC, for the 2013 Small Water Main Replacement Project, and authorizing final payment in the amount of \$31,821.76. Councilmember Carol Suter seconded. The vote: All "aye" – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0).

Councilman Gary Markenson moved to adopt **RESOLUTION R-14-15**, authorizing acceptance of work under contract with Electronic Technology, Incorporated, Merriam, Kansas, for the Well Field Fencing and Security Cameras Project, and authorizing final

payment in the amount of \$1,700.00. Councilmember Carol Suter seconded. The vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0).

Councilman Gary Markenson moved to adopt **RESOLUTION R-14-16**, authorizing execution of an agreement between the City of Gladstone, Missouri, and Zimmer Real Estate Services, L.C., a Missouri Limited Liability Company, to provide broker services for the leasing of property generally located at the Heights at Linden Square, North Locust Street and Northeast 70<sup>th</sup> Street, Gladstone, Missouri. Councilmember Carol Suter seconded. The vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0).

**Item 6. on the Agenda.**            **COMMUNICATIONS FROM THE AUDIENCE.**

There was no communications from the audience.

**Item 7. on the Agenda.**            **COMMUNICATIONS FROM THE CITY COUNCIL.**

**Councilman Gary Markenson** reported he attended the Environmental Management Advisory Committee (EMAC) meeting last week, where he heard the proposed amendments to our stormwater Ordinance to reflect the American Public Works Association (APWA) and Mid America Regional Council’s (MARC) best management practices. These recommendations will come to the City Council, in probably a couple of months. The Planning Commission needs to vote on it also. The amendments seemed very reasonable, but it will be something the City Council will need to decide when it comes to them.

**Councilman Bill Garnos** commended Public Works on the snow removal the weekend before last, and he hopes this was the last time he had to congratulate them on snow removal until next winter.

**Councilmember Carol Suter** reminded everyone that the Atkins Johnson Farm & Museum reopened for the season on February 14. There are lots of exciting things planned in the Museum for all the rest of the season. Councilmember Suter encouraged everyone to check on-line to see what is available, and to visit the Farm.

Councilmember Suter said it was a pleasure to attend the Capstone Awards event. This event is where the “Kansas City Business Journal” gives awards to architecture projects of particular note in the region, and our Linden Square was honored by them as a community project. Councilmember Suter said it was gratifying to receive recognition for what she thinks is a great project.

**Mayor Pro Tem Brian Hill** had no comments at this time.

**Mayor Jean Moore** said she also wished to mention the Capstone Award. It was really wonderful to see Linden Square be honored. Our award was for Community Impact. Mayor

Moore said she believed we have made an impact on the community with Linden Square, and we hope to continue to do that in a positive way for the citizens of Gladstone.

**Item 8. on the Agenda.**      **COMMUNICATIONS FROM THE CITY MANAGER.**

City Manager Kirk Davis reported the actual count for the Community Center, which now has an earlier opening, was 60 people between 9:00 AM and 11:00 AM, so that indicates the change in hours is probably a positive thing.

City Manager Davis reported the Arts Commission would be hosting an art opening entitled "Big Ideas". It will be presented by the North Kansas City School District art faculty. It will be held tomorrow evening, March 11, from 5:30 PM to 7:00 PM, at the Community Center.

Mayor Moore asked City Manager Davis if he would like to make some comments about another event to be held on March 11.

City Manager Davis replied the City is getting ready to announce an exciting project tomorrow morning at 10:00 AM, in the Community Center. It is a partnership with the School District, and will involve a combination of education, research, and innovation into a center or campus for all six school districts north of the river. The City of Gladstone and a couple of other partners will be participating, along with the North Kansas City School District. City Manager Davis said he was very excited about the opportunities that this project might lend, and he was excited about the economic development strategies that are being developed around training, education and work place development. This is not intended to be a blue collar work force; this for the most part will be training in high tech jobs in very innovative companies, who it is hoped will be participating. There will be room for private sector investment as well. It will be a great addition to our community. City Manager Davis said he and Dr. Todd White, the Superintendent of Schools, would be presenting this partnership and making it public. They are very excited about it and what it might do for our community.

**Item 9. on the Agenda.**      **PUBLIC HEARING:** for consideration of Rezoning and a Site Plan for property legally described as Maple Woods Village, Lot 1. Applicant: Scenic Development, LLC. Owner: John Youngwirth. File #1387.

Mayor Moore opened the Public Hearing, and announced that first there would be a staff report, then comments from the applicant, followed by comments from those in favor of the application, and finally from those opposed to the application.

**Staff Report**

Assistant City Manager Scott Wingerson began by saying he would go through the City Council's packet of information. It was a series of mini packets to keep information grouped together. In the first portion of the packet were the Bills being considered by the City

Council this evening, and they included a zoning change, a site plan, and a final plat. The second packet was full of staff information and process to date, staff reports, analysis from staff, response from staff to the Planning Commission, transcripts and other process oriented information. The biggest part of the packet was 11x17 inch sheets of paper that are drawing exhibits of the project itself. Those were organized in most recent to the oldest. The things that were most relevant to the Planning Commission and have been responded to by the developer are towards the top, and then it goes back to the original application. Mr. Wingerson pointed out there was a packet of developer information, which included letters of support, residents' surveys, questions asked of the public about the desirability of the project, and a drainage and traffic study. The last portion of the packet was provided at the Council's places tonight, which was a letter from a financial institution indicating the feasibility of the project moving forward in capital terms, and an additional resident survey.

Mr. Wingerson said the location of the project is south and adjacent to 72<sup>nd</sup> Street. It is east of M-1 Highway and east and adjacent to Hy-Vee. On the southern boundary is the Northaven Gardens subdivision of single family homes. On the east boundary is single family homes and bounded by a neighborhood. To the north are Walmart, and a single family neighborhood called Tall Timber. The project is located on approximately nine acres, currently composed of two different parcels. The building is approximately 73,400 square feet, and is designed to be occupied for senior housing. There is proposed a total of 116 living units, 46 of those units are described as independent living units, 34 as assisted living units, and 36 will be skilled nursing units. All of that is supported by 125 parking spaces and various amenities, such as car parks, stormwater, landscaping, and parking lot lighting, and all things expected.

Mr. Wingerson said there were three approvals required from the City Council. The first was a zoning change from R-1, which is the current zoning classification. R-1 stands for single family residential. The change would be to RP-4, which is residential/planned district; which is the reason for the site plan for multi-family. The second action was a site plan approval, which approves the actual development, and finally, a final plat that makes the two parcels a single legal parcel for development. There were two primary recommendations for Council's consideration tonight. One was that staff was recommending a conditional approval. Mr. Wingerson said he would highlight the primary conditions; there are nineteen altogether. Condition Number 1. concerned stormwater, and it talks about evaluating the capacity of the existing storm sewer downstream. Mr. Wingerson said the vast majority of this project drains to the southwest corner into an existing area inlet through a series of detention basins. The quality of the detention basin was discussed in the Conditions; what was requested was a nuisance channel at the bottom of the basin that would help prevent a sloppy bottom of the detention basin, with the remainder of the basin planted in natural plantings, but the side slopes would be landscaped.

Mr. Wingerson said one of the residents in a neighborhood meeting asked for additional landscaping on the north side of the detention basin and the east side of the cul-de-sac, so the developer has agreed to that in Condition No. 3. To provide sediment basins and erosion control in conformance with City Code has been addressed. A resident asked for a temporary construction fence around the entire site. The Condition says a temporary construction fence

that connects to the Hy-Vee fence at the detention basin, to run all along the south property line adjacent to that neighborhood, and a second temporary construction fence of chain link at the entrance of the 72<sup>nd</sup> Street driveway. The developer has agreed to construct an eight-foot privacy fence, finished side toward the development, as highlighted on an exhibit. That is about three homes in the southwest corner, closest to Hy-Vee. The developer agreed to relocate the dumpster to the west side of the main building, and to manicure the grassed areas and irrigate all of the landscaped areas. The developer agreed to provide a tree preservation plan, which is a little different from the plan submitted to the Planning Commission, so the applicant will be asked to clarify those changes. The final Condition has to do with the provision of emergency services. The applicant and the staff assumed impacts on emergency services of the facility like this. They agreed that there would be approximately five runs per month above what would be allowed in a single family neighborhood. To address that impact, the applicant has agreed to provide \$100,000 in escrow to help mitigate the impact of the development on emergency services. There is a slight qualification in that Condition that allows the developer to look at alternative financing mechanisms. It might not be a traditional escrow through a bank loan. It may be some form of Community District or Improvement District, all of which would require City Council approval.

Mr. Wingerson reported after the Public Hearing with the Planning Commission, the Planning Commission did vote 8-2 in favor of this request. The two dissenting votes were fairly powerful and dealt with areas of stormwater, lighting, landscaping, irrigation, and those types of issues. Mr. Wingerson concluded by saying the Council has three primary actions that they may take tonight. One is to approve the request with conditions and go on through the agenda. The second is to deny the request, and the third is to continue the request to the next meeting. Mr. Wingerson asked if there were any questions he might answer at this time.

Councilman Markenson said his understanding was stormwater management had evolved from when it was first proposed, as a result of the Planning Commission, and there would be a joint agreement with Hy-Vee. Councilman Markenson asked if all those contracts were resolved and signed.

Mr. Wingerson said he did not believe so; he believed it was a concept at this point.

Councilman Markenson said the zoning change before the Council is a zoning change to a Planned District, Apartments, and asked if there were any chance that if this project did not come to fruition, someone could build apartments on this property.

Mr. Wingerson replied if the City Council were to approve the zoning change, and not approve the development plan, that would be possible.

Councilman Markenson asked if there were any way to draft this change, so it reverted to single family/residential, if this were not constructed.

Mr. Wingerson replied that although desirable in some cases, it would be extraordinarily difficult to do. It would be the Council's duty at this point to decide whether this zoning

classification was appropriate. If it was appropriate, then the Council should move it forward. If the Council finds that it was not, then it should not.

Councilman Markenson asked in the discussions with the applicant if there was any consideration to the safety of the entrance and exit. Was there discussion regarding a traffic light, a pedestrian crosswalk, a flashing yellow light, reducing the speed on 72<sup>nd</sup> Street, or moving the entrance further to the west, so there would be a longer line of sight.

Mr. Wingerson said the developer would discuss that in more detail. There was some basic conversation about those types of things, but basically, the traffic study did not warrant those improvements, so the discussion ceased.

Councilman Markenson said there was some discussion of extending the center turn lane further to the west – was that still in the plans to do that. Would the City do that.

Mr. Wingerson replied that conversation centered around the provision of right-of-way to allow that to happen in the future. The right-of-way currently exists today. The final plat does not change that, so in the future if the City desired to extend that center lane, it would be possible.

Councilman Markenson stated he had seen Walmart trucks idling in the center lane, because the loading docks were being used. It was not a problem now, but if that becomes an intersection, that would be a major problem, so the City might have to issue some warning tickets and talk to the Walmart folks if this were approved. One cannot make a left turn either into or out from that property with a big truck sitting there.

### **Applicant**

Gibb Wood, Managing Partner of Scenic Development, thanked City staff, who had been very good to work with, as there were a lot of issues they had to work through, and he felt they did a good job with that. Mr. Wood said they were a family owned company. They started in 1975, when his partner Wayne Anderson could not find a decent nursing home for his favorite aunt, so he approached his father and one other gentleman, and they built a nursing home in Iowa Falls, Iowa. The same three families have owned that project, and own and manage every project they have built. Mr. Wood said they have had a lot of their own family members, neighbors, and friends go through their projects, which is why their core value was they build and manage these projects, assuming their family might live in them.

Mr. Wood, who presented a PowerPoint during his presentation, said what they were planning to build was what is known as continuing care retirement community (CCRC). There would be several levels of care. Typically, a CCRC is quite a bit larger, usually 200-300 units in size, and primarily dominated by independent living. Quite often they are buy-in models. Mr. Wood said this project was their own proprietary model, and they have shrunk it down to what they call a boutique model. People can go in at any level they desire, and if their needs change, they can move from independent living to assisted living. Some people

will enter the nursing area and need rehab, and then go to the assisted living and vice versa. Mr. Wood said they do not know of any other company who does this kind of model in the United States. This project was designed by Ron Reid and Associates, out of Liberty, Missouri. He is nationally known for his senior housing designs.

Mr. Wood indicated on the PowerPoint the rear of the project, which was a view from the cul-de-sac that would be at the end of Agnes. Most of the neighbors would back to that view. Mr. Wood showed a slide of a project he said they finished in October in Lenexa. The project in Gladstone would be very similar. Mr. Wood said they agreed in the landscaping plan to use a larger caliper tree than they have in Lenexa, so the trees in Gladstone would be a larger caliper. Mr. Wood said the Lenexa project, which had a two lane road, had the same traffic count as 72<sup>nd</sup> Street, which is a four lane road. The project was one block north of 87<sup>th</sup> Street, which was the main street through Lenexa, so it was very similar to North Prospect in traffic. That project was next to a Hy-Vee, and the back part of that project was adjacent to single family houses, and the Mayor of Lenexa backs to this project. There have been no issues with this project as far as with the City of Lenexa. They support this project.

Mr. Wood reported the assisted living would be two stories, and have 34 units. It would be licensed for 40 beds, so there would be six double apartments. The independent living would be 46 units, and would have 36 parking stalls in the basement underneath the building. It would also be two stories. In the center, there would be a village center, which would have a coffee shop, chapel, exercise room, beauty parlor, and a bank, which would come in once per week. On the back side would be the nursing facility, which would be 36 units, and would be licensed for 40 beds. That would be one story.

Mr. Wood said three neighborhood meetings were held. The first was held at Lenexa, and it was primarily attended by residents who abut to the project. They came in the evening, so they were able to see the lighting in the evening. They also had two neighborhood meetings at the Community Center. One was very well attended, and the second one was less attended. There have been numerous informal meetings with neighbors, and they have met with almost every neighbor who backs to the project. Some of the issues that came up in the meetings were the fence. Mr. Wood indicated on a slide where a fence would be replaced. Hy-Vee has agreed to replace their portion, and they will add the rest of the portion. Neighbors had indicated that people walk through the vacant lot, and there had been some vandalism, so they will connect the fence on the west side, and connect up to the fence that goes around the pond. Mr. Wood said Joe Arce called him today to inform him that he and the Kellys would like to have a fence, so they are open to working with the neighbors on that.

Mr. Wood said the other issue they heard about was the ambulance, and what they have agreed to do with staff was that after hours they will request the ambulance not come to the rear portion, which would have the most effect on the neighbors in the back. In every other community, they ask the ambulance service to turn off their lights and sirens, when they hit the last intersection, which would be 72<sup>nd</sup> Street and North Prospect. They do that for the neighbors and their own residents. Ambulance sirens and lights affect the residents, and they don't want to hear them any more than the neighbors. They have agreed to put \$100,000 in escrow. This project was not dependent on the other sources of financing. That was



something that will be looked at after approval from the City Council, and they would probably come back before the City Council.

Regarding drainage, Mr. Wood pointed out a blue line which indicated the ridge line, and said everything either flows to the northeast and everything else goes to a corner Mr. Wood indicated. Mr. Wood said once they graded the property, there would be a new ridge line, which he indicated. All the area he indicated would flow to the southwest, so the most that was going to the northeast corner onto Dr. Ballard's property would be collected and would drain into the southwest corner. Mr. Wood said they did meet with Dr. Ballard, who had some concerns about the drainage. She would like 100 percent of the drainage not to drain on her property. The only way they could do that would be with a berm, but there is a big existing tree line, so they would have to work to see how they can make that work without losing too many trees, and they are willing to work with staff on that. Dr. Ballard also brought up if she had a future development plan, she would like an easement from the cul-de-sac over to her plan. Mr. Wood said they agreed if there were a development plan filed, and if the City determined an easement were needed, they would agree to that. Another issue brought up by Joe Arce at the Planning Commission meeting was conjoining their pond with Hy-Vee's. They have met with Hy-Vee. The Hy-Vee pond was designed for a 25 year rain event, as opposed to the modern standards of a 100 year rain event, and it was not functioning properly, and was overflowing with a five to ten year rain event, and going into the neighbors' yards. The way this was designed, it will hold a 100 year rain event for their property and the proposed project property. This alleviates Hy-Vee's problem. One of the issues was that there were some comments about saving trees, but those trees would not be able to be saved. If staff determines that was the best way to go with the ponds, they will spade in some bigger trees along the top of the dam for the pond.

Mr. Wood said the other option they had was for the ponding to be on their site, and because of the comments concerning the trees, they came up with a new plan for the pond, where they would save five trees. The pond would be a little deeper, and probably would not be an optimal situation; however, they could still maintain the sides of the pond, and they would still have a nuisance channel, and would function fine. That would be a 100 year pond for the project. Hy-Vee's would still be 25 years, and they were planning on fixing their pond, so either direction Hy-Vee's pond would be fixed. A pipe would be increased to a 24 inch pipe. Art Lambart had some concerns about that, especially, safety concerns for his children, and he was present, and may speak about that. There have been discussions with him about how they will fence that off and make it safe, if that is the direction staff decides to go.

Mr. Wood pointed out on the PowerPoint the trees that would be saved on the east side, adjacent to Dr. Ballard's land, and other places in the project. Mr. Wood said there was a letter from Hy-Vee that said, in principle, they were OK with all of this, but there is nothing yet signed, but it would be to their benefit also. There would be some efficiencies if they go with the Hy-Vee pond. They would both save money and the problem would be eliminated.

Mr. Wood said another issue was traffic, and he indicated on a diagram the sight distances. It was required to have 385 feet from the entrance to the west on 72<sup>nd</sup> Street, and they have 407 feet, so they exceed the minimum sight distances. Going the other direction, it was 445 feet

that would be required, and they have over 800 feet in sight distance. This exceeds the sight distances in the Lenexa project. Councilman Markenson brought up an issue which was Walmart and trucks pulling up and waiting on the street, so they had their engineers draw up a diagram, which showed a semi parked in the middle parking lane, and it shows the project driveway. With the semi there, people can still pull out and turn left to go west on 72<sup>nd</sup> Street, and cars going east on 72<sup>nd</sup> Street can still pull in. It is not optimal, but is workable. It was an issue that exists now, and no matter what goes into this area, this issue would be there. Mr. Wood said they did not cause the issue, but they would not exacerbate it. The Traffic Study showed this project would have a minimal effect on the traffic. The trip generations would be minimal, and they are not expected to have any significant impact on the surrounding roadways. No additional improvements are recommended. The most effect this project would have on traffic is during peak times of 7:30 AM to 8:15 AM and 4:45 PM to 5:30 PM. The traffic study assumed that the staff would be coming into and out of the building at these peak times; however, every project they have, the staff either comes in at 6:00 AM or 7:00 AM, so the shifts are 6:00, 2:00, and 10:00 or 7:00, 3:00, and 11:00. Staff does not affect the peak hours, so the peak times are overstated in the Traffic Study. The traffic engineer compared how the project would compare to single family housing. A total of 25 were estimated to come into their project, and this assumed their staff, and 19 for single family. In the PM, it would be 26 versus 25, so there would be very little difference. This also assumed there would be no additional traffic, because if it were single family, typically, a developer would want to connect Agnes with 72<sup>nd</sup> Street or somewhere else, which would increase a lot of traffic through the area. Nobody they talked to wanted that to happen. The study was for just internally generated traffic.

Mr. Wood pointed out a letter they received from the City of Lenexa saying their project has not caused any traffic issues, and this project is very similar to that project. Mr. Wood pointed out a couple of other letters; one from the City of Grimes, whose Councilman's mother lives in the project, and she indicates they have no issues with traffic or noise. The other letter was from the Mayor of Sedalia, where there was a larger project than what was being proposed in Gladstone. The Mayor said there were no issues with traffic or noise. Both of the letters say they are good citizens.

Mr. Wood said there were concerns with the lighting. Initially, staff wanted the project to have no pole lighting in the rear of the building. They wanted either ground lighting, which would be four or five foot ballards or building mounted lighting, but it was determined that would not meet minimum life safety codes, because this would be a skilled nursing facility in the rear. They have to meet federally mandated lighting codes. If there were building mounted lighting, it would have to shine from the building out, and that would have a worse effect on neighbors than what is proposed. Mr. Wood indicated lights in an area of the back portion, which would be 12 foot poles. Typically, they use 16 foot poles, so this would be lower. In addition, all the lighting would be dark sky compliant lighting, so that would be an even higher standard, which is a new standard a lot of cities are adopting. Mr. Wood showed a slide with what he said was a typically shielded light they normally use, and they used in the Lenexa project. With the dark sky compliant, the light is even further recessed than a typically shielded light. The light would be more directional, so there would not be that bulb glow that can be seen from quite a distance away. City standards say the project cannot

bleed over into the neighbors more than ten feet, and they have zero footcandles past the driveway and parking lots. All the lights face towards the building, so none of the lights face towards the neighbors. The nearest light to the nearest house is over 240 feet, which is next to the Kelly's house.

Mr. Wood said they want the lighting standards as much for their residents as for the neighbors, because there is nothing worse than staying in a motel and having big lights in the parking lot shining into your face all night. Mr. Wood stated one of the complaints from the neighbors was that lights from Hy-Vee shine into their backyards, so Hy-Vee agreed at the project's expense, to change out the floodlights on their property to dark sky compliant floodlights. Mr. Wood attempted to show a video of the project, which, unfortunately, was not operating properly.

Mr. Wood showed a slide of how the project would look from the Lambart's backyard. If they do the Hy-Vee pond, they will install some spaded trees. A slide was shown from the Davis's backyard, which showed the privacy fence. A slide was shown from the Tarr's backyard, where one could see two lights, which were over 280 feet away, and would be dark sky compliant, so the bulb glow would not be visible. Mr. Wood showed a slide from the Kelly's backyard. The Kellys would like a wrought iron fence, so it would not affect lighting. A slide was shown from Mr. Arce's backyard. The berm in the rear of that house would go from the Kittelson's house and go towards the Kelly's house, and the berm would be landscaped.

Mr. Wood said there was a meeting at the Lenexa project, and the people who directly back up to the project who attended were: Pat Anthony, Walt and Donna Kelly, Don and Jessie Kittelson, and Linda Estes. They all were there in the evening and had a chance to see how the lighting would affect them. They walked to the back of the building, and they are all supporters of this project. Mr. Wood said to date he had yet to meet anyone who visited the project who does not support it, including staff. Mr. Wood said under this zoning they are allowed 21.4 units per acre. Their proposed density was 13 units per acre, which would be 60 percent of what would be allowable. This project has 42 percent impervious materials, so there would be 58 percent green space. If this area were to go single family, the average single family development is 38 percent impervious materials and 62 percent green space, so this project is only four percent more, which would have very little effect on water detention. Mr. Wood said water detention was really more of an issue with topography than it is with density. If this were a single family project, there would be a detention pond down in the southwest corner, and probably one in the northeast corner, which would cause more trees to be removed.

Mr. Wood stated an issue with density was the number of residents. If the project were full and there were ten percent couples in the independent living and assisted living, there would be 128 residents. For single family homes, because of the size and cost of the property, a developer would want as much density as possible, so at 3.5 units per acre, assuming four family members in each unit, that would be 124 residents. The average age in this project would be approximately 85 years, and most of the residents would be in bed by 8:00 or 9:00 at night. There would be no teenagers or late night deck parties. The project residents would

be very respectful of their neighbors. Mr. Wood said Clay County has an assisted living bed need of 87 beds; this is a statutory bed need for Clay County. There is a 477 bed need for nursing facilities. Mr. Wood said they had their own study done that tried to specify the Gladstone market. Moore Diversified Services out of Fort Worth, are a nationally known for their market studies for senior housing. They defined the market as essentially six to eight miles in radius of the site we are at. They showed the need of 107 independent living units, 75 assisted living units, and 179 nursing beds. This indicates a significant need in this market, and most of the need for Clay County is in this pocket. Gladstone is the second oldest community in the metropolitan area, behind Leawood. Everyone talks about senior housing with the Baby Boomers, the Baby Boomers will not hit this market for another 18 years, so there will be a need for senior housing for a long time.

Mr. Wood said the location for the project was an in-fill lot that has been under-utilized from a taxing standpoint, and they estimate they would be paying at a minimum approximately \$150,000 in taxes, of which the school district would receive about \$110,000. Right now, the City gets \$263.00 off this site, which will go up to about \$17,000. This would be a low impact site. They would be providing housing for Gladstone senior citizens. Right now, there are two older projects in town which are both full. There is a low income independent living housing, which is also full. In Clay and Platte Counties, all the newer projects are full with waiting lists. Most of the older projects are also full, and the ones that are not, usually have substandard care. Approximately 30 percent of this project's residents would come from the parents of Gladstone citizens. People would be bringing their parents to town to more easily care for their loved ones. It is estimated about 50 percent of the residents would be Gladstone residents, and, so, that in itself would free up housing for younger residents in Gladstone. Mr. Wood thanked the Mayor and Council for their time, apologized for the long winded presentation, and said he hoped he would have their support. Mr. Wood said if there were any questions, he would be happy to answer them.

Mayor Pro Tem Brian Hill asked regarding the stormwater, one visual showed moving the line to the north and the east, where more water would be draining towards the southwest corner, and in doing that, the drainage would be moved from a basin that would flow to Happy Rock Park naturally to a basin that flows to the south and the west and then on to the south, which is an extremely difficult basin with which to deal. It flows through Brooktree, other subdivisions, and has been the subject of millions of dollars of City money to try to correct drainage issues in that basin. Mayor Pro Tem Hill asked if any of the stormwater studies address the additional water flow that would come through that basin as the result of the additional acreage being placed in it.

Mr. Wood said he would ask Shannon Buster from Lutjen to answer the question.

Ms. Buster replied even though they are diverting water to the southwest corner of the site, they would install a modern detention basin that meets all the current standards. What the concern is when talking about downstream flooding and erosion conditions is the rate at which water is leaving the property. Even though there may be a great quantity of run-off, the rate at which it leaves the property will remain the same. There would not be a lot more water in the channel all at once. If there is control of the rate that the stormwater leaves the

site, the downstream issues would probably be in better shape than they are now; particularly, considering the Hy-Vee basin is not functioning. Even if it were functioning perfectly, it would not control a hundred year storm event or a fifty year storm event.

Mayor Pro Tem Hill asked if there would definitely be more stormwater downstream in other detention basins that are already not designed for this additional acreage.

Ms. Buster replied any existing detention basins should have been designed assuming rates upstream remain the same, and that is why it was incumbent on them to make sure the rate at which stormwater leaves the property remains the same. Downstream basins should not be an issue. The native vegetation in the bottom of the channel and some other things will improve the quality of the stormwater and will also reduce the volume. Even though it looks like a large amount of additional stormwater, we must keep in mind it is not a very large site, and so that amount of diverted stormwater will actually be very small in relationship to the overall size of the watershed. The impact from that standpoint would be quite minimal.

Mayor Pro Tem Hill inquired into the difference of elevation between the parking lot and the bottom of the detention basin.

Ms. Buster replied that would depend on which option they go with. If they go with the Hy-Vee basin, they would have a drop of about four to six feet to the top, and the basin, itself, would be about five feet deep. If they go with the option that a priority would be to save the trees that exist back there, the basin would go up to about eight or nine feet in depth. The primary impact on that would be the facility would not be as attractive as it would be if it were more shallow. The side slopes in any event would be three to one, which for every three feet over, you go up one foot. One can mow that with a riding mower. From a safety standpoint, it would not be a concern, it would be aesthetics. Ms. Buster said they could do either option at the preference of City Council and staff.

Mayor Pro Tem Hill said he was at the Planning Commission meetings, and there were issues with the Ballard property, which has a lot in the back, and he believed Dr. Ballard was present at the Planning Commission meeting, and was concerned about access to the lot. Mayor Pro Tem Hill said he did not see anything on the site plans that addressed those issues.

Mr. Wood replied there was no development plan in place at this point, so their agreement with Dr. Ballard was if there were a development plan, and staff wants them to put an easement through there, then they would do that. They have written a letter to that effect to Dr. Ballard and she has that.

Mayor Pro Tem Hill inquired into the number of ambulance calls per month at their other facilities of this size.

Mr. Wood replied they have gathered this information from the local EMS agencies, and their Iowa Falls project, which has 186 people on campus, has an average of 4.55 calls per month. The Grimes project which is similar in size has averaged eight calls per month, but they do not differentiate between emergency calls and transports. The Sedalia project

averages two calls, but it does not have skilled nursing. The Lenexa project is at 2.75, but when they got these numbers it was not yet full, and it is now full, so he does not know those numbers right now. Mr. Wood said they took out the lows, and that was why they averaged 5.1. One of the calculations they made was they would have people from Gladstone coming in to this project, so they are older residents, so they would be having calls to their residence, so they backed some of those out, but then there would be people moving in, but they are younger, so their rate of calls would be less, so that was factored into it. The net ended up being 3.3 calls per month. If this property was developed R-1, there would be calls there too, so those were subtracted out. The expectation is 5.1, with a net 3.3 calls per month on average.

Mayor Pro Tem Hill stated there had been a lot of talk about lighting at all three meetings, and it appears there seems to be a fairly significant elevation change between the homes to the south and to the east from this project, which if one takes the elevation of those homes, what would be the difference in elevation between those homes and one of the lights. Mayor Pro Tem Hill said he was looking at some of the materials and it looked like there was a fairly significant elevation change.

Mr. Wood replied this site has a big knob in the middle, and that knob would come off, so they would bring it down six feet. There would be a berm that would extend over, so they would be two to four feet lower than the building, so it would not be a huge difference. Mr. Wood indicated in areas the berm would be four feet. The berm starts tapering down in the Kelly's backyard, and that would be probably six feet down. At the Davis and Tarr properties it goes down some more. It would be lower, but not as low as the ungraded portion looks, because they would be knocking off a lot of that hill.

Mayor Pro Tem Hill said the homeowners would be looking up at the light fixtures, and asked if that were correct.

Mr. Wood indicated a light fixture, where there were trees blocking most of it, and if they were twelve feet down and they were 260 feet away, one would not be able to see up in that light. All the light fixtures point to the building, and they are the dark sky compliant lights, so the lights are recessed. That was the reason they went with them, so one cannot see that bulb glow; even with some shielded lights, one can see the bulb glow.

Mayor Pro Tem Hill stated on Saturday, there was someone at the Community Center asking people to sign a petition, and asked what the people were asked before they were asked to sign the petitions. Mayor Pro Tem Hill said he believed they had a copy of the petition.

Mr. Wood said he was not there, but he invited Holly Mills, who was their realtor, to answer the question.

Ms. Mills stated she showed pictures and talked to people about the model with three tiers of units, and this petition had a simple sentence that said they urged their leaders to allow that to be brought...or something like that. It was general, and she answered any questions about the facility.

Mayor Pro Tem Hill said he was curious because he was at the Home Show for about an hour and a half, and he had two people tell him they just signed a petition and they wanted to know what it was about. Mayor Pro Tem Hill asked if the entire site would be irrigated if approved.

Mr. Wood replied yes.

Mayor Pro Tem Hill asked regarding the traffic issue if there had been any consideration into moving the entrance to the east on 72<sup>nd</sup> Street.

Mr. Wood replied there had been some consideration regarding that, but the engineers tell him they cannot move it a whole lot further just because of the elevation change. It just won't work as well. They may be able to push it over ten more feet.

Ms. Buster said it seemed intuitive that if they moved the entrance further east that the sight distance would improve, but it actually does not, it stays about the same. If one looks at the way sight distance is calculated, you are using what is referred to in the traffic manuals as the height of eye, which is three and one half feet. That would be the height of someone who in theory would be sitting in a car. You want that person to be able to see a person in the car coming over the crest of the hill. Ms. Buster further explained by saying if her height of eye were three and one half feet, how far away could she see something else that was three and one half feet tall. If one looks at the line on the rendering, they can see that there is a height of three and one half feet on either end. If the driveway were moved down the line would run tangent to the height of the hill, so there would not be much of an increase at all in moving it down the hill. The farther down the driveway goes down the hill, the farther down it would pull the entire site. There are concerns of having lots of excess materials, and there also is rock on the site, as evidenced by their geotechnical report. Once one starts excavating rock - that gets to be a big problem. As there was no benefit from a sight distance standpoint, and there are a lot of negatives from a site development standpoint, they determined the location of the driveway was as good as it could be.

Mayor Pro Tem Hill asked if there were any different parameters for site distance based upon the age of the driver.

Ms. Buster said no, there are not. It was based on height of eye and how far that person could see, so hopefully, everyone getting a driver's license is getting their eyes checked as they are supposed to. The residents of this project will not drive much at all. Numbers have been given as to how many residents will have cars, and most of the residents do not bring cars to the facility.

Mr. Wood said they would have garage parking for 36 residents. With that number they sometimes have openings, and half of them that have cars, do not drive. They would have a bus and a van, so if they want to go to Walmart or Hy-Vee they have transportation to get there.

Kristen Skinner, Traffic Engineer, said those standards and calculations are based on a slower reaction time, and are not based on the optimal driver who has a quick reaction time. When these calculations were made they consider slower drivers and aging populations. Older drivers are taken into account when these types of things are calculated.

Councilman Gary Markenson offered a welcome to Gladstone to Mr. Wood.

Mr. Wood offered his thanks and said it was good to be here.

Councilman Markenson said he had heard nothing but good things about Mr. Wood. Councilman Markenson stated the required line of sight to make a right turn going downhill from this property is 445 feet; to make a left turn across three lanes of traffic and going uphill is 385 feet, which seems counterintuitive to him. It would seem to take more to go across three lanes and uphill, than to make a quick right turn.

Ms. Skinner suggested to imagine you are sitting on the site getting ready to exit by making a left turn, you are actually looking to your right, you look both ways, of course, to make sure you are clear in both directions, but the cars you are turning in front of are coming from your right. That distance is based on the time it takes you to make the decision to turn, to turn, and to get up to speed without making a westbound car slow down. The time to turn right, make the decision to turn, turn, and to get up to speed is less, or the time to cross eastbound traffic as you turn to go westbound is less.

There was conversation from City Council that this explanation did not make sense. Mr. Wood explained the 385 feet was coming from the west and turning into the project, so you would be making a right hand turn.

Councilman Markenson said he thought it was for leaving the project and making a left turn, and that was what was worrying him – leaving the project and making a left turn, and crossing three lanes of traffic and going uphill.

Councilmember Suter inquired into the parameters for that. There is no way that is less than going the other way; it would have to be more.

Ms. Skinner stated there would be plenty of time to get across eastbound traffic to go west.

Councilmember Suter suggested if one can see over the hill.

Ms. Skinner agreed and said there would be more than enough time to do that, and this was based on AASHTO (American Association of State Highway and Transportation Officials) requirements, which is outlined and based on a design speed that is slightly higher than the posted speed. What those measurements are is the time it takes you to make the decision to turn, to turn, and to get up to speed without slowing down oncoming traffic; so, not just the time to “make it”. It is the time to turn and not inconvenience oncoming traffic. So, the greater than 800 feet to make the left turn, which the left turn movement takes longer, and is the one that crosses three lanes of traffic, that is why the requirement is greater. The distance



looking to the west - you need enough time to both cross those three lanes, or to turn right and get up to speed and not slow down the eastbound traffic coming over the hill.

Councilman Markenson asked if these requirements varied based on speed limits. For example, if there were a 50 miles per hour speed limit, isn't there a longer sight requirement, and if there were a 15 miles per hour speed limit, there would be a shorter requirement. The speed limit here is 35 miles per hour.

Ms. Skinner said yes, absolutely, and this was based on 40 miles per hour speed.

Councilman Markenson said he had the same question about age. It would seem to him that older drivers' reflexes are a little bit slower, and compared to a 30 year old, it might take more time to make that left turn.

Ms. Skinner said if one reads the section in AASHTO that discussed this, and she does do that periodically to stay fresh on it, the average time that it takes is much, much less than these numbers. This is based on a designed driver. When you say designed to an engineer, it is usually a worse-case scenario, or a definitely worse than average case scenario.

Councilman Markenson said he sat at this entrance and thought he could make it, but it would not be with a lot to spare. Councilman Markenson indicated on a slide at which point he could see a car coming, but further down the road there was an exit from Hy-Vee, and cars make really quick right turns there, and that is about 200 feet away from the proposed project's intersection. That would be really dangerous, because they can look to the left and see that no one is coming, and they do not stop, they just keep going and start down the hill. Councilman Markenson said that really worried him, which is why he suggested the need for some sort of traffic calming elements; whether, it would be a stoplight, pedestrian crossing, flashing yellow light, or a reduced speed limit. Councilman Markenson said he also suggested moving the driveway, but the applicant is saying that would not make any difference. There has to be something that can be done to control traffic. Councilman Markenson said this would be terribly dangerous, and the first time someone gets t-boned there, he would feel responsible.

Councilmember Suter said she had a question about the traffic study. Did she understand correctly that when the traffic impact study was done, staff only was counted.

Mr. Wood said staff, visitors, and residents were counted.

Councilmember Suter said she had a question about the alignment of the driveway straight across from the Walmart driveway, and wondered if there was any kind of traffic impact study about people going straight across, because that is what they will do, just like they do at Hy-Vee. To clarify, Councilmember Suter said she was talking about people driving straight across to Walmart.

Ms. Skinner said the trips generated were taken out of a national manual that was based on an average site of very comparable use, which is where those numbers come. As for the straight

across movement, they do not have any trips shown in the traffic study doing that. That would be comparable as far as sight distance, to a left turn movement, and so, with taking both directions of traffic into consideration and the line of sight for both directions into consideration. They would not expect a large number of vehicles to do this, but it would be an acceptable movement.

Councilmember Suter stated a large number of people do this between Hy-Vee and Walmart all the time, and so this would be another opportunity. Even people walking will walk across there, and not go down to the corner and use the pedestrian crossing, so it does become a “game of chicken” along that stretch of street.

Mr. Wood said in regard to Councilman Markenson’s question, they obviously would not put something somewhere that they thought would be dangerous to their residents, so they were certainly open to putting in a flashing light or something that would help alleviate that if it were an issue.

**Comments from those in Favor of the application.**

Mayor Moore invited anyone who wished to speak in favor of the proposal to please step forward.

Jessie Kittelson, 7014 N. Agnes, said she lived adjacent to the proposed project. In October, she and her husband visited the facility in Lenexa, which is the senior living facility upon which this project is patterned. They saw an attractive, clean building with nice landscaping, and muted outside lighting. The facility looked to be first class, and the residents they spoke with were very pleased with their new home and the amenities. During the Planning Commission meetings the focus was on berms, trees, lighting, drainage, and traffic. These things are important and the developer has been very accommodating to the neighbor’s concerns; more importantly, the real issue is having a quality senior facility here in Gladstone. No one is immune from potentially needing this type of care for themselves or for their family. If the need should arise, everyone would be happy to have this facility here.

Martha Burson said she was a Gladstone resident, and she toured the facility in Lenexa, and was very impressed with their presentation tonight. The place in Lenexa is very nice. Ms. Burson said she knew there were other facilities in the Northland area, but she had not seen any of them that encompass all of these three places people need to be without the need to move somewhere else. She was very impressed with that as well. As a senior, and possibly soon to be needing this type of facility, she was really impressed with it and the fact that it would be in Gladstone, and she would not have to go somewhere else. Ms. Burson said she was in favor of this project.

Carmelina Smith, 905 NE 75 Street, said she was in favor of this project. She just returned from assisted living, because she fell and fractured her tail bone. She was there for one month, and she really hated to go home and face everything she had to do. She did not want to go home. She wanted to stay, and she felt the senior citizens would probably feel the same way. If one went to a nice nursing home or assisted living, they would never want to go back

home. Ms. Smith said her kids talked her into it, and they made a good choice. She is now more settled. She was laid up for a month, and it will take another three to four weeks before she is back to normal. Her stay there for one month really helped her, and she is in favor of anything we want to do with a nursing home here.

Mayor Moore said she was glad Ms. Smith was feeling better.

Sarah Werner, 3611 NE 68 Terrace, said she had lived in Gladstone for twelve years as a homeowner, and she loves living here, it is a wonderful place to live. Her mother is in her 60's. They are not looking for any long term care any time soon, she truly hopes, but when it does happen, she would want it to be a place here in Gladstone. Ms. Werner said she looked on the website and the buildings are attractive and well landscaped. Her great grandmother is in a facility in the Northland, and it is an older facility. Her care there seems to be good, but the facility is old, and it looks old, and if it were her, she would not want to live in one of those rooms. The thought of having a nice bright, new facility in Gladstone is very appealing. Ms. Werner said she very much supports this project.

Stuart Borders, 2600 NE 69 Street, said he had looked at the site plan for the proposal and he believed it was a well thought out design, and well thought out project. The primary issues were considered and well addressed, and he was in favor of the project.

Pat Anthony, 7200 N. Bellefontaine, said her property was the first one behind Walmart. She toured the facility at Covenant Place, and she was very impressed. She believes we need a facility here. She visits a lot of friends all over and the fact that she or her children could drive two minutes and not have to go very far would be a plus. It was a beautiful, good looking place, and she did go at night and it was well lit. Ms. Anthony said we need this here and she was in favor of the project. As far as the lighting, when Walmart expanded their parking light, it was directly behind her property, and the lights they put up were nothing like this project would be. All she did for herself was to have custom blinds installed on the west side. One can deal with whatever need be. It was not very pleasing for her, but it turned out OK. She did not want Walmart or Hy-Vee built there, because it had been so beautiful, but that was progress. As far as the paramedics and emergency vehicles, she counted today, and between police and emergency vehicles, they came by at least six times or as many as eight to ten times, so as far as noise, that would not affect her. You just get used to it.

Pete Hall, 5621 N. Clinton Place, said he wanted the record to show he was not present because of his age, so any comments in the future, he would understand. Mr. Hall said this project would help our community. It completes it. We are lacking a first class facility of this type in Gladstone. It would help to keep young people and older people here who want to stay in Gladstone. Mr. Hall said from that perspective, it would be good for us.

Mr. Hall said he was very focused on economic development, and this project would create some jobs, that although they might not be the best, jobs are jobs. It would increase the tax base, and at least from what he has seen, it should not cause any issues with traffic. The traffic in that particular location further to the west is pretty radical anyway, because of the high volume of Hy-Vee and Walmart. This project should not have very much effect. Most

nursing facilities or retirement centers don't have a lot of traffic. The developer has gone way past what most developers would do with the buffers, lighting and things they have done to help the residents, which is very commendable. Mr. Hall said he checked them out. He represents other folks in this business, and this developer is very well respected within their community. Mr. Hall said he was more inclined to look at the longevity of this project. They have been very successful with what they do. They continue to operate the facilities they build, and are very successful, according to their peers in the industry.

Mr. Hall encouraged the City Council to look at this in a positive note. He was very confident there would always be issues, but the residential base seemed to be pleased with it. It would help our City, and he was certainly in favor of it, and would encourage the City Council to approve this application.

Chris Weishar, 7010 N. Agnes, said with 26 years of living in Gladstone, this was his first City Council meeting he has attended. He started out with selfish reasons of protecting his property. They have lived at this address for 20 years, and it has been a very nice place to look at the end of the dead end street with no development, but they knew the day was coming, and he believed this was the right thing for the property. He was very happy to act on the coat tails of his next door neighbors the Kittelsons, because they obviously have done a lot of due diligence and he trusted them implicitly. Having not visited the other locations, but after seeing tonight what the possibility is, he believed it was not only for them selfishly, it would be a good use of the property. It would be nothing but a positive for the City, so hopefully, it would be approved.

Mike Reinsch, 614 NW Gould, said he was present to speak in favor of the project. He does think it would be the highest and best use of the land at the present time. It was highly desired. It definitely was in demand, and would be even more in demand in the future. It is one of the prettiest corners in Gladstone that you can locate a facility like this. Mr. Reinsch said he had concerns regarding the drainage offsite, the developer said the drainage volume would not increase, but the runoff time would increase, so the volume going downstream would last longer, so it could cause more erosion. As the water flows through the channel for a longer period of time, it could cause more erosion, so there could be a great issue there. The turning lane getting across three lanes could be alleviated if the City extended the present left turning lane that runs between Hy-Vee and Walmart. If that turning lane were extended on down past their driveway, the people turning left would not have to make across three lanes. All they have to do is make it to the left turning lane, wait until traffic goes by them, and merge.

Mr. Reinsch stated, as far as maintaining landscaping, which is one of his pet peeves on new projects coming into Gladstone, landscaping would be a big issue on this project. The developer talked about spading a lot of trees – it could take up to three years for a mature tree once it is transplanted to establish its roots and survive or die. Mr. Reinsch said he would like to see when new plans are developed in Gladstone that they stipulate they have to maintain and replace the landscaping if needed during a period of three years. It takes three years for them to establish themselves. We see so many new developments go into Gladstone and their landscaping dies right away and it never gets replaced. Landscaping

would be a major part of this project, so the City would want to be sure the landscaping lasts. When there is a lot of development with a lot of equipment like caterpillars, they compact the roots of trees, which causes trees to slowly die off over a period of three years, because the roots are killed when the soil is compacted above them, as the equipment drives constantly over the root base. A lot of mature trees could be lost over a period of three years. Mr. Reinsch said he was highly in favor of this development.

**Comments from those in Opposed to the application.**

Dr. Patricia Ballard, 3001 NE 72<sup>nd</sup> Street, said she was not in favor or in opposition to this application, she was in between, and she had some concerns. Her land runs the entire length of the east side of this project. Jordan came out and talked to her and said he had plenty of dirt and he would put a berm to alleviate the drainage problem on her side, because from the top of the hill all the way down, except for a few feet, everything drains down to 72<sup>nd</sup> Street. Regarding access to her upper lots – they say OK, but the City has to ask them to do it, so she is saying the City needs to ask. Dr. Ballard said everyone she knows who doesn't truly understand what is going on, loves the lighting at Walmart. She does not like living in that fishbowl. They have to have the lighting for security purposes, but can they direct it so it does not point onto her property.

Dr. Ballard said they said the people in Gladstone would be the only people living in this facility, and that is not true. Everyone would be there from all over. She thinks they need to have some kind of background check. There are people in Gladstone who are undesirable. Since we are a big community of a lot of children, she thinks they need to screen for things like pedophiles, etc. We don't want those people around our children.

Dr. Ballard said traffic was a problem. Those who live there, know it. Elderly people do not have the reflexes. The people leaving there work there 6, 2 and 10, which is great, but what about the old people who live there. They would be out during the day. Across the street at Walmart, there are semis going in and out of there. The City needs to look at this very closely, because traffic would be a problem. The City needs to find a way to deal with it. This project is inevitable, and she is sure it would happen. The City needs to look at the problems, and remember she wants a berm, so she does not have drainage problems, she wants access to her upper lots, and she wants the City to be sure to ask them for it.

Art Lambart, 7012 N. Chestnut Court, said the field drain in question sits in his backyard. He was not opposed to this project provided they use the single pond option. The single pond option would prevent trenching on his property. They would not have to increase the drain size at all. All they would do would be to add a fence, and he was OK with that. If they go with the two pond option, he was definitely opposed, because Hy-Vee had not been a good neighbor as far as the pond was concerned. They do not maintain it, and they only repair the fence when someone complains. They don't cut the berm at all unless someone called and said the berm was getting unmanageable. If the option was the two pond option, and they bring in the trench, he would lose a tree in his backyard. If the City goes with the one pond option, he was OK with it, but he was opposed to the two pond option.

As there were no further comments, Mayor Moore closed the Public Hearing.

**Item 10. on the Agenda.**     **FIRST READING BILL 14-06**, amending Ordinance No. 3.973 and being an Ordinance relating to Zoning Ordinance Regulations and the establishment of Use Districts within the City of Gladstone, Missouri.

Mayor Pro Tem Brian Hill moved to place **BILL NO. 14-06** on its First Reading. Councilmember Carol Suter seconded.

Councilman Gary Markenson said he would be voting against this action on the first and second reading, because he felt there needed to be some time given to staff to work out the control of turn lanes and traffic at the intersection at 72<sup>nd</sup> Street. It was his understanding that if he votes no on the second reading, that would delay the final passage for two weeks, which would give staff the time to work out the traffic control, and also, perhaps, to get some finalization of the stormwater process.

The vote: “Aye” – Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. “Nay” - Councilman Gary Markenson. (4-1). The Clerk read the Bill.

Mayor Pro Tem Brian Hill moved to accept the First Reading of **BILL NO. 14-06**, Waive the Rule and place the Bill on its Second and Final Reading. Councilmember Carol Suter seconded. The vote: “Aye” – Councilman Bill Garnos, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. “Nay” Councilman Gary Markenson and Councilmember Carol Suter. (3-2).

Mayor Moore said because the vote to Waive the Rule was not unanimous, they cannot move this Bill forward this evening to its second reading. The Bill will be considered at a later City Council meeting.

Mayor Moore asked Assistant City Manager Wingerson to please be so kind as to help the City Council and the audience understand where they were with the rest of the agenda tonight.

Mr. Wingerson replied because the City Council was not moving forward with the first Bill, which was the zoning change, it renders the next two inappropriate for the Council to take action, so they will be considered in sequence at the next regularly scheduled meeting.

Mayor Moore thanked Mr. Wingerson.

Councilman Markenson said he thought this was a great project, and a very fine company, but in good conscience he could not support it, if he thought there was a dangerous condition being created on public property. Councilman Markenson said he thought the issue could be resolved, and that was the reason for his vote.

**Items 11. and 12. on the Agenda.**     These items were not considered at this meeting.

**Item 13. On the Agenda.** **FIRST READING BILL 14-09**, amending Title II, Chapter 135 of the Gladstone Code of Ordinances by including a definition of the term “Electronic Cigarette” and prohibiting the use of electronic cigarettes in the City of Gladstone.

Councilmember Carol Suter moved to place **BILL NO. 14-09** on its First Reading. Mayor Pro Tem Brian Hill seconded. The vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the First Reading of **BILL NO. 14-09**, Waive the Rule and place the Bill on its Second and Final Reading. Mayor Pro Tem Brian Hill seconded. The vote: All “aye” – Councilman Gary Markenson, Councilman Bill Garnos, Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. (5-0). The Clerk read the Bill.

Councilmember Carol Suter moved to accept the Second and Final Reading of **BILL NO. 14-09**, and to enact the Bill as **Ordinance 4.262**. Mayor Pro Tem Brian Hill seconded.

Mayor Pro Tem Hill said he would be voting against this action, because he did not wish to place an additional burden on Gladstone businesses when we are surrounded by Kansas City, with no similar Ordinance. If there should be evidence of second hand vapor being harmful, or if Kansas City should pass a similar Ordinance then he would be in favor of this, but under the circumstances today, he would be voting against it.

Councilman Markenson said his vote would be the same. He tried to research any health studies that showed vapor cigarettes were harmful to health or second hand smoke. He could find nothing. He tried to call the County Health Department today to see if they knew anything, but they were all gone this week. There are no studies that show harmful effects, and he was uncomfortable restricting something when there was no known health or safety issue.

Councilmember Suter said she would express her support for this Bill, because the citizens of Gladstone, a majority of who are non-smokers, have gotten accustomed and are quite happy with the restriction on smoking in public places in Gladstone in restaurants. Councilmember Suter said for those of us, and she is one, to sit next to someone puffing nicotine laced vapor, just because no one had done a study on it yet, it makes her uncomfortable. Councilmember Suter said she was concerned about what was in there. There are no regulations on this product in the United States. There was no way to know what was in them. There was no requirement to limit what was in them, so just because someone had not done a study was unconvincing to her. Councilmember Suter said she would hate to see our restaurants and other places of business lose business because of introducing this into a place where people have been accustomed to having clean air. Councilmember Suter said she supported this, and cities all across America are doing exactly this, and she saw no reason why we would wait and be the last one to do it, so she supported this Bill.

Councilman Markenson asked if there were Missouri cities who have adopted similar Ordinances. He was not aware of any, and that might change his opinion if others are doing this. He just had not heard of any.

City Counselor Thompson replied he wanted to say St. Louis.

Councilmember Suter said there was a Bill in the legislature right now for the whole state that includes e-cigarettes.

Roll call vote: “Aye” – Councilman Bill Garnos, Councilmember Carol Suter, and Mayor Jean Moore. “Nay” – Councilman Gary Markenson and Mayor Pro Tem Brian Hill. (3-2).

Mayor Moore stated Bill Number 14-09 stood enacted as **Ordinance Number 4.262**.

**Item 14. on the Agenda.**      **RESOLUTION R-14-17**, authorizing execution of a contract with Webb Management Services Incorporated for the development of a Cultural Arts and Entertainment Strategic Plan for the City of Gladstone, Missouri.

Mayor Pro Tem Brian Hill moved to adopt **RESOLUTION R-14-17**, authorizing execution of a contract with Webb Management Services Incorporated for the development of a Cultural Arts and Entertainment Strategic Plan for the City of Gladstone, Missouri. Councilmember Carol Suter seconded.

Councilman Garnos said he would be voting no on this Resolution, and would respectfully request a roll call vote on this matter.

Roll call vote: “Aye” – Councilmember Carol Suter, Mayor Pro Tem Brian Hill, and Mayor Jean Moore. “Nay” – Councilman Gary Markenson and Councilman Bill Garnos. (3-2).

Mayor Moore stated Resolution R-14-17 was adopted.

**Item 15. on the Agenda.**      **OTHER BUSINESS.**

Mike Reinsch, 614 NW Gould, said a week ago, his homeowners’ association, the Oaks homeowners association, held their annual meeting. Mayor Pro Tem Brian Hill attended that meeting, and the number one complaint at that meeting that they wanted to address was the existing bottleneck on Old Pike Road and North Broadway - between 53<sup>rd</sup> Terrace and approximately 5410 North Broadway, where the culvert was located. We go from a 31 foot 4 inch road bed down to a 19.4 inch road bed. Eleven feet was lost almost immediately, and it caused everyone to crowd to the center, and people were constantly being forced off that road. Mr. Reinsch said he had pictures he wanted the City Council to look at, and one can see on both sides of the road constant tracks, where people have had to fall off the pavement and drive on the mud just to make it past busses, UPS trucks, delivery trucks, and anything with a dual axel. There was just not enough room. Mr. Reinsch said his homeowners’ association made the motion at the time to have the homeowners’ association take up the issue with the City Council, so their President has written a letter asking the City Council to



make her the contact person for this issue. Mr. Reinsch said they had a written request signed by 175 homeowners who live along Old Pike Road or adjacent to it, requesting the City to urgently do something about the existing bottleneck. The frustration level was very high. People felt like they have been led on by the City for years and years, and they kept being told the City had it on their list, it's on the five year plan, it would be addressed, and it has gotten to be paramount. There are homeowners along North Broadway, whose kids are supposed to catch the bus at a bus stop that is right by the culvert, and they would not let their kids ride the bus because they don't want their kids walking across that road; they were so afraid they were going to get hit. They knew cars fell off the side of that pavement all the time, so they took their kids to school every day.

Mr. Reinsch said another issue they want the City to immediately address was there were two high hill embankments on 54<sup>th</sup> Terrace, Mr. Reinsch pointed out the area in a picture, where the residents coming out of the neighborhood to the east, constantly complained that they had no sight visibility looking to the south. They were constantly jetting across there, because they were afraid they were going to be hit. They could not see past the hills, and they would like the City to immediately address that blind sight problem. Mr. Reinsch gave the material to the City Clerk for the City Council to review. Mr. Reinsch said he was perfectly willing, if he could be of any help to the City Council or City staff, to try to help resolve the issue. It can be addressed temporarily, but the frustration level must be addressed.

Mayor Moore thanked Mr. Reinsch.

**Item 16. on the Agenda.      QUESTIONS FROM THE NEWS MEDIA.**

There were no questions from the News Media.

**Item 17. on the Agenda.      ADJOURNMENT.**

There being no further business to come before the March 10, 2014, Gladstone Regular City Council Meeting, Mayor Jean Moore adjourned the meeting.

Respectfully submitted:

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Cathy Swenson, City Clerk

Approved as submitted: \_\_\_\_  
Approved as corrected/amended: \_\_\_\_

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Mayor Jean B. Moore