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CITY OF GLADSTONE, MISSOURI

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CITY COUNCIL MEETING

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TRANSCRIPT OF MEETING

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June 25, 2007

7:30 p.m.

10

City Hall

Gladstone, Missouri

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13 Attendance:

14 City Council Members:

15 Mr. Les Smith, Mayor

Mr. Mark Revenaugh, Mayor Pro Tem

16 Ms. Carol Rudi, Councilman

Mr. Wayne Beer, Councilman

17

18 Staff:

19 Mr. Kirk Davis, City Manager

20 Mr. Scott Wingerson, Assistant City Manager

21 Mr. David A. Ramsay, City Counselor

22 Ms. Cathy Swenson, City Clerk

23

24

25 Ms. Frances Holland, Certified Court Reporter

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9	3	Staff Report dated 12/7/06
10	4	PC Hearing Transcript dated 4/16/07
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13		Zoning Ordinance
14	7	Zoning Map of 1500 Englewood Road
15	8	T-Mobile Report dated 1/3/07
16	9	T-Mobile Letter dated 4/13/07
17	10	T-Mobile Coverage Area Map
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1 14 Packet RE: SUP Granted to T-Mobile at 2013 NE
2 72nd Street.
3 a. Ordinance 7/10/06
4 b. City Council Minutes 7/10/06 and 6/26/06
5 c. PC Minutes
6 d. Staff Report
7 e. T-Mobile Transmittal & Owner Consent
8 dated 6/2/06
9 f. T-Mobile Design Differences Report
10 g. 4 Photos of Tower at 72nd & Euclid
11 15 Helmer Memo RE: Data Modeling dated 6/1/07
12 16 Real Data Modeling Exhibit dated 6/1/07
13 17 Flora Park East Map
14 a. 2 Photos of Flora Park East
15 18 US District Court Ruling: Voicestream Wireless
16 vs City of Gladstone
17 a. Entire File
18 19 Possible Alternate Sites - Photos
19 a. Englewood Park
20 b. Englewood Park
21 c. Northminster Presbyterian
22 d. Holy Cross Lutheran
23 20 Photo - Oakview Tower
24 21 Knights of Columbus Location
25 22 Kansas City, Missouri Ordinance Section 80-41

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23 Code of Ordinance, City of Gladstone

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24 Letter from FAA

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CITY COUNCIL MEETING

(WHEREIN, Exhibits 1 - 23 were marked for
identification by the Court Reporter.)

ITEM 11:

MAYOR SMITH: The process for the public
hearing will be that we will ask the Assistant
City Manager, Scott Wingerson, for a short factual
presentation. We will then offer the floor to a
representative from Selective Site Consultants and
some public input from those who might be in favor
of the application and those who might be opposed
and then back to the Assistant City Manager, who
will answer questions from the Council and provide
additional information.

With that, the public hearing is open.
Mr. Wingerson, please.

MR. WINGERSON: Mayor Smith and members
of the City Council, thank you very much. I'd just
like to start with a brief overview of the request.
The request is for a special use permit to allow
construction and operation of a telecommunication
tower at 1500 Englewood Road. The Applicant is T-
Mobile and the owner is F.R.A.H. more commonly know
as the Knights of Columbus.

The case is primarily about land use and

1 we're going to talk to you in the Staff's
2 presentation about four major themes relative to
3 land use and you'll see those themes emerge.

4 At the start of our presentation, I'd
5 like to bring forward City Attorney, David Ramsay,
6 to talk about some of the exhibits that will be
7 used tonight in the presentation.

8 MR. RAMSAY: Mr. Mayor, let me begin by
9 explaining that this is a hearing format. We have
10 with us a court reporter and she will be taking
11 down the testimony. I've also asked her to swear
12 witnesses to place them under oath so that the
13 record will reflect sworn testimony.

14 At the conclusion of the process, and
15 that includes whatever questions the Council has
16 and any discussion, we would ask Council to make a
17 determination of either support or denial of the
18 special use permit requested and that within that
19 motion, there be a direction to the Staff to create
20 written findings of fact and conclusions of law to
21 propose for adoption to the City Council at the
22 next meeting to formalize that decision. State
23 statute requires determinations in this type of
24 process to be in writing.

25 With that, I would like to, hopefully

1 rather quickly, go through a series of the exhibits
2 that we would like to have admitted in the record.
3 We thought we would try to get all of those
4 exhibits entered and out of the way before
5 discussions began. So let me just go through each
6 of those. And Mr. Beeler, Scott Beeler, who
7 represents the Applicant, may have some comment
8 about particular exhibits as they're represented.

9 I should also mention that the court
10 reporter is Fran Holland, who I've only known for
11 about 25 years. She comes very experienced.

12 Let me start with Exhibit 1, which is
13 the basic application that started this process.

14 Exhibit 2 is the application supporting
15 documentation that was received from T-Mobile.

16 Exhibit 3 is the Community Development
17 Department's Staff Report.

18 Exhibit 4 is the Court Reporter's
19 transcript of the proceedings before the Planning
20 Commission on April 16, 2007.

21 Exhibit 5 is the transcript of
22 proceedings before the Planning Commission on June
23 4, 2007, which concluded the Planning Commission's
24 actions on this application.

25 Exhibit 6 is the Zoning Ordinance of the

1 City. And this is excerpted from the City Code.
2 This is Title Seven of the City Code.

3 Exhibit 7 is an excerpt from the
4 Official Zoning Map showing the zoning
5 classification for the site that is the subject of
6 the application.

7 Exhibit 8 are propagation studies and a
8 coverage report prepared by T-Mobile of Kansas City
9 and it's dated January 3, 2007.

10 Exhibit 9 is a letter from Robert M.
11 Herlihy of Selective Site Consultants, Inc. to Mr.
12 Scott Wingerson, Assistant City Manager, dated
13 April 13, 2007 and suggests - or it states a
14 reduction in the size of the monopole telecom tower
15 that is being requested.

16 Exhibit 10 is another coverage. I
17 believe this is a coverage, computer generated
18 schematic, also produced and submitted by Site
19 Selection Consultants on behalf of T-Mobile.

20 Exhibit 11 is a copy of the ordinance,
21 Gladstone City Ordinance 3.414, which is an
22 ordinance granting a special use permit to the
23 Knights of Columbus at their location at 1500 N.E.
24 Englewood Road. And this ordinance was enacted on
25 the 24th day of October 1994.

1 Exhibit 12 is Ordinance Number 3.644,
2 enacted by the City Council of the City of
3 Gladstone on the 27th day of October 1997, which
4 makes certain modifications and an extension of the
5 Knights of Columbus special use permit.

6 Exhibit 13, I believe is a collection of
7 - I'm sorry. Exhibit 13 is the minutes from the
8 October 1994 public hearing on the special use
9 permit for the Knights of Columbus and specifically
10 includes local resident testimony.

11 Exhibit 14 is Gladstone City Council
12 Ordinance Number 4.001 granting a special use
13 permit to T-Mobile Central, LLC, to operate a
14 communications facility at 2013 N.E. 72nd Street.
15 This was adopted in, I believe about two years ago.
16 This ordinance was adopted July 10 of 2006. And I
17 believe everyone here was on the Council at that
18 time.

19 This is the tower that was approved for
20 construction at the Kansas City Power and Light
21 facility, which is immediately south of the tennis
22 courts on the south side of 72nd, east of Euclid.

23 Exhibit 14 also includes photographs of
24 the facility at 72nd and Euclid showing the
25 completed tower construction.

1 Exhibit 15 is a memo from Chris Helmer,
2 Planning Specialist, to the City Council dated June
3 1 of 2007, and it concerns data modeling for the
4 propagation studies for the proposed site at the
5 Knights of Columbus Hall at 1500 N.E. Englewood.

6 Exhibit 16, and I'm not trying to make
7 this as boring as I'm sure it sounds, but it just
8 happens that way with a lot of exhibits, Exhibit 16
9 is a verification study conducted by Chris Helmer,
10 of our City Staff, using an actual cell phone and
11 showing the streets that he traversed and where he
12 got positive call responses on a T-Mobile cell
13 phone.

14 Exhibit 17 is an aerial photograph of
15 the area from - the portion of the area that is in
16 discussion here, including the Knights of Columbus
17 site and the southern boundary of N.E. Englewood
18 Road, extending north to the northern portion of
19 Flora Park and it specifically reflects what the
20 City calls Flora East, which is a drainage area and
21 essentially a rough terrain area.

22 Also, included in that exhibit are
23 relative elevations of various sites in Flora East
24 as well as the blue imprint of the flood plane in
25 that area. And included in Exhibit 17 are two

1 photographs of Flora East. One showing the access
2 and one showing the - one of the - one site, which
3 I believe Staff is going to suggest as an
4 appropriate alternative site for a proposed tower.

5 Exhibit 18 is the memorandum and order
6 and supporting City file in the matter of APT
7 Kansas City, Inc., d/b/a Voicestream Wireless,
8 versus the City of Gladstone. This was a case of
9 an application for a location of a cell tower by
10 Plaintiff, Voicestream, which is the predecessor to
11 T-Mobile.

12 It was contested by the City in 2000.
13 The City Council ultimately rejected the
14 application. A suit was brought in the United
15 States District Court for the Western District of
16 Missouri. The City's decision in that case was
17 upheld and we are offering this as guidance in what
18 our local Federal Court deemed the appropriate
19 analysis of this type of case, particularly in the
20 City of Gladstone.

21 Exhibit 19 is a series of four
22 photographs of sites in the immediate area of the
23 Knights of Columbus Hall. Two sites within Kansas
24 City's Englewood Park. One site being Northminster
25 Presbyterian Church. The other site is the Holy

1 Cross Lutheran Church.

2 Exhibit 20 is a photograph of the
3 existing cell tower in the City of Oakview that is
4 near the intersection of North Oak and Shady Lane.
5 Exhibit 21 is a photograph of that portion of the
6 Knights of Columbus property where the proposed
7 cellular tower would be located.

8 Exhibit 22 is Section 80-41 of the City
9 Ordinances of the City of Kansas City, Missouri,
10 relating to that City's regulation of cellular
11 telephone tower sitings. And we're asking, Mr.
12 Mayor, we're asking you to accept these exhibits as
13 part of the public record. And I believe in his
14 testimony Director Scott Wingerson, will refer to
15 each of them in his comments.

16 MAYOR SMITH: Thank you and we have
17 received the exhibits.

18 MR. BEELER: Mr. Mayor, would you like to
19 record the objection now or wait?

20 MAYOR SMITH: We can discuss objections.
21 I think most of these will be - their relevance
22 will be made clear as Mr. Wingerson testifies. I
23 would invite Mr. Beeler to make what objections he
24 would like at this point.

25 MR. BEELER: I just want to follow your

1 protocol, whatever it is.

2 MAYOR SMITH: It might be better served
3 for us to hear the explanations to go along with
4 the exhibits and for us to understand those better
5 before you object.

6 MR. BEELER: That would be fine.

7 MAYOR SMITH: All right. Thank you.

8 MR. RAMSAY: I might just point out that
9 what you've received are two sets of exhibits. One
10 is Exhibits 1 through 7, which were included in
11 your Council packets. The application and the
12 basic supporting documentation.

13 And then Exhibits 8 through 22 are
14 additional exhibits that have been developed by the
15 Staff and are drawn from the Staff's analysis and
16 ongoing work on this. Let me - I forgot one
17 exhibit.

18 Let me offer Exhibit 23. For purposes
19 of the record, I'd like to offer the Code of
20 Ordinances of the City of Gladstone, Missouri,
21 marked Exhibit 23. This is the code certified by
22 the City Clerk and was re-codified in 2005.

23 MAYOR SMITH: Thank you.

24 MR. RAMSAY: And after all that boring
25 stuff, I'd like to turn the hearing over to Mr.

1 Beeler and his Applicants to make their
2 presentation.

3 MAYOR SMITH: Thank you.

4 MR. BEELEER: Mr. Mayor, if there's going
5 to be an explanation of those exhibits, I think it
6 would only be fair, since I have only received them
7 tonight, that we hear from Staff as to what they
8 deem the relevance to be or I don't know what to
9 object to.

10 MAYOR SMITH: Let's do this. If you have
11 a presentation that you can make to us on the
12 merits of the project, why don't you do that. I'll
13 then ask Mr. Wingerson to work through the exhibits
14 and then give you an opportunity at that time.

15 MR. BEELEER: To come back at that point
16 in time?

17 MAYOR SMITH: Yes, sir.

18 MR. BEELEER: That's fine.

19 MR. BEELEER: Mayor, I am Scott Beeler,
20 B-E-E-L-E-R. I'm with Lathrop and Gage, 10851
21 Mastin, in Overland Park, Kansas is where my office
22 is. Although, as most know, my firm is also at
23 Crown Center on the Missouri side.

24 Let me say that the procedure tonight
25 comes at some surprise to me. And as I was at the

1 Planning Commission, it seems to be the course that
2 we follow in this application and I honestly don't
3 know why.

4 Again, all of these exhibits, many of
5 which obviously have absolutely nothing to do with
6 the Knights of Columbus site, deal with
7 applications in 1994, deal with rezoning or SUPs
8 apparently on a completely different site in 2006.
9 They aren't relevant. They're prejudicial to
10 whatever extent they're attempting to show
11 something that would apply to this site because
12 they have no applications in this site. But I will
13 listen to those explanations and I will come back.

14 Next, as I said, walking in tonight and
15 just being handed that folder of documents, having
16 last been before the Planning Commission on June 4,
17 seems odd. It seems odd to me in the fairness of
18 the process, especially given the wonderful
19 comments I heard this evening about Staff.

20 And I have thought I have had a good
21 working relationship with Mr. Wingerson. We've
22 telephoned one another probably more times than
23 either of us wish to count, but yet I seemingly
24 come to meetings only to be surprised.

25 One thing in particular, and as I said,

1 I'll come back up, but the inclusion of the report
2 from Mr. Helmer, I believe is dated June the 1st.
3 Again, I saw it tonight. My client has had no
4 opportunity to see it and we're here on June the
5 25th.

6 Mr. Helmer is a Planner, to the best of
7 my knowledge. He is not an R.F. Engineer. He is
8 not a Site Acquisition Specialist. He has no
9 experience or background in the communications
10 industry, yet he is proffered to you a report,
11 apparently to take issue with licensed Radio
12 Frequency Engineers who have studied these models
13 and produced computer analyses. And he apparently
14 is going to offer his opinion in substitute for
15 theirs.

16 Again, I find that very odd and very
17 disturbing in terms of the process. To be handed
18 that tonight without any opportunity to do what we
19 most assuredly could, and that is cut into the meat
20 of what's being stated there.

21 Now, let me get to our application.
22 Garth Adcock is the Director of Real Estate for T-
23 Mobile. He's with us this evening. Ed Michaels is
24 with Selective Site Consultants. He is with us
25 this evening. Mr. Michaels did all of the site

1 acquisition work, which I'm going to explain to you
2 in a moment.

3 I also have Vince Christofano with me
4 this evening who is a Radio Frequency Engineer and
5 who has done many of the profiles in the studies.
6 There's a statement in the Staff Report that I only
7 received tonight in this packet that says we didn't
8 provide to the Staff a propagation study at the 77-
9 foot high tower. I think that's an error.

10 We've explained numerous times and, in
11 fact, the very document that is a propagation study
12 at 77 feet is part of the exhibits that Counsel
13 just went through. So, indeed, we have done that
14 propagation study.

15 But let me get to the history of this
16 tower. The tower itself came before you, before
17 you meaning the City in an application, at 140
18 feet. A very high tower. I am relatively familiar
19 with the case that's been attached as an exhibit.
20 And, again, a case which has no relevance
21 whatsoever to the matters before you.

22 But the tower in that case, where the
23 City denied the permit, was 164 feet tall. It was
24 a case where there was an application that received
25 a protest petition from your residents signed by

1 more than 200 people.

2 In this particular case, at the Knights
3 of Columbus, we've had numerous meetings. We've
4 had the required neighborhood meeting. We've had
5 two Planning Commission Hearings. There was one in
6 April and then one in June. There has not been a
7 single person appear at any of those meetings to
8 state in opposition to this tower.

9 As I mentioned, it started at 140 feet.
10 But what we've learned was, this particular - which
11 tells you something about the desires, in a perfect
12 world, of where this tower would be placed and the
13 height.

14 But what we've learned was, the Aviation
15 Administration has their own regulations for the
16 flight path that involves Downtown Airport. And
17 that total elevation is 1050. It's what you're
18 limited to. So it doesn't matter what your ground
19 elevation is. You can't be taller than 1050 above
20 sea level. The site pad that we are dealing with
21 now is at 975. Correct?

22 MR. CHRISTOFANO: Yeah.

23 MR. BEELEER: In any event, it meant our
24 tower was going to be limited to - or it may be
25 973, to get it straight, 75 feet plus we have a

1 lightning antenna of two feet, makes it 77. That
2 was the application made to the Planning
3 Commission.

4 I also told the Planning Commission that
5 in any application for T-Mobile, or any other
6 communication provider that I've represented over
7 the years, we applied the AAA standard. AAA
8 standard is just my acronym for what is acceptable,
9 what is agreeable, and what is available as a site.

10 Again, Mr. Michaels, that's his
11 business. That's his speciality. He goes out only
12 after the Engineers have done their job. So when
13 we talk about what's acceptable, the engineering
14 people are looking at this from a 30,000 foot view.
15 Pun intended.

16 They are looking at the entire network.
17 And in this case, of course, the Metroplex Network.
18 And more specifically that it becomes a Northland
19 and more specifically it ultimately keeps moving
20 in, moving in, moving in, until we're talking about
21 this Knights of Columbus site. They're determine
22 is over that review, that analysis, what is the
23 area needed for a tower to provide a hole in
24 coverage.

25 Now, let me say something else. This is

1 not an application that is so much about what we
2 all started with, in terms of cell coverage, and
3 that is, what we do in our cars. They were called
4 mobile phones.

5 Well, the customer base, all carriers
6 have learned now, the customers are saying, "I
7 don't just want my phone to work in my car. I want
8 it to work at home." And, in fact, now that's over
9 double digits in percentage of people who have
10 gotten rid of their land line completely and are
11 working solely on a cell phone basis.

12 So the customers drive the reason for
13 additional towers, for a fill out of coverage.
14 These things, as you might expect, are quite
15 expensive. Carriers don't come to you simply
16 because they want to spend the money.

17 They're coming to you because they've
18 either had customer complaints, or something like
19 that, where they've determined we do have a
20 weakness here. Someone can't use their phone on a
21 regular basis.

22 It doesn't mean it doesn't work. It
23 means that it drops a call accidentally for no reason
24 and what worked yesterday, doesn't work today. It
25 means it's garbled. It means sometimes you punch

1 in all the numbers and the call just doesn't
2 connect. It's any of those things.

3 So the engineering folks do their
4 homework and they come forth with what's called a
5 search ring. And a search ring is saying, if you
6 can locate this tower for us somewhere within this
7 concentric circle, it will basically provide the
8 solution to the need we've identified in the
9 network.

10 Then it's handed over to Mr. Michaels.
11 They go into the marketplace. And remember, I've
12 said I've got three As. One's acceptable. So the
13 search ring defines, can we put it anywhere in
14 here. That's acceptability from an R.F.
15 standpoint.

16 Next is, it has to be available.
17 There's a lot of folks who own property that might
18 be the perfect site who simply aren't in the
19 market. They say I'm not interested. They don't
20 return the phone call. Any number of reasons. I'm
21 sure he could tell some stories, speaking of dogs,
22 of where he's been run off of properties. And the
23 point is, they're not always available.

24 And the third element is, it has to be
25 agreeable. So even if it's available, if they want

1 a million dollars to locate a tower there, it's not
2 an economical - economically viable project. So
3 we've identified all of these areas.

4 Then we work with the Staff. We found a
5 site. It's available. It's agreeable. It's
6 acceptable. And the Staff sometimes, as Mr.
7 Wingerson did, says, you know, "I understand that.
8 It looks okay to me. But I maybe think it might be
9 better over here."

10 We go back to the drawing board. We
11 find out first and foremost, is it acceptable from
12 an R.F. standpoint. Because it doesn't really
13 matter if that doesn't work. We're not solving the
14 problem.

15 So in this case, Mr. Wingerson had
16 suggested Flora Park. Well, we had a to do, for
17 lack of a better term, at the Planning Commission
18 the first time. We all got emotional, myself
19 included in that, and we decided to back down a
20 step and have a continuance and everybody settle
21 down and try to revisit the information. And we
22 did that.

23 We then had a good meeting and we went
24 to the Flora Park site. Not just Mr. Wingerson and
25 myself, but we brought the experts. We brought the

1 R.F. folks. We brought the site at folks. And we
2 got out the flood plane maps. And we took a look
3 at those things.

4 Interestingly, one of the exhibits that
5 was in the packet I was handed tonight, is that
6 flood plane, well, it's not a flood plane study,
7 but the flood plane is highlighted on the aerial
8 view. And there are a number of red dots. And
9 frankly I don't know what those are meant to be.
10 They're not identifiable pieces of property, but
11 they're red dots down in the Flora Park area.

12 And from the best I can see there,
13 traveling down Flora, the first red dot that's
14 marked over there at 918 feet is beyond where we
15 had our meeting, but not too far away. We have
16 determined through our site folks that where we
17 were standing, literally, to have our meeting,
18 which was right next to the roadway, right across
19 from that school, was about 925 feet.

20 These numbers are slightly greater or
21 it's a lesser elevation even than we thought it
22 was. But what you can quickly see when you look
23 back down to the site that we're here about
24 tonight, which is at 976, it's 60 feet lower by the
25 City's own exhibit at Flora Park. We thought it

1 was roughly 50 when we were making the Planning
2 Commission presentation on June 4th.

3 But the point is this, I told you that
4 we can't go above 1050, due to FAA regulation. So
5 if we wanted to have a tower at the same height as
6 it is at 77 feet at the Knight site, and we wanted
7 to do that same tower at Flora Park to, again, have
8 the same height for coverage purposes, we have to
9 take that tower up to, it appears from this, 136
10 feet.

11 So the same tower at 77 feet at Knights,
12 due to ground elevation, would have to be 136 tall
13 to provide the same type of coverages at Flora. We
14 then said, all right. We know that. Obviously,
15 that's a much bigger tower. Most governmental
16 entities, if you can get a shorter one, that's your
17 preference, but we'll take a look at that. We said
18 we would. Now, let's find out about coverages.

19 So what we did is, we had our
20 Engineering Staff determine the number of homes
21 that are served from each of those locations by
22 those towers, at those heights. And the answer is,
23 it's about 1,000 homes that are served from the
24 Knights of Columbus site and about 750 from the
25 Flora site.

1 The point being, for a tower that is 40
2 percent taller, you're going to get 25 percent less
3 in-home coverage. That's not meeting the goals
4 that anybody has. Certainly not the carrier.
5 Certainly not the customer base asking for the
6 coverage. And I would think also not for the City
7 either, but I will let Mr. Wingerson and his Staff
8 speak for themselves. But the exhibit
9 demonstrates, unequivocally, what those elevation
10 changes mean to an Applicant.

11 The next thing, and again in the
12 exhibit, I mentioned there is a propagation study
13 that is done for this particular tower at 77 feet.
14 And if you note, the location that we're here
15 about, it's virtually in the center of the green
16 area that's in the propagation study. And I'll
17 just submit to you that green means good things in
18 terms of in-home cell coverage. It means basically
19 that under the criteria, you effectively have good
20 in-home coverage.

21 Let me say one other thing, and I think
22 this exhibit also shows this quite well, you'll see
23 that when you really let - forget search rings,
24 which are concentric circles, anywhere within
25 this circle would probably be acceptable. When you

1 put the real computer to work, there is nothing
2 concentrical about it. The edges are rough and
3 poorly defined.

4 The point is, and I used this example at
5 the Planning Commission, these analyses are much
6 like jigsaw puzzles, except the pieces aren't
7 precut for you. There is almost no possibility,
8 aside from gross overlap, meaning two towers
9 probably too closely located to one another, where
10 each is reaching out over the other's coverage
11 area.

12 Absent that, there's really no
13 possibility of providing complete coverage
14 everywhere, every time. There's always going to be
15 a few gray areas in the coverage. And we've all -
16 we all know it. Because I assume we all carry a
17 phone, just like I do, and we're driving along and
18 everything is fine, especially most days it's
19 always fine, and just (snapped fingers) and no
20 one's there. We've all seen the commercial. And
21 it's a true - it's a truism and likely not one to
22 be solved.

23 But the point is, these carriers study
24 this at great expense over much time to determine
25 where the areas are truly deficient and where they

1 need additional in-home coverage. That brings us
2 back here.

3 So again, at the Planning Commission, I
4 made these presentations. I frankly kind of
5 thought we were beyond the Flora Park issue only to
6 again see it here tonight. Flora Park is not
7 acceptable from an R.F. standpoint. It also -
8 there's no agreement to go at Flora Park under any
9 set of circumstances. No one has even offered a
10 deal at Flora Park. But more importantly, the
11 facts are simply, it's not the right place for the
12 coverage.

13 The Knight site fits the network. It is
14 an available site and it's agreeable. So that left
15 it to the wisdom of the Planning Commission to
16 discuss. And frankly there were three points made.
17 I note that you have been provided a transcript. I
18 commend that to your reading. I doubt any of you
19 have had the opportunity yet to read it, but it's
20 late night reading, at best. But you'll find that
21 - I think you'll find there are really three points
22 that are made.

23 One, and you've all heard this from just
24 your basic zoning applications, where people gave
25 the acronym NIMBY. And we all know what that

1 means. Not in My Backyard. We've all heard it.

2 Anyone whose done this kind of work has heard it.

3 But the comment that was coming out of
4 the Planning Commission, and this is not meant to
5 be a joke or to be critical of anybody, but on the
6 way home I was thinking about that acronym nimbi,
7 and I came up with NIMC, N-I-M-C, Not in My City.

8 And I say that, because the comments
9 that were coming out on June the 4th from several
10 of the Commissioners, certainly not all, in fact,
11 several voted for this application, but that
12 comment that was coming out was, "Well, isn't this
13 tower providing more coverage over in Kansas City,
14 Missouri than it is in Gladstone?"

15 To which my response was, "Well, I hope
16 we all understand that radio frequency waves do not
17 know City boundaries. We're trying to fill a
18 network out and locate the towers in the best spot
19 to fill the network out, regardless of whether
20 they're in your City or in your neighboring City."

21 But it did occur to me that perhaps I
22 hadn't done as well - as good a job as I should
23 have in explaining to the Commissioner that you do
24 realize there are other cell towers not located in
25 your fair City providing extensive coverage in the

1 City.

2 So I asked the R.F. Engineer to draw
3 something up and I want to at least offer it for
4 your consideration. With apologies to Mr.
5 Wingerson, I'm going to use the edge of his desk.
6 All this is, ladies and gentlemen, within the
7 fuchsia area that's described on the document,
8 that's your City boundaries from an overview.

9 And in that City boundary, I asked Mr.
10 Christofano to locate towers of T-Mobile's that are
11 providing coverage in Gladstone today, even though
12 they're not physically located in Gladstone, and
13 they're denoted by the blue triangular pieces.

14 And what I can tell you is, on this map
15 right here, there are eight of them all around the
16 perimeter of your City. And I've asked him, of
17 course, to tune this to make the coverage point at
18 Gladstone, because obviously these towers point all
19 directions, so there's coverage reaching out from
20 there, but the coverage from outside your City to
21 your City, there are eight existing towers today.
22 Only two T-Mobile towers are actually physically
23 located in your City. One is on a water tower and
24 one is the Kansas City Power and Light complex.

25 So to the extent that the Commissioner

1 somehow thought that, well, if there's more
2 coverage in Kansas City, it ought to be in Kansas
3 City, I'm just suggesting that rather narrowly
4 defines what we're trying to accomplish.

5 And certainly we didn't use that analogy
6 in reverse when we located eight other towers in
7 the network, from that 30,000 foot perspective, to
8 provide good in-home coverage to Gladstone
9 residents.

10 The second point was raised by a
11 Commissioner that, "Well, I think that the Knights
12 of Columbus are trying to sell their property and,
13 therefore, I don't think we ought to be locating a
14 cell tower there because they're going to be
15 selling it." Well, that was news to me.

16 And I had spoken to the Knights of
17 Columbus residents, but in abundance of caution, I
18 asked Mr. Michaels to revisit the issue with the
19 Knights' representatives. And they have, and he's
20 here tonight to verify that conversation, their
21 property is not for sale and has not been for sale.
22 They considered, about three years ago, what all of
23 their alternatives might be, but they never placed
24 the property for sale and have never intended to
25 sell it. Have I fairly represented that?

1 MR. MICHAELS: I cannot say for sure they
2 never placed it for sale.

3 MR. BEELER: Okay.

4 MR. MICHAELS: They may have, but I'm not
5 aware of it.

6 MR. BEELER: But three years ago.

7 MR. MICHAELS: At least.

8 MR. BEELER: All right. So I hope that
9 there is no confusion about that at this point.
10 And the last element was that the placement of the
11 tower at the Knight site might create a further or
12 a continuing hole of coverage further to the north.

13 And I tried to explain that night that,
14 while - and I've already said for you folks this
15 evening, there's going to be holes in the coverage.
16 There's only so much that can be done about that at
17 this stage of technology.

18 But I can tell you this much, and the
19 R.F. Engineer is here to verify, if we move the
20 coverage further to the north on a site that isn't
21 identified, I mean, there's no available,
22 accessible, agreeable site for us at this point in
23 time, but even if there were, the R.F. folks can
24 verify for you that the hole that would be
25 remaining, and hole is a difficult term, but a gap,

1 just an area where the coverage isn't what it
2 should be, they will tell you that that gap will be
3 greater in our network to the south, than if we
4 locate on the Knight site. How do you we net all
5 this out? We're offering - oh, and I've left out
6 one item. And that is, sometimes the R.F. needs
7 are such, and I know you all have dealt with this,
8 that a full tower height, the standard 140/150
9 tower with a full platform and array of arms of the
10 antennas, sometimes it's necessary. That's what
11 the R. F. need is.

12 Here, and principally working with Mr.
13 Wingerson, we have tried our best to - because
14 there is a neighborhood right next door, again a
15 neighborhood that has proposed no opposition
16 whatsoever at this point in time, we've not only
17 lowered the tower to 77 feet, but we've made it
18 completely stealth. That's our meaning. It just
19 has a cone on it and the antenna is within the
20 cone, within the pole. There's no platform.
21 There's no array. There's not even the antennas
22 that affix to the outside of the pole, which is
23 another application we're working with Mr.
24 Wingerson on. So it is the most stealth of stealth
25 varieties. It's 77 feet, so it's 40 percent less

1 than it would be at Flora Park and it provides a
2 greater array of coverage. We have a willing
3 Applicant on virtually a perfect site that has no
4 opposition.

5 Now, we came to the proceeding tonight.
6 There's a court reporter. We have Counsel talking
7 about swearing in witnesses. To the extent that
8 anybody thinks that my client has threatened anyone
9 or suggested anything, that would be incorrect. We
10 are in the process as written by your rules. And
11 we've worked with your Staff diligently to come to
12 the right conclusion.

13 But this is an important site to us.
14 All the applications that we bring you here in
15 Gladstone are important to us and we hope you
16 understand that. And we hope also that you won't
17 be swayed by a pile of exhibits that we haven't
18 even seen and I doubt that you have and certainly
19 the Planning Commission didn't have. It just seems
20 odd, again.

21 With that, Mr. Mayor, I will be happy to
22 answer any questions of the Council. And then
23 other than that, I'll resign myself to come back
24 after Mr. Wingerson's presentation.

25 MAYOR SMITH: Any questions of Mr.

1 Beeler?

2 COUNCILWOMAN RUDI: Yeah. I have a lot
3 of questions.

4 MAYOR SMITH: Okay.

5 COUNCILWOMAN RUDI: First of all, you
6 talked - we'll just deal with this one first of
7 all. The exhibits that you haven't seen from the
8 City leads me to the question, the one that you
9 just brought with the fuchsia and the purple, has
10 our City Staff seen that one?

11 MR. BEELER: The location of towers
12 outside the City?

13 COUNCILWOMAN RUDI: Outside.

14 MR. BEELER: No. That's just fact
15 information.

16 COUNCILWOMAN RUDI: Okay. Just fact.
17 Can you tell me, this 77-foot pole, how many
18 stories would that be if it was a building? Can -
19 or any of your colleagues--

20 MR. BEELER: Well, my general
21 understanding of stories is that it varies
22 depending upon what you're trying to identify them
23 for. And I'd be hesitant--

24 COUNCILWOMAN RUDI: Okay. If it was a
25 house with an eight-foot ceiling in each room, how

1 many stories would that house be?

2 MR. BEELER: The top of the roof line,
3 I'd - it's been a Planning Commission and City
4 Council day for me. I was in Overland Park all
5 afternoon and there was an application in there
6 today where the top of the ridge line in the roof
7 was 70 feet and it was a five-story facility. And
8 again, all we're talking about here is a gray pole.

9 COUNCILWOMAN RUDI: I just - I need
10 something that give me a perspective. That's what
11 I'm looking for. And then regarding the FAA...

12 MR. BEELER: He's just reminding me. As
13 I said, the diameter of the top of this pole is
14 this big, 24 inches.

15 COUNCILWOMAN RUDI: I'm just trying to
16 get an idea of the height. Regarding the FAA
17 regulation.

18 MR. BEELER: Yes, ma'am.

19 COUNCILWOMAN RUDI: It's 1,050--

20 MR. BEELER: Feet.

21 COUNCILWOMAN RUDI: --feet.

22 MR. BEELER: Above sea level.

23 COUNCILWOMAN RUDI: Has anyone contacted
24 them? Do they ever offer a variance or any kind of
25 special...

1 MR. BEELEER: I guess I should never say
2 never, but I've rarely see much cooperation out of
3 the FAA when it comes to that kind of thing.

4 COUNCILWOMAN RUDI: So you haven't
5 contacted them?

6 MR. BEELEER: Yes, ma'am. We have.

7 COUNCILWOMAN RUDI: In this--

8 MR. BEELEER: In this proceeding. We have
9 a letter from the FAA, which I think we've shown to
10 Mr. Wingerson.

11 COUNCILWOMAN RUDI: Is that in my packet?

12 MR. WINGERSON: No, ma'am.

13 COUNCILWOMAN RUDI: And this - this is
14 the propagation study for the 77-foot pole?

15 MR. BEELEER: Yes. It is.

16 COUNCILWOMAN RUDI: I also have - by the
17 way, I've read all this material.

18 MR. BEELEER: I congratulate you.

19 COUNCILWOMAN RUDI: It was long and I
20 don't do it in the middle of the night.

21 MAYOR SMITH: And I knew she had done
22 that.

23 MR. BEELEER: I find myself having to do
24 it in the middle of the night, so I congratulate
25 you.

1 COUNCILWOMAN RUDI: Are any of these
2 three - this is an existing T-Mobile coverage?

3 MR. BEELER: Yes. It is. That's a
4 propagation showing existing coverages.

5 COUNCILWOMAN RUDI: Okay. Are any of
6 these three - one says was 150 foot site at Flora
7 and the other says 120 foot site at Knights of
8 Columbus. Would this study be equivalent to this
9 with the blue and the green?

10 MR. BEELER: The one in your right hand
11 is the last one done to show the change by reducing
12 the height of the tower from 120 to 77.

13 COUNCILWOMAN RUDI: These are easier to
14 read for a future reference, but - for me.
15 Although, we do have one Councilman for whom colors
16 are useless, so...

17 COUNCILMAN BEER: I'm not exactly
18 useless. Sometimes difficult. (Laughter)

19 MR. BEELER: No matter what time of night
20 you read.

21 COUNCILWOMAN RUDI: Can this pole be used
22 by more than just your company?

23 MR. BEELER: Yes. I will tell you that
24 the taller the facility, the more opportunity there
25 is for co-location, due to the separation

1 requirements between carriers.

2 COUNCILWOMAN RUDI: How many users could
3 be on this pole?

4 MR. BEELER: I'm mean, effectively two.

5 COUNCILWOMAN RUDI: So yours and one
6 other?

7 MR. BEELER: Yes, ma'am. I do have that
8 FAA letter, if you would like that.

9 COUNCILWOMAN RUDI: I would like to see
10 it.

11 MR. BEELER: May I approach, Mayor?

12 MAYOR SMITH: Please. Thank you.

13 COUNCILWOMAN RUDI: I think I'm going to
14 have several other questions. Did we get a map of
15 your search ring at all? Have we seen that? I've
16 got so much that I didn't remember which one I read
17 and which one I didn't.

18 MR. BEELER: I'm trying to remember if
19 that's part of the original packet. That's where
20 it would be if it was at all. I know there were
21 discussions about an identification of other sites
22 that were part of the process, but the physical
23 description and a search ring, I don't know if that
24 was printed out of our engineering or not.

25 COUNCILWOMAN RUDI: And just - once

1 again, I'm trying to clarify for my own benefit.
2 This tower, or if the tower was at Flora Park, no
3 matter which location it is, the very top of that
4 tower could only be 1,050 feet no matter where it
5 is?

6 MR. BEELER: That's correct. Both of
7 those sites are within the FAA flight path.

8 COUNCILWOMAN RUDI: So if it's not in the
9 flight path--

10 MR. BEELER: All of this area is.

11 COUNCILWOMAN RUDI: That helps. That
12 helps, yes. That's all for me right now.

13 MR. BEELER: It's a band of area. I
14 could get a definition or a description if you need
15 it.

16 COUNCILWOMAN RUDI: No. That's okay.

17 MAYOR SMITH: Mr. Beeler, just so I
18 understand. The propagation study, the green mass,
19 if this site were located farther north, and
20 obviously it doesn't move household to household.
21 Does that green ring, if you will, move with it
22 more or less? I mean, you may not get this - you
23 mentioned 1,000 houses, which is 750 houses. I
24 understand that. But does this move with it? In
25 other words, is there a greater percentage of

1 Gladstone residents who would benefit by enhanced
2 service if the tower moved north?

3 MR. BEELEER: That's a fair question. I -
4 again, with hopefully in the understanding that our
5 analysis, just like those eight towers, is not what
6 percentage of Gladstone--

7 MAYOR SMITH: Oh, I understand. I'm just
8 trying to wrap my arms around this thing.

9 MR. BEELEER: But theoretically, yes. As
10 any site moves further north, there is a greater
11 percentage, "of Gladstone versus some other
12 resident that might be subject to that coverage".

13 MAYOR SMITH: But, you know, I'm sure
14 that--

15 MR. BEELEER: But another hole in the
16 network would be created. I mean, as Mr. Adcock
17 said, site proliferation is an issue for all
18 communities. And that's one of the elements in the
19 charges of the R.F. Engineering Department is to
20 work within the network to try to keep the total
21 number of sites to a minimum.

22 And while you're - to your question, it
23 may have a technical yes answer to that question if
24 it is a proliferation issue by creating another
25 bigger hole than we have now.

1 MAYOR SMITH: Any questions of Mr. Beeler
2 at this time?

3 MAYOR PRO TEM REVENAUGH: Yeah. I was
4 just wondering. I was trying to follow your four
5 points and I got the not in my city, the Knights of
6 Columbus trying to sell the property, and the tower
7 would continue the hole further north. So I missed
8 one in there somewhere.

9 MR. BEELER: There were only three. You
10 got them all. Those were the three major issues
11 that we made note of at the Planning Commission.

12 MAYOR PRO TEM REVENAUGH: So when the
13 technicians originally decided, hey, we have this
14 big hole in coverage, you know, north of the river
15 and they proposed, I imagine they looked at the
16 size of the hole and then figured out what size
17 tower they were going to need to fill the hole?

18 MR. BEELER: That's correct.

19 MAYOR PRO TEM REVENAUGH: So to fill the
20 hole, their recommendation was 140 foot tower?

21 MR. BEELER: Yes, sir.

22 MAYOR PRO TEM REVENAUGH: Originally?

23 MR. BEELER: Yes, sir.

24 MAYOR PRO TEM REVENAUGH: So then they
25 find out through the FAA that they couldn't put in

1 a 140-foot tower, which is what - ideally, that was
2 the ideal location. It was available. It was
3 agreeable.

4 MR. BEELER: Yes, sir.

5 MAYOR PRO TEM REVENAUGH: And at least as
6 far the company was concerned, acceptable.

7 MR. BEELER: Yes, sir.

8 MAYOR PRO TEM REVENAUGH: But then
9 because the FAA restriction, then it was like,
10 well, we can't put in one that's going to - I
11 assume that wouldn't have necessarily filled the
12 entire hole either, but maybe a larger percentage
13 than the next proposal, which is the maximum
14 height, if I'm getting this right, is 73 feet.

15 MR. BEELER: Seventy-seven.

16 MAYOR PRO TEM REVENAUGH: Seventy-seven
17 feet. So I guess what I'm curious is, what is that
18 doing for the hole? How much reduction in hole are
19 you getting at 77 feet, versus the original 140
20 feet?

21 MR. BEELER: Do you want to address that?
22 Do you have a house number?

23 MR. CHRISTOFANO: I'm not sure I
24 understand the question.

25 MR. BEELER: I think the Councilman is

1 asking, if when that tower was originally reduced
2 from 140 feet at Knights, down to 77 feet, how much
3 coverage reduction are we suffering from lowering
4 that tower by almost half?

5 MAYOR SMITH: All right.

6 MR. BEELER: Have I stated that fairly?

7 MAYOR PRO TEM REVENAUGH: That's exactly
8 what I was wondering.

9 MAYOR SMITH: If you will. Would you
10 please identify yourself?

11 MR. CHRISTOFANO: I'm Vince Christofano.

12 COURT REPORTER: Excuse me. Am I
13 supposed to be swearing these witnesses in?

14 MR. RAMSAY: That was our original
15 intent.

16 COURT REPORTER: Then, everybody started
17 talking.

18 MR. BEELER: I'm an officer of the Court
19 and don't need to be sworn in.

20 COURT REPORTER: Now, we are moving to
21 someone else.

22 MAYOR SMITH: Want to swear them in,
23 Counselor?

24 MR. RAMSAY: I think we should. I think
25 we need to have a formal record.

1

2

(WHEREIN, Mr. Vince Christofano was duly sworn-in by the Court Reporter.)

3

4

MAYOR PRO TEM REVENAUGH: State your name.

5

6

7

MR. CHRISTOFANO: I'm Vince Christofano. I'm an R.F. Engineer for T-Mobile. I've been an R.F. Engineer for about two and a half years. I've lived in the Northland for a very long time.

8

9

10

MAYOR SMITH: I think you have. So has your family.

11

12

13

14

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18

MR. CHRISTOFANO: I went to middle school at Antioch over here and went to public schools around here. Your question was about the difference in coverage at 150 feet as opposed to 77 feet. I believe - I don't have the exact number. I didn't count all the homes that we would lose with that, but...

19

20

MAYOR PRO TEM REVENAUGH: Well, I'm thinking it must be significant?

21

22

23

24

MR. CHRISTOFANO: Well, it is significant. In your package there's a prop study that was submitted or that was dated on, I believe, November 30th. Let me just double check that.

25

MAYOR PRO TEM REVENAUGH: Does anybody

1 know which thing we're supposed to be looking at?

2 MR. CHRISTOFANO: This one right here,
3 yeah. So this is in your packages. And this is a
4 prop study that contains a tower at 120 feet, which
5 is not 140, but 120 feet less than... So these
6 yellow areas correspond pretty closely to in-home
7 coverage at 120 feet and this green area is similar
8 in-home coverage levels at 77 feet. So I'm not
9 sure if you guys can take from that how many homes
10 are not covered, but that's a - that may give you
11 an idea.

12 MAYOR PRO TEM REVENAUGH: I can't even
13 tell between this and that.

14 MR. CHRISTOFANO: Okay.

15 MAYOR PRO TEM REVENAUGH: You know--

16 MR. CHRISTOFANO: Right.

17 MAYOR PRO TEM REVENAUGH: I mean, we're
18 different colors even. And I'm a little bit
19 colored challenged, to be honest with you, but I
20 have no clue what we're - what you're trying to
21 explain to me here.

22 MR. CHRISTOFANO: Well, so let's just
23 start fresh. What you're holding in your hand,
24 red, blue and green.

25 MAYOR PRO TEM REVENAUGH: Is it right

1 side up?

2 MR. CHRISTOFANO: No. You have that
3 upside down.

4 MAYOR PRO TEM REVENAUGH: Okay.

5 MR. CHRISTOFANO: What's in pink there,
6 is the outline of Gladstone City boundary. And I
7 guess in the middle line and going across, this
8 middle line here, that's Englewood Road.

9 MAYOR PRO TEM REVENAUGH: Okay.

10 MR. CHRISTOFANO: Okay. And Flora Park
11 is running up and down in the middle here in the
12 green. So with - the intersection of Flora Park
13 and Englewood Road is very close to the Knights of
14 Columbus.

15 MAYOR PRO TEM REVENAUGH: That's where
16 the tower is proposed. Right?

17 MR. CHRISTOFANO: And this green area is
18 in-home coverage that will be added by the Knights
19 of Columbus cell tower.

20 MAYOR PRO TEM REVENAUGH: What's the
21 blue?

22 MR. CHRISTOFANO: The blue coverage is -
23 the blue coverage are existing in-home coverage
24 from the towers that are standing already.

25 MAYOR PRO TEM REVENAUGH: Okay.

1 MR. CHRISTOFANO: So that's an
2 explanation of this.

3 MAYOR PRO TEM REVENAUGH: Of what it is
4 currently?

5 MR. CHRISTOFANO: The blue is the
6 current.

7 MAYOR PRO TEM REVENAUGH: Okay. And this
8 would just be pink. The green would be pink. Is
9 that what you're saying?

10 MR. BEELER: No. The green, if it's
11 granted--

12 MAYOR PRO TEM REVENAUGH: Right. But
13 without the tower--

14 MR. BEELER: Without it, it would be
15 gray.

16 MR. CHRISTOFANO: It would be--

17 MAYOR PRO TEM REVENAUGH: Gray?

18 MR. CHRISTOFANO: Yeah. There would be
19 nothing there. It would be just empty, which I can
20 show you that, as well. I have a prop over there
21 if you'd like to see it.

22 MAYOR PRO TEM REVENAUGH: So this is
23 where there is no coverage?

24 MR. CHRISTOFANO: There is - it is not--

25 MAYOR PRO TEM REVENAUGH: No in-house

1 coverage?

2 MR. CHRISTOFANO: In-home coverage is not
3 guaranteed in those areas.

4 MAYOR PRO TEM REVENAUGH: Okay.

5 MR. CHRISTOFANO: This is not - it's not
6 at a level that we find acceptable to penetrate
7 homes.

8 MAYOR PRO TEM REVENAUGH: Okay. So with
9 - and this is the proposed in-home additional
10 coverage area at 77 feet?

11 MR. CHRISTOFANO: Correct.

12 MAYOR PRO TEM REVENAUGH: Okay. So I
13 guess the question I have is, what is this circle
14 going to look like if you had your originally
15 proposed, this is - this is the tower we need. We
16 need 120, 140 feet. And with that, we're going to
17 cover X percent somewhere more in-home coverage.

18 And so what I'm trying to get at is,
19 what is that reduction from 140 foot tower, which
20 is what you originally wanted, because that's what
21 the experts say we need to fill as many of this
22 hole - or as much of this hole as we can, what I'm
23 trying to get at is, you know, you've had to reduce
24 your coverage height by almost 50 percent, so
25 correspondingly, you know, how much smaller

1 coverage area are you actually going to enjoy by
2 having this reduced tower?

3 MR. CHRISTOFANO: I don't know the exact
4 number, but I do know it was maybe a few hundred,
5 maybe two to 300 homes. That's just a vague
6 recollection. I'd have to...

7 MAYOR PRO TEM REVENAUGH: Out of a
8 thousand?

9 MR. CHRISTOFANO: Well, so a thousand--

10 MAYOR PRO TEM REVENAUGH: Around 1300?

11 MR. CHRISTOFANO:--it would have been
12 1300. But that's a - again, I don't know for a
13 fact.

14 MAYOR PRO TEM REVENAUGH: Right. Here's
15 what I'm saying is, that when you originally did
16 this with your 140-foot tower, you would have come
17 up with some kind of coverage area, you know, that
18 would say, wow, look at - look at all the holes
19 we're going to fill with this 140-foot tower. But
20 we're not seeing that. All we're seeing is, well,
21 it's going to cover this much now.

22 And so I guess, you know, what seems to
23 be, or at least, you know, I'd like to have a
24 better understanding is, with a 50 percent
25 reduction of the ideal tower location, what is it

1 going - how many fewer homes are going to actually
2 enjoy in-home coverage as a result of it?

3 MR. CHRISTOFANO: Well, that's a very
4 good question. I would have to go back and re-
5 evaluate that to give you a, you know, an answer to
6 this--

7 MAYOR PRO TEM REVENAUGH: Okay.

8 MR. CHRISTOFANO:--that's true.

9 MAYOR PRO TEM REVENAUGH: Because you can
10 understand, you know, as people that are elected to
11 represent the public, we want to make sure that the
12 public is going to get as much bang for the buck as
13 possible. Maybe, this makes perfect sense, but,
14 you know, it was your Staff recommendation
15 originally, your Staff, that said, if we're going
16 to really put one in here, and we're going to go to
17 the expense, we need a 140 foot tower.

18 And so I'm just wondering, you know,
19 okay, well, you know, you ran into the FCC thing.
20 I understand that. Or the FAA. And so we've got
21 to live with a much smaller coverage area and I'm
22 just trying to figure out what that is on a
23 percentage basis. Ballpark. It doesn't have to
24 be, you know--

25 MR. BEEELER: I think that's a fair

1 question. The only caveat I'd offer is, as much as
2 we might have wanted to do the 140, we can't. So
3 its relevance is limited because we cannot do it,
4 even if we wanted to, and even if it were 100
5 percent, which to me means then we move to what are
6 our next alternatives.

7 For example, we now already reduced it
8 to go to 77 feet from the 140. Well, Vince doesn't
9 have the exact number. I think your logic's
10 perfectly accurate. It would have been bigger, a
11 bigger coverage area at 140, and it's certainly
12 less at 77.

13 But when we then make a comparison to
14 Flora Park, or anything else moving to the north,
15 we lose more homes from where we already are at 77
16 feet. That's the point that needs to be made.
17 That's where we have a thousand homes there in that
18 green area.

19 But if we move to Flora Park, even
20 though the - and the tower height goes up 40
21 percent, still staying under the 1050, becomes a
22 136 tower, the homes served by that 136 in that
23 location are 750. So we lose 250 homes more than
24 we already have by moving to Flora Park.

25 MAYOR PRO TEM REVENAUGH: Okay. Well,

1 thank you for that thought.

2 MR. BEELER: Sure.

3 COUNCILMAN BEER: Mr. Beeler, you made a
4 comment that your characterization by the City
5 Planning Commission, that is, was that not to do
6 this in our City. Not in my City. And I'm not
7 sure that your characterization of their concerns
8 is quite accurate. I think that probably more
9 accurate would be that they were concerned not that
10 the tower not be located in Gladstone.

11 In fact, there was an offer of Flora
12 Park. Not a formal offer, but the offer certainly
13 was - or the site was certainly discussed. And the
14 communication that the Planning Commission was
15 making was that maybe the Flora Park site would be
16 more acceptable as a site for Gladstone.

17 Not that we didn't - that they were
18 concerned that the tower should not be located in
19 Gladstone, but rather the tower should be located
20 where it is most beneficial to Gladstone citizens
21 and not to say - they were not saying that Kansas
22 City should not be covered.

23 What they were saying was, that
24 Gladstone should be given consideration for
25 coverage more so by the Planning Commission because

1 they are representatives for the City of Gladstone
2 and not Kansas City. They can't make decisions
3 based upon Kansas City's needs.

4 Their basis for a decision is that
5 decision which best accommodates the citizens of
6 Gladstone. No one said no tower in Gladstone. No
7 one said not in my City. And I guess that's kind
8 of where the questions tonight were being made was,
9 why not at Flora.

10 And you gave us your rationale for why
11 not at Flora, but the question I guess has to be,
12 from my standpoint, knowing that your coverage -
13 your homes served our not as great overall at the
14 Flora Park location with 140 foot tower, but that
15 is it totally unacceptable because there is no
16 coverage necessary, you know, no - not acceptable
17 coverage at all. And that's your decision to make.

18 Our decision to make is, what best
19 benefits Gladstone. That's why I'm hoping that
20 we'll have some more - some more testimony here
21 tonight that will provide that rationale.

22 MR. BEELER: Thank you for your comment.
23 I hold in my hand 300 advocate signatures for the
24 tower to be located at Knights of Columbus. Most
25 all, or perhaps it's even all, are Gladstone

1 residents. At least, as I thumb down, beginning
2 with Dr. Worley, to Danny Wonder, to 300 or 298
3 others, these folks responded to direct mail.

4 Took their time of their day to explain
5 where their issues were and how they believe this
6 tower located at this location would help them.
7 They aren't paid anything. They weren't given
8 anything. They were just taking time of their day
9 to be advocates, which in these types of
10 proceedings, is rare indeed when they take the time
11 to do that. We normally hear the negatives.

12 And he's pointing out - and this was
13 given to the Planning Commission. So it's whoever
14 responded to this survey. Many of whom are
15 Gladstone residents. Not all of them are.

16 I'm only comparing that to all the time
17 and the effort, not only with Staff, but in the
18 neighborhood meetings, that occurred and the two
19 Planning Commission meetings, both of which had
20 public hearings where there weren't any negatives.
21 These are all positives.

22 So I'm not here to dispute your
23 interpretation of the Planning Commission record.
24 Again, it's been transcribed and it says what it
25 says. And as I said when I made the comment, I

1 wasn't making it to be critical of anybody.

2 I was simply saying I left with an
3 impression that, if you could provide us this same
4 coverage in Gladstone, that's fine. But if you're
5 providing coverage to residents of Kansas City,
6 Missouri and if the majority of those households
7 happen to be in Kansas City, Missouri, locate your
8 tower over there.

9 Again, I believe the record is fairly
10 clear about that. Now, were they saying never,
11 never. I don't think I have suggested that. And
12 if that's the inference, I apologize. I don't
13 think that's so.

14 You may be correct that someone had the
15 intention to say that, well, Flora Park is better
16 for me than Knights. I didn't hear that that
17 night. But I can tell you that from an R.F.
18 standpoint and for the fact reasons I've given you
19 here, it isn't better. And it isn't in the best
20 interest of the whole to do that.

21 Maybe there are differences of opinion,
22 but from my client's standpoint, they've put the
23 expense into it from the expert standpoint.
24 They've had the engineering. They've had the site
25 acs. There is no evidence in this record and there

1 can't be any in the record, that those facts aren't
2 true as represented.

3 The propagations are so. The site
4 analysis is so. And the network location is so.
5 That's the record. And it would be my hope that
6 we'll rule on this application based upon the
7 record as it's provided to you from the experts as
8 it relates to R.F. Engineering and not speculation
9 from others.

10 And that's not critical of anybody.
11 Folks have differences of opinion. It's just I
12 hope we can approach this from a record standpoint
13 of what the studies have been and what they show in
14 terms of the location of the coverage and then
15 we'll go from there.

16 COUNCILMAN BEER: Okay. The records from
17 the records standpoint, we have a number of
18 propagation studies that were presented to us.
19 Some in one color scheme, some in another color
20 scheme and some in black and white. And from
21 someone who is less than fully - having less than
22 full color vision, makes it very, very difficult--

23 MR. BEELER: I can understand that.

24 COUNCILMAN BEER: --to be able to
25 understand what we see.

1 MR. BEELEER: And I didn't know that or we
2 would have changed the--

3 COUNCILMAN BEER: Well, that's beside the
4 point that even if it were two color schemes, when
5 one tries to translate one color scheme to another,
6 I would suggest that that would also be very
7 difficult to analyze properly and get good feel for
8 what the actual propagation studies are. And then
9 when you throw in a black and white, there is
10 nothing that provides any kind of a clue as to what
11 the propagation studies actually present.

12 MR. BEELEER: I hope you understand,
13 Councilman, that packet of exhibits came from your
14 Staff. Not from us. Those are things that we've
15 discussed with them and we've narrowed this - this,
16 again, started at 140. But working in cooperation
17 with your Staff, it's now at 77.

18 Mr. Wingerson asked, himself asked,
19 would you do another propagation that just shows
20 the coverage from the 77-foot tower. We did as
21 instructed. That's what the document with the
22 green is. That's not an attempt to confuse anyone,
23 sir.

24 COUNCILMAN BEER: I wasn't suggesting you
25 were intentionally trying to confuse anyone.

1 MR. BEELER: We were trying just to
2 cooperate with Mr. Wingerson's request.

3 MAYOR SMITH: What I might suggest.
4 First, Mr. Beeler, let me give you back this FAA
5 letter and note that we made a copy and if someone
6 would give me an exhibit number, I'd be happy to
7 add it to the pile.

8 (WHEREIN, Exhibit 24 was marked for
9 identification by the Court Reporter.)

10 MAYOR SMITH: What I might suggest is,
11 that unless you have some other information to
12 present, we'll let Mr. Wingerson present the
13 information he has and then allow you to speak to
14 that and we'll get all the facts on the table
15 before we discuss it further.

16 MR. BEELER: Where would you like the
17 advocate letters for the record?

18 MAYOR SMITH: Let me ask you, did you
19 receive any negative responses?

20 MR. BEELER: A couple.

21 MAYOR SMITH: A couple.

22 MR. BEELER: Three or four. A couple.

23 MAYOR PRO TEM REVENAUGH: Can I ask one
24 more question of Mr. Beeler before he goes?

25 MAYOR SMITH: Sure.

1 MAYOR PRO TEM REVENAUGH: With the
2 current proposed tower at 77 feet, you said you'd
3 pick up maybe a thousand homes.

4 MR. BEEELER: Yes, sir.

5 MAYOR PRO TEM REVENAUGH: How many of
6 those homes are existing T-Mobile customers?

7 MR. BEEELER: I don't know the answer to
8 that. Again, that's just done over a roof top
9 count on what coverage is being gained that isn't
10 in the system right now. So if they have T-Mobile
11 phone and use it at work or whatever, I couldn't
12 identify that.

13 MAYOR PRO TEM REVENAUGH: Okay. So I was
14 just wondering, because I'm sure they, you know,
15 they have that information. You know, they know
16 exactly who their customers are and where they are.
17 I would just be interested in knowing that, you
18 know, how many T-Mobile customers are going to be
19 affected out of this thousand home additional
20 coverage. Is that fair?

21 MR. BEEELER: Sure. I understand.

22 MAYOR PRO TEM REVENAUGH: Thanks.

23 MAYOR SMITH: Mr. Wingerson.

24 MR. WINGERSON: Thank you, Mr. Mayor.

25 I'm going to start in a rather non-traditional

1 fashion.

2 MAYOR SMITH: Excuse me. Mr. Wingerson,
3 would you be sworn as a witness?

4 MR. WINGERSON: Sure.

5 (WHEREIN, Mr. Scott Wingerson was duly
6 sworn-in by the Court Reporter.)

7 MR. WINGERSON: Mr. Mayor and members of
8 the Council. My name is Scott Wingerson, currently
9 Assistant City Manager for the City of Gladstone,
10 Missouri. I, speaking today how time flies, I
11 think I was hired in 1996 as a Planning and
12 Development Director.

13 Prior to that time, I was the Assistant
14 City Planner and Technical Services Coordinator in
15 a town called Gulfport, Mississippi on the
16 Mississippi Gulf Coast. Went through a rather
17 large expansion. So throughout my career,
18 including obtaining a Master's Degree and a
19 Bachelor's Degree, I've worked in the area of
20 Planning and Development in municipal affairs.

21 As I start, I'd like to start in a non-
22 traditional kind of manner and first start with
23 some apologies and talk to you about what this case
24 is not about to be perfectly clear. I'd first like
25 to apologize to the audience.

1 Many of the exhibits I'll talk about
2 will not be in a format to present on a large scale
3 to the audience. However, I would volunteer to sit
4 down with any member of the audience and go over
5 those exhibits in small groups or individually, if
6 that's necessary.

7 Also, I'd like to apologize to the City
8 Council. The copies may not be perfectly aligned
9 in your packet. Some of them are black and white,
10 as Mr. Beeler said.

11 And I - finally, I'd like to apologize.
12 I have a long presentation. We have already been
13 in this hearing a long time. My presentation will
14 not serve to abbreviate the proceedings here
15 tonight.

16 The application is not about two things.
17 Number one, it is not about the great work that the
18 Knights of Columbus does. We all recognize that in
19 Gladstone and throughout Kansas City and the
20 country, the Knights of Columbus perform
21 outstanding work in a lot of different areas.

22 It's also not about the basic provision
23 of wireless service in the Northland or
24 specifically in the City of Gladstone. We have
25 supported consistently the provision of wireless

1 communication, whether it be T-Mobile, which I'll
2 talk about more in a minute, Verizon, Cingular,
3 Cricket, you name them, they provide service here
4 in the City of Gladstone and throughout the
5 Northland.

6 Staff has four major themes to talk to
7 you about tonight. Land use, property values,
8 alternative locations, and the expansion of an
9 existing service, the availability of overall
10 service throughout the City and the overall need
11 for a telecommunications tower at this location.

12 Those are the same themes, the same
13 thread, that was provided to the Planning
14 Commission. In the presentation, I'll try and
15 methodically step through any of the submitted
16 exhibits. Unfortunately, that will require a lot
17 of reading from me.

18 And I'll also try and explain some of
19 the exhibits that Mr. Beeler has started to
20 explain. I also request the ability to summarize
21 at the end of the presentation after any public
22 comment or Mr. Beeler's objections.

23 And the goal for tonight is to ask the
24 City Council to make a motion in support, as is
25 your custom, a motion to support the special use

1 permit and to direct Staff to create a written
2 findings of fact and conclusion of law consistent
3 with your discretion on during the public hearing
4 and ultimately with your vote on a motion.

5 Mr. Beeler, I will try and pause after
6 each exhibit to give you a chance to speak, if
7 you'd like to, and I'll move out of the way. Fair
8 enough?

9 MR. BEELEER: I think the Mayor asked that
10 I respond after you're done.

11 MAYOR SMITH: The two of you decide which
12 is best--

13 MR. BEELEER: I'm sorry, Mayor.

14 MAYOR SMITH: --to serve the expedition
15 of the process and we'll go accordingly.

16 MR. BEELEER: Mr. Mayor, just for the
17 record. Again, I don't purport to know how the
18 Council normally handles these matters. I can only
19 speak to my experience, which is not insignificant
20 in these matters. And generally the Staff always
21 presents their position first and the Applicant
22 responds and then the Staff can wrap up if they
23 like.

24 As I understood your direction tonight,
25 it was for them to do that, which Council made the

1 presentation of the exhibits, and then I was
 2 invited to make my presentation. I think it's
 3 inappropriate and I object, for the record, to Mr.
 4 Wingerson now making a presentation that
 5 effectively I don't have the opportunity to respond
 6 to. I think that violates the standard process of
 7 this City, as well as any that I'm used to.

8 And so I'm finished with my statement
 9 for the record and I apologize.

10 MAYOR SMITH: Sure.

11 MR. BEELER: I do have some objections to
 12 these exhibits and I've understood that his
 13 position now was to be to explain the exhibits that
 14 he's provided to you and then for me to offer any
 15 objections that I have. And it sounds as though,
 16 from that introduction, that he intends to do
 17 something far different than that, which again I do
 18 object to.

19 MAYOR SMITH: Mr. Wingerson, I would like
 20 for you to not pause and give him an opportunity
 21 respond point by point. We will allow him to do so
 22 at the end, as we discussed earlier.

23 MR. WINGERSON: Thank you, Mayor.

24 First exhibit is simply the City of
 25 Gladstone application, checked the special use

1 permit box.

2 The second exhibit is simply the T-
3 Mobile application.

4 I believe the third exhibit is a Staff
5 report. And if I can get out of order slightly, I
6 hope you'll forgive me and correct me.

7 The Applicant is T-Mobile Central, LLC,
8 doing business as T-Mobile. The owner is F.R.A.H.,
9 Inc., Knights of Columbus Hall. The Architect in
10 this case represented is Selective Site
11 Consultants. The address of the property is 1500
12 Englewood Road. General location of the property
13 is Englewood Road and North Flora.

14 The current zoning of the property is
15 R-1 single family residential. It's been zoned R-1
16 since 2005. That is based - zoned R-1 far longer
17 than that; however, it is based on the Council's
18 adoption of a new comprehensive zoning map from the
19 City. It's also subject to - the property is
20 subject to a special use permit issued to the
21 Knights of Columbus originally in 1994, renewed in
22 1997.

23 On December 7, 2006, the Applicant filed
24 an application requesting a special use permit to
25 allow construction of 140 foot stealth flagpole

1 type monopole at 1500 Englewood Road. Staff
2 reviewed the site selection proposal and made a
3 recommendation for an alternative site. This site
4 is to the north of the current proposal at Flora
5 Park East in Gladstone.

6 On January 3, 2007, the Applicant met
7 with City Staff and presented a propagation and
8 study report for the proposed site at the Knights
9 of Columbus Hall, along with a propagation study
10 for the alternative site requested by Staff.

11 In the report, the Applicant states, "It
12 will be shown that a site at the Knights of
13 Columbus Hall location will improve T-Mobile's
14 coverage deficiency, while at the Flora Park
15 location will not."

16 After reviewing the alternative site,
17 the Applicant requested a special use permit to
18 allow construction of a monopole with antennas
19 mounted at 120 feet and materials related to the
20 application were attached to the report provided to
21 the Planning Commission.

22 On April 13, 2007, prior to the
23 submittal of this report to the Planning
24 Commission, the Applicant made changes to the
25 current tower design.

1 In a letter submitted to Staff on April
2 13, 2007 by Selective Site Consultants states,
3 "T-Mobile's Radio Frequency Engineers have re-
4 evaluated the above referenced site and feel that
5 they can obtain and meet their minimum coverage
6 objective with a 75-foot flagpole style monopole."
7 And we'll actually reference that specific letter
8 in just a minute.

9 Currently the Applicant is requesting
10 approval of a 75-foot tower to be located at the
11 Knights of Columbus Hall. The Applicant requests
12 consideration of a special use permit, which would
13 allow the construction, operation and maintenance
14 of a 75-foot wireless communication monopole.

15 Prior to discussing the specifics,
16 please consider the following information relative
17 to the 1996 Telecommunication Act. Much of this
18 was provided to the Planning Commission during
19 their public hearing process.

20 The Act establishes a comprehensive
21 framework for the exercise of jurisdiction by state
22 and local zoning authorities over the construction
23 modification and placement of a facility such as
24 Towers for Cellular, personal communication
25 services, and specialized mobile radio

1 transmitters.

2 Section 704 of the 1996 Act specifically
3 preserves the authority of state and local
4 governments to regulate the siting modification and
5 removal of such towers within their jurisdiction.

6 Section 704 preserves local zoning
7 authority, while also clarifying the exercise of
8 local zoning authority may be preempted by the FCC,
9 it prohibits any action that would unreasonably
10 discriminate between different providers of
11 equivalent personal wireless services and it
12 provides - it prohibits, I'm sorry, any action that
13 would have the effect of prohibiting the provision
14 of personal wireless service.

15 Also, in Section 704, it requires local
16 governments to act in a reasonable time and
17 requires that the denial of applications be in
18 writing and supported by substantial evidence
19 contained in the written record.

20 It's important to understand that
21 Gladstone is substantially served by wireless
22 services. The Applicant leases different locations
23 within the City and outside of the City in Kansas
24 City, Missouri.

25 Further, Verizon, T-Mobile, Cingular,

1 which is AT&T, Sprint/Nextel are located at the
2 Linden tower and the water treatment plant and the
3 Antioch tower. Cricket is also located at the
4 Antioch water tower.

5 In addition, within the past year, the
6 City has approved construction of a new tower by
7 T-Mobile near 72nd and North Euclid. All the
8 leases on public property have been negotiated to
9 be competitively neutral and clearly the City has
10 not taken any action, whatsoever, which would ban
11 the installation of wireless facilities in this
12 community.

13 Materials provided by the Applicant
14 indicate that this request is designed to increase
15 service or even expand service. This is an
16 important point in considering the appropriateness
17 of the special use permit request.

18 The Applicant states in the application
19 material, "The primary communication objective of
20 T-Mobile in placing a facility at this location, is
21 to provide adequate in-home and in-building
22 coverage to these existing residential areas and
23 vehicular traffic in all directions of the proposed
24 site."

25 The report also states, "Wireless

1 carriers are constantly expanding and improving
2 their networks in order to keep their competitive
3 edge." Based on this information, it is clear that
4 the purpose of the request is to increase existing
5 service.

6 The Applicant's propagation study
7 indicates a coverage deficiency from Shady Lane
8 Drive to 52nd Street from north to south and
9 between Troost Avenue and Antioch from east to
10 west.

11 As stated earlier in the report, Staff
12 provided the Applicant with an alternative site
13 within the City of Gladstone. Concerns also exist
14 regarding overall compatibility, in terms of the
15 surrounding land uses. Significant amount of
16 surrounding residential population will be affected
17 by this request.

18 The City of Gladstone encompasses nearly
19 nine square miles, much of which is built up and
20 will be subject to in-fill or redevelopment in the
21 coming years. Taking prime developable land out of
22 its current land use classification, is not the
23 future vision of the City. As a result, this
24 request is not compatible with surrounding land
25 uses.

1 In terms of housing impacts, the
2 Applicant states in the initial report, "One of the
3 primary issues raised at zoning hearings for
4 telecommunication towers is the fear that property
5 values will plummet and neighborhoods will
6 deteriorate."

7 Based on specific studies, but not at
8 this location, around the country, the proposed
9 facility will have no adverse effect on property in
10 the area and will not limit the continued use or
11 additional development of adjacent area property.

12 The Applicant used a paired sales
13 analysis. This type of analysis compares the sale
14 price of a home from which a communication tower
15 was visible to the sale price of a similar home
16 from which no tower was visible.

17 For example, if a community/neighborhood
18 was studied by the cell phone company's experts
19 were not sufficiently similar to the location of
20 where the tower is being proposed, extrapolation of
21 this study would be flawed. Staff has not received
22 a paired sales analysis for the current application
23 at this location.

24 The City has a substantial obligation to
25 use its current land resources in the most

1 efficient and compatible manner. It should be
2 noted that there are numerous reasons why the mean
3 property values might increase in residential areas
4 with or without the construction of a
5 telecommunication tower.

6 These factors can be attributed, but are
7 not limited to, neighborhood home improvements,
8 close to transportation networks, rapid population
9 growth, quality schools, near public amenities, low
10 crime rate, high quality of life in a community,
11 surrounded by open space and mature trees, increase
12 in production or material costs, and supply and
13 demand of the housing stock in the specific area
14 we're discussing.

15 Other likely reasons for sustained rapid
16 price increases of homes include continued low
17 interest rates, income growth in the general area,
18 and the impaired impact of speculation in some real
19 estate markets.

20 Residential property values are site
21 specific and vary greatly as to the reasons for
22 their fluctuation. The City of Gladstone is known
23 throughout the Northland as a quality place to live
24 and the median home prices reflect this. However,
25 the main argument in this case is specifically

1 taking residential land out of the market in a land
2 locked community.

3 I just spoke at length about property
4 value comparisons and I want you to know that it's
5 just not your Assistant City Manager talking about
6 that. Many of you know Staci Hagen. Staci Hagen
7 is a local residential real estate agent, meaning
8 the premier, in terms of volume, real estate agent
9 in the City of Gladstone and a significant agent in
10 the Northland.

11 I had an opportunity to speak with Ms.
12 Hagen. And what she said, and I'll quote her, is,
13 "I'm a licensed real estate agent in the State of
14 Missouri and Kansas since 1990. I have sold over
15 500 homes in the Northland area, specializing in
16 Gladstone and surrounding area. I'm familiar with
17 the location of Englewood Road and North Flora. I
18 have listed and sold several homes around that
19 specific location."

20 MR. BEELEER: Excuse me for just a second.
21 Mr. Mayor, given Counsel's requirement that we
22 swear witnesses this evening, I object to reading
23 anything from this witness being offered for
24 testimony as she's not here to be sworn. It's - in
25 the vernacular of my business, it's called hearsay.

1 MR. RAMSAY: Well, I think after Mr.
2 Beeler's extensive presentation of facts well
3 beyond argument of Council and citations to
4 exhibits that have not been provided, such as any
5 physical evidence of this supposed study of number
6 of houses that would be served, I would say that
7 the Council is certainly within its authority to
8 consider the factual opinion of a real estate agent
9 known to the Council, particularly when it is
10 presented for the purpose of rebutting a nationwide
11 statement that was contained in the application for
12 which no author even is cited, let alone is
13 presented here today. We need to play by the same
14 rules.

15 MR. BEELER: I agree.

16 MR. RAMSAY: If Mr. Beeler comes in and
17 he provides us with a national study that purports
18 to say that cell towers don't affect local values,
19 then I think we have the - Staff has the right and
20 the opportunity to present evidence in the same
21 form. So I would urge the City Council to accept
22 this testimony.

23 MAYOR PRO TEM REVENAUGH: You know, I
24 don't know, I - I imagine we'd have to rely on the
25 opinion of the City Counselor, but - and we're

1 certainly not a Court of Law, but if we're going to
2 swear in witnesses and the City's got a witness or
3 an opinion from a person who wants to testify on
4 the City's behalf as a witness, then my personal
5 opinion is we should have produced the person to
6 testify, for what it's worth, but I'm no attorney.

7 COUNCILMAN BEER: Mayor Smith, I could
8 take the opposite view of that and - or not exactly
9 the opposite view, but if Ms. Hagen's testimony is
10 to be deemed inadmissible, then all previous
11 evidence that has been presented to us should be
12 stricken, if it can't be provided in the same
13 vernacular as Ms. Hagen's testimony.

14 COUNCILWOMAN RUDI: Everything in our
15 packet tends to be what I would call a summary of
16 studies, opinions, interests. It would be my
17 desire that Mr. Wingerson give us a summary, what
18 the local real estate market feels is a comparison
19 before and after a cell tower.

20 MR. BEELEER: My last comment, with
21 respect to this, and in particular regard to
22 Councilman Beer's comment, I brought my Radio
23 Frequency Engineer. I brought my site acquisition
24 person. I brought the representative from T-
25 Mobile. I am here myself as a legal representative

1 making a presentation.

2 All I'm saying is, perhaps the term
3 ambush or surprise is over used. But even tonight,
4 with the presentation of this packet of exhibits, I
5 wasn't given this statement. And I think it's
6 inappropriate and it's unfair to a good corporate
7 citizen trying to do business in your City. And I
8 think the objection needs to be made for the record
9 and that's all I'm doing.

10 MAYOR SMITH: Mr. Beeler, and please
11 refresh my - did you, in fact, make a statement as
12 Counselor Ramsay indicated about property values
13 and there would not be a loss of property values as
14 part of your presentation?

15 MR. BEELER: I did not. I did not. At
16 this hearing, I did not. There was a discussion of
17 the property value issues and the studies that have
18 been performed. I always go back again when we
19 meet with Staff in various cities, and Mr.
20 Wingerson is very good at his job, he asked if you
21 have such studies. We provided them. That's
22 happened more months ago right now than I can
23 think. To have it presented that tonight there is
24 a rebuttal to that, how could it be more
25 prejudicial to an Applicant?

1 MAYOR SMITH: Mr. Wingerson, proceed with
2 summarizing without stating specifically.

3 MR. WINGERSON: Basically, Ms. Hagen
4 concludes that a 75 or 77-foot tower at the Knights
5 of Columbus would have a negative impact on
6 property values in the surrounding area.

7 MAYOR SMITH: Okay. Thank you.

8 MR. WINGERSON: The need for a new tower
9 has not been sufficiently demonstrated in a level
10 of benefit of a new tower as contradicted by
11 various factors. The Applicant's propagation maps
12 are computer generated maps and are not actual data
13 for the coverage area. There's no evidence that it
14 is accurate. In fact, Staff believes that service
15 currently exists within the service area.

16 In a public hearing held on April 16,
17 2007, the same Applicant proposed several different
18 height requirements for a proposed cell tower at
19 Knights of Columbus. The original application
20 submitted went from 140 foot tower to 120 foot
21 tower and then down to 75 feet.

22 The Applicant states that 150 foot tower
23 in Flora Park will not meet their needs. The park
24 is less than half a mile away. Staff is concerned
25 about the overall credibility of the Applicant as

1 it relates to the current proposal and the studies
2 provided, as well as to the evaluation of alternate
3 sites.

4 The changing statements as to need,
5 particularly in light of concerns related to actual
6 coverages in the same areas, weighs against the
7 Applicants overall need. In an effort to assist
8 the Applicant and maintain the current vision of
9 the City, Staff has provided an alternative site
10 for consideration. This site is located at Flora
11 Park East public area in Gladstone.

12 The Applicant's own computer analysis
13 shows that this alternative site would better serve
14 Gladstone residents and be consistent with the
15 future needs of its citizens.

16 An overall summary, in terms of the
17 Staff report exhibit, Staff believes that the
18 request is designed to improve existing service in
19 areas substantially outside the jurisdiction of
20 Gladstone and is not consistent or compatible with
21 the goals and vision of the City of Gladstone.

22 Next exhibit is April 16th, transcript
23 of the Planning Commission. Draw your attention to
24 page 19, comment by Commissioner Suter. My
25 question has to do with multiple users. At 75

1 feet, will this tower be available to other
2 vendors?

3 Well, Mr. Beeler states, well, 75 feet
4 creates availability for other vendors, principally
5 one I would say at 75 feet. I think your point is
6 well taken. The higher you go, the more room you
7 have to do that, so is part of this give and take?

8 If people are interested in creating the
9 less visual image, you are going to have less
10 carriers on that pole. That's a fact of life.

11 Ms. Suter follows up, "Does this
12 Applicant intend to have another vendor on this
13 site?"

14 Mr. Beeler, "They'll be below, not
15 above. I mean, if there's another vendor, we will
16 allow that, if that's your question. But if you
17 were saying are we going to come back and add them
18 on top of it, that is not the plan."

19 That is consistent, I believe, with the
20 comments of Mr. Beeler earlier in the year.

21 Drawing your attention to page 30.
22 Commissioner Babich asks, "I have a technical
23 question. This is to improve coverage within
24 residential homes. Correct?"

25 Mr. Adcock, "Yes."

1 Finally, I draw your attention to page
2 35. Chairman Hill states, "Mr. Beeler mentioned
3 the Flora Park potential location. And obviously
4 this is on Englewood and running across the street,
5 to the south is Kansas City, Missouri. Have there
6 been any sites investigated in Kansas City,
7 Missouri for this particular tower?"

8 Mr. Adcock states, "Well, the - we feel
9 like the Knights of Columbus was the most
10 reasonable location. We always go to the place
11 that is the most reasonable. I guess that is the
12 short answer."

13 Chairman Hill says, "What? I mean, I
14 don't understand what is the most reasonable, if
15 you could define that."

16 Mr. Adcock states, "We can't put a cell
17 site in a residential single family backyard. We
18 can't do that on either side of the jurisdiction
19 line. The target is Gladstone and the target, of
20 course, is, of course across Englewood Road as
21 well. It is not both. We can't go in an R-1
22 single family lot."

23 The next exhibit is a transcript from
24 June 4th, Planning Commission. No comments other
25 than to advise you that the Planning Commission

1 voted on an affirmative motion two to seven. Two
2 in favor of the special use permit. Seven in
3 opposition to the special use permit.

4 The next exhibit is simply an excerpt of
5 the City of Gladstone's zoning map indicating to
6 you that the property that we're talking about
7 tonight on Englewood Road is, in fact, zoned R-1,
8 as is all of the property north shown on this
9 exhibit zoned R-1.

10 The next exhibit is the January 3rd
11 report provided by T-Mobile. Draw your attention
12 to that exhibit and this where it's going to be
13 extremely difficult. This is the one with the
14 black and white propagation studies. I apologize.

15 I'm going to try and be very consistent
16 with how I explained this at the Planning
17 Commission level. So if I vary too much from that,
18 I'm sure, based on your review of the transcript,
19 you'll correct me.

20 First large exhibit is titled, Existing
21 T-Mobile Coverage. And you can see the
22 intersection of Englewood Road and North Flora.
23 What this graph is showing you is that the red
24 areas on this exhibit are commercial in-building
25 coverage. Okay? The yellow areas - I'm sorry,

1 Councilman Beer, I don't know how else to do this.

2 COUNCILMAN BEER: The yellow one I can
3 see.

4 MR. WINGERTSON: The other one is
5 residential in-building coverage. The green is in-
6 vehicle and the white indicates, by their computer
7 model, that it's unreliable coverage. So you can
8 see that the majority of the northern part of the
9 area is yellow and green, with the white area being
10 in the southern portion of the service area. Clear
11 so far?

12 The second large exhibit is the 120 foot
13 tower at the Knights of Columbus Hall. And you can
14 see the site located. The colors are the same.
15 Red, commercial. Yellow, residential. Green,
16 vehicle. And white, unreliable.

17 You can see a significant amount of
18 commercial in-building coverage in a single family
19 residential area. You can also see significant
20 increases in yellow in the northern part and the
21 southern part at 120 feet at the Knights of
22 Columbus Hall. So these are kind of ample samples.

23 No tower at the Knights of Columbus, 120
24 foot tower at the Knights of Columbus. Clearly, an
25 increase and expansion of service in that area.

1 This is an exhibit with a 150 foot tower at Flora
2 Park. And when I say Flora Park, unless I
3 specifically say otherwise, it's Flora Park East.
4 Of the east side - I'm sorry.

5 This exhibit is 150 foot at Flora Park
6 proper on the west side. Okay? You can see an
7 increase in red for commercial service, in-building
8 service yellow for residential services, covers
9 almost all of the northern portion of the original
10 search ring. You see a large increase in vehicle
11 coverage on the south portion of the service area.
12 Okay?

13 The next exhibit is a letter dated April
14 13th from Robert Herlihy to me. April 13th in
15 chronological order. Very close to the Planning
16 Commission public hearing. T-Mobile's Radio
17 Frequency Engineers have reevaluated the above
18 referenced site and feel that they can obtain and
19 meet the minimum coverage objectives with a 75-foot
20 stealth flagpole style monopole.

21 Please have this letter act as an
22 amendment to our original application lowering the
23 tower height from 140 feet to 75 foot. I've
24 enclosed a new site plan reflected in the change of
25 height of the new photo simulation of how the 75

1 foot tower will look on the property. Please
2 contact me, et cetera, et cetera. Signed, Mr.
3 Herlihy.

4 With that letter, came the attachments
5 reference. With that letter came a new site plan
6 that shows where the tower would be located
7 physically in plan view on the property. With this
8 letter came a new photo simulation of how the 75
9 foot tower will look on the property. At least one
10 of those, specifically the photo of the 75 foot
11 tower, is in your packet.

12 The site plans were so similar, we
13 decided not to reproduce full site plans that were
14 practically the same. What was not part of this
15 letter was a propagation study indicating the
16 service changes based on a 75 foot tower.

17 So we come to the famous propagation
18 study, blue and green. Mr. Beeler's comments and
19 explanation, I'm sure, is sufficient for you to
20 understand how this works. This was actually
21 provided to the Planning Commission in a public
22 hearing. It provided again, at the second Planning
23 Commission, here and where they made their
24 decision. Okay?

25 What you see, although we can't compare,

1 because it's not the same format, we can't compare
2 this propagation study with the three studies I
3 just explained to you because they're not similar
4 in presentation to allow us to evaluate in an equal
5 capacity.

6 The next exhibit is an ordinance signed
7 by then Mayor, George Nodler, dated 10/4/1994. It
8 is the initial special use permit issued to the
9 Knights of Columbus.

10 The second exhibit - and Mr. Beeler, I
11 will go further into these exhibits in just a
12 second.

13 The second exhibit, following the '94,
14 is the renewal of the special use permit in 1997
15 for the Knights of Columbus. For your reference,
16 Council, the first one is Ordinance 3.414 and the
17 second is 3.644.

18 There was a significant amount of
19 discussion at the Planning Commission level and
20 generated by Staff concerning the appropriateness
21 of this application. One of the conditions of the
22 '94 and '97 special use permit, and I'm
23 paraphrasing, says basically any expansion of the
24 site or the use requires a re-public hearing of the
25 merits of the basic special use permit granted to

1 the Knights of Columbus. Okay?

2 Staff made the presentation to the
3 Planning Commission that a more proper way to
4 pursue this would be to ask the Planning Commission
5 and Council to consider the merits of the Knights'
6 special use permit and then consider the specifics
7 of a telecommunication tower application.

8 Mr. Beeler objected quite vehemently and
9 Planning Commission members tended to consensually
10 agree with Mr. Beeler's argument. After the first
11 Planning Commission hearing, Mr. Beeler and I and
12 Mr. Ramsay talked about can we fold these
13 applications into one.

14 And, in fact, if the Council approved
15 the special use permit on this application, it will
16 serve as an authorized amendment to the '97 - '94
17 and 97 renewed special use permit. So I just
18 wanted to be very clear about that.

19 We made that argument. The Planning
20 Commission objected. Mr. Beeler objected. And we
21 believe that it's appropriate that in your approval
22 of the tower proposal, it would serve as an
23 amendment to both of those ordinances at the same
24 time.

25 MR. BEELEER: You might just clarify that

1 we did agree at the hearing.

2 MR. WINGERSON: Yes. We do agree, yes.
3 I'm sorry. Absolutely. I meant to imply that we
4 agree that it's good.

5 The next exhibit is minutes from 1994
6 public hearing before the City Council on the
7 special use permit.

8 We apologize for the inability to read
9 it. It's on 1994 microfilm. But I think the point
10 is to show the City Council that the activity on
11 the site was quite a concern to the neighborhood.

12 In fact, on the very first page, the
13 gentleman speaking, Mr. Townley, lives on 56th
14 Terrace, or did in 1994, they just don't want them
15 to have their meeting hall and social club in a
16 residential area. They would be in a commercial
17 setting. Honestly, would you want that in your
18 backyard? That's generally representative of what
19 the people said in 1994.

20 The next exhibit is a packet. The front
21 of the packet begins with Ordinance Number 4.001.
22 It's an ordinance granting a special use permit to
23 T-Mobile to operate a communications tower facility
24 at 2013 N.E. 72nd Street. In that particular
25 argument - not argument, in that particular

1 discussion, Staff was supportive of the request.

2 Staff made a positive recommendation to
3 the Planning Commission. The Planning Commission
4 made a positive recommendation to the City Council.
5 The City Council approved the ordinance and that
6 tower is existing and operating today.

7 I'd like to read to you from the Staff
8 report. It's about the third or fourth to the last
9 page in that packet. Third paragraph. "From a
10 more clearly defined zoning perspective, the
11 proposed facility is located north of and adjacent
12 to a Kansas City Power and Light, KCP&L substation,
13 and south of and adjacent to City operated tennis
14 courts. Approximately 125 feet to the west are
15 residential uses."

16 And in that particular case, they're
17 rent or occupied duplexes. "Approximately 150 feet
18 to the east are office uses. More specifically,
19 the substation includes industrial scale electrical
20 distribution and communication equipment, including
21 an antenna that existed prior to this application
22 that is approximately 110 feet in height."

23 So I think the point of providing this
24 information to you is, number one, to tell you that
25 we have been supportive of the construction of

1 telecommunication towers in the City. And second,
2 we have been supportive of this Applicant when the
3 land use discussion makes sense.

4 I believe numbered as part of your
5 exhibits, I'm sorry, I lost track of numbers, were
6 a series of photographs. All of these photographs
7 are of the telecommunication tower near 72nd and
8 Euclid.

9 The first one you can see is the
10 telecommunication tower about where my finger is.
11 See the tennis courts in the foreground. You can
12 see the screening of the existing vegetation. You
13 can see the existing antenna at the Kansas City
14 Power and Light substation in that photograph.

15 Second photograph is also at the Kansas
16 City Power and Light substation and that's where
17 you can see the base of the tower screened with a
18 open privacy fence, if you will, electrical
19 equipment on the outside. You begin to see the
20 trees, but up close you see what this tower looks
21 like at the ground view from a car, for example.

22 The third picture, that's the KCP&L
23 substation industrial-sized equipment. And the
24 last one is an interesting perspective, in terms of
25 the existing type of facilities that exist at the

1 Kansas City Power and Light station prior to the
2 installation of the telecommunication tower.

3 That particular request was appropriate
4 because it was in close proximity to public uses,
5 the tennis courts. It's well screened, given
6 public uses, office and industrial uses directly
7 adjacent.

8 It's an industrial substation consistent
9 with the tower construction. They're similar
10 materials. They're similar texture. They're
11 similar heights. They're similar uses. And
12 they're similar in scale with the existing antenna
13 that existed on the site.

14 The next exhibit is a memorandum on June
15 1, 2007 from Chris Helmer, Planning Specialist for
16 the City of Gladstone. I'm going to read it in its
17 entirety. "Staff conducted a series of real data
18 modeling in response to the Applicant's proposed
19 propagation studies.

20 On February 27, 2007, a T-Mobile prepaid
21 phone was purchased to begin a real data modeling.
22 The phone has been used randomly since this date in
23 various parts of the City without having any
24 dropped calls.

25 More specifically, a study was conducted

1 on March 7th and April 5, 2007 and consisted of a
2 two-prong approach. The phone was used from
3 approximately 2:15 p.m. to 3:50 p.m. and was used
4 continuously.

5 The study consisted of testing service
6 in the T-Mobile coverage deficiency area by driving
7 roads shown in the impacted, "Unreliable area," on
8 the propagation study and continuously using the
9 purchased phone tested on March 15th, randomly
10 calling from inside churches near the proposed
11 tower at the Knights of Columbus Hall.

12 Specifically, Holy Cross Lutheran at
13 2003 N.E. Englewood Road, Northminster Presbyterian
14 Church at 1441 N.E. Englewood Road, Englewood
15 Baptist Church at 1900 N.E. Englewood Road. Staff
16 did not encounter a single dropped call while
17 driving along Englewood Road and was able to
18 successfully initiate carried calls from inside all
19 of the churches listed above.

20 On April 5th, from approximately 10:50
21 to 11:05 a.m., Staff successfully initiated calls
22 from Englewood Road near the Lutheran Church and
23 Flora Park and the vacant land to the east of Flora
24 Street, generally called Flora East. The coverage
25 area of concern for T-Mobile to the north of

1 Englewood Road in Gladstone, Missouri and the
2 neighborhood south of Englewood Road in Kansas
3 City, Missouri were also tested. Initiating and
4 carrying calls was successful.

5 Although these roads were the main focus
6 of the study, other calls within the City were made
7 and no dropped calls occurred." The next exhibit,
8 the map looks like this, graphic representation of
9 the memorandum I just read. The red streets are
10 the streets that were traveled during the times I
11 indicated.

12 The yellow buildings, those that were
13 available from a mapping perspective are those in
14 which calls were made inside the building.

15 In addition, I drove the area numerous
16 times using the City issued Verizon service since
17 the application was filed. I've never personally
18 encountered poor Verizon service in the vicinity of
19 the Knights of Columbus Hall.

20 Additionally, I've spoken with the Plan
21 Administrator for the City's Verizon wireless
22 account and she has not received any complaints
23 from City Staff about coverage in this area of the
24 City. And for just general scale and volume
25 purposes, the City has more than a hundred Verizon

1 phones and have not received any complaints.

2 The next exhibit, I believe Mr. Beeler
3 provided - didn't provide, he's already shared with
4 you, it's the map of Flora Park East. What you see
5 at the bottom part of that map is an elevation of
6 976. It's on the north side of Englewood Road.
7 It's the southernmost main road on your map. An
8 elevation of 976.

9 You can see directly across the street,
10 south of Englewood Road, an elevation of 976. And
11 further to the east, south of Englewood Road, an
12 elevation of 980 feet. In the Flora Park site, the
13 red dots simply indicate possible areas without
14 performing engineering in which a cell phone tower,
15 a telecommunication tower, could be located in
16 Flora Park East outside of the flood plan.

17 That's one of the purposes of this, is
18 to show you the flood plane and show you that there
19 are areas outside of the flood plane that are
20 appropriate for telecommunication tower
21 construction.

22 Each of those red dots have a sea level
23 elevation. Starting at the north, 918 feet, 916
24 feet, 916 feet and 912 feet deep.

25 Also, some pictures. The first, I

1 believe, is Flora Park East looking west. If
2 that's not confusing enough, but Flora Park East
3 looking west toward North Flora, it's the general
4 area of the meeting Mr. Beeler told you about.
5 What that picture shows is that there's appropriate
6 ingress and egress from North Flora. It also shows
7 you that in all likelihood, proper utilities, in
8 the form of electricity, are present to Flora Park
9 East.

10 The second picture is simply an eastern
11 portion of Flora Park, showing another plateau in
12 Flora Park that is larger than the requested base
13 compound size of the application. And really what
14 we're trying to show here is the intensity of
15 vegetative screening of the tower itself.

16 The next exhibit is a decision from the
17 Western United States District Court, Western
18 District of Missouri, Western Division at Kansas
19 City, d/b/a Voicestream Wireless versus the City of
20 Gladstone, as the Defendant in this case. In this
21 case, there is a lot of information concerning land
22 use, concerning compatibility, concerning property
23 values, concerning a lot of things in addition to
24 the things Mr. Beeler talked about.

25 I think one of the very key points in

1 this decision is that there are other technologies
2 available that reduce the impact. In this
3 particular case, those other technologies have not
4 been employed or suggested by the T-Mobile experts.

5 One example would be to place more than
6 one tower at a very short, very small level in the
7 service area that they're trying to serve. The
8 point is, none of those alternatives have been
9 suggested by the T-Mobile experts. Although,
10 clearly in the United States District Court they do
11 exist.

12 The next two pictures are Englewood
13 Park, Kansas City, Missouri. And Council knows
14 Englewood Park is a very large park. Probably,
15 approaching 100 acres. These are just two
16 representative photos of dense vegetation and the
17 ability to separate the telecommunication tower
18 from single family homes.

19 Next picture is of Northminster
20 Presbyterian Church, 1441 N.E. Englewood Road. You
21 will see a steeple, you'll see open land, and
22 you'll see a wooded area all in that picture. I
23 think the question is, has the church been
24 approached about the possibility of locating a
25 tower. It could be stealth. It could be

1 incorporated as part of the existing steeple.
2 Could be more compatible in a larger facility with
3 better screenings.

4 The next picture is a Holy Cross
5 Lutheran Church, 2003 Englewood Road. You can see
6 a fairly significant structure on site and clearly
7 some addition of the steeple component to this
8 church may be appropriate from a land use
9 perspective.

10 Next picture is of the telecommunication
11 tower in the Village of Oakview at North Oak and
12 64th. I think what you see there is a couple of
13 things. Number one, Staff and City Council have
14 significant history concerning this tower.

15 Most people do not realize that this
16 tower is located in the Village of Oakview. Most
17 people, especially as the tower was constructed,
18 believed that this tower was in the City of
19 Gladstone.

20 Based on that belief, Staff fielded
21 numerous calls, I can't even begin to tell you how
22 many, about how in the world could the City of
23 Gladstone allow such inconsistent and incompatible
24 land use along North Oak. Of course we explain,
25 that's in the Village of Oakview. But I think you

1 can see what the public at the time said.

2 You see a telecommunication tower that's
3 far - that's far taller than any of the surrounding
4 structures. You see that it's located in a
5 commercial area. It almost over powers that
6 photograph, in terms of the screen antenna array at
7 the bottom and the platform antennas towards the
8 top.

9 You just see that it's an incompatible
10 land use. You can also begin to see the improper
11 screening. You see the vast majority of that
12 tower, with the exception of a very small portion
13 that is behind the privacy fence, so you really get
14 a full view of that tower.

15 I would suggest to you that the
16 screening mechanism - not the height, I want to be
17 clear about that, but the screening mechanism of
18 the 75 foot tower being discussed tonight and this
19 tower are similar. Not the same, but similar.

20 The last picture, I believe, in this
21 stack is a picture taken from the south side of
22 Englewood Road showing the proposed tower location.
23 What I see in that photograph is a close proximity
24 to single family homes and minimal vegetation,
25 except for one tree.

1 So I think comparing the 72nd and Euclid
2 site, comparing the Village of Oakview site, and
3 envisioning a 75 foot tower at the Knights of
4 Columbus, there's a clear distinction between what
5 is appropriate land use and what should be
6 considered inappropriate land use.

7 Next exhibit is Section 80-41 of the
8 Kansas City, Missouri code. I would draw your
9 attention, I believe, in your packet, the back
10 page, but the second page for me, to Item G.
11 Sewage treatment plants, telephone exchanges,
12 electrical substations and similar services
13 provided, if the City Council approves, such use as
14 part of a subdivision plat or planned development
15 or as a special use by ordinance.

16 So in talking with the Kansas City,
17 Missouri Legal Department this week, the City of
18 Kansas City has entertained and granted special use
19 permits in residential districts. They have
20 considered them, and approved them at churches,
21 they have considered and approved them in Kansas
22 City, Missouri park plan and other related
23 facilities, such as the Worlds of Fun Water Tower,
24 Swope Park and Pleasant Valley Park.

25 Mr. Mayor and members of the City

1 Council, I think I'm done, but I'd be glad to
2 answer any questions you might have for me.

3 MAYOR SMITH: Councilwoman Rudi.

4 COUNCILWOMAN RUDI: Mr. Wingerson, I'm
5 going to ask you if you know anything about the FAA
6 regulations on the 1050 feet?

7 MR. WINGERSON: Ms. Rudi, I do not. And
8 I know Mr. Beeler explained to you that the City
9 has been provided that letter. I'll tell you that
10 is not the case. In fact, before tonight, I have
11 not seen that FAA letter that was provided to you,
12 so we don't. However, it seems unusual that a
13 government agency would not have a permitting
14 process. Seems unusual that the FAA, as a
15 government agency, would not have a various
16 provision - variance provision or the ability to
17 have that discussion in an official setting.

18 So, no, Councilman Rudi, I don't have
19 any specific knowledge of the FAA requirements and
20 the flight path of the Downtown Airport or KCI or
21 any other place. But working in government, it
22 seems unusual that those provisions wouldn't be
23 available.

24 COUNCILWOMAN RUDI: Assuming that we
25 approve this, I'd like to see some kind of a

1 provision. I'm just telling you this for the
2 future, I guess, that provides for the removal of
3 the towers.

4 It's no longer useful or in-use, due to
5 technology changes, due to company changes, for
6 whatever reason, I really don't want to see these
7 towers just sit there forever and ever and - or for
8 the City to have to bear the expense of removal.
9 So if you would make note of that.

10 MR. WINGERSON: Yes, ma'am.

11 COUNCILWOMAN RUDI: You explained the
12 amendment to the special use permit for Knights of
13 Columbus for me. I appreciate that. I have one
14 more question. I don't know who I really need to
15 ask this to.

16 Regarding the elevation on the site at
17 Knights of Columbus, when I look at, I think, a
18 couple of different places, I think we're looking
19 at an elevation of 975 or 973. How do we know
20 exactly what that elevation is? Because depending
21 on which number we've used, the 77 feet may still
22 be over the 1050 that the FAA allows. And I don't
23 want to vote for something that then has to be
24 changed. So how do we determine that and who do I
25 ask that question?

1 MR. WINGERSON: Ms. Rudi, with your
2 permission, I'll take the first stab at it and Mr.
3 Beeler can comment if he likes. I think, should
4 the Council direct Staff to write up findings in
5 support of this application, not only would we
6 include a provision in the adopting ordinance
7 concerning removal of obsolete equipment and what
8 you just said.

9 I think we would also include our sea
10 level elevation and not to exceed sea level
11 elevation based on the presentation tonight, that
12 being 1050 feet from sea level. So we would
13 suddenly change the argument in an approval from
14 how tall the tower is, although we would say that.
15 But we would cap it at 1050 seal level elevation.

16 COUNCILWOMAN RUDI: For right now, that's
17 all I have.

18 MR. WINGERSON: Thank you.

19 MAYOR SMITH: Mr. Wingerson, I'll have to
20 give you a copy of the FAA letter. Any other
21 questions of Mr. Wingerson? Councilman Beer.

22 COUNCILMAN BEER: The FAA notice, the way
23 I read this is that, this is an elevation, that is
24 the 1050 feet, is an elevation that is not required
25 for parking and lighting. There's no mention made,

1 however - and the reason I mention this is, the
2 efficiency that was sited at Flora Park, as an
3 alternate location, there's nothing here that
4 states that a tower that's taller than 1050 feet is
5 not prohibited, but rather - maybe, I'm reading
6 this, that it might be permitted if it were
7 properly marked and lighted. That would be
8 something to be helpful for us, I'm wanting to
9 know.

10 MAYOR SMITH: Well, I think for purposes
11 of this application that we're dealing with is, as
12 I read this, is specifically this location, which
13 is what we were dealing with at that time.

14 Any questions? Mr. Beeler, would you
15 like an opportunity to address any of the exhibits
16 that Mr. Wingerson has explained?

17 MR. BEEELER: I will. Mr. Mayor, I'll
18 have to jump back and forth here.

19 MAYOR SMITH: Sure.

20 MR. BEEELER: But Councilman Beer's
21 question - first of all, I want to apologize to Mr.
22 Wingerson that he didn't have the letter. I hope I
23 said earlier, I think he has a copy of it. I sure
24 did think you did and I apologize if you did not.

25 I have two pieces of clarification to

1 that question. In my reading of this document, it
2 states that the maximum height is 1050 and at that
3 maximum height, lighting is not necessary. It's
4 not a reflection that you can go above that height.

5 In addition, in R.F. analysis of the FAA
6 requirements, the statement there is the minimum
7 descent altitude for the type of approach is 1300
8 feet. A required obstacle clearance of 250 feet
9 yields a maximum tower structure of 1050. So the
10 R.F. analysis of the FAA requirement is that you
11 cannot exceed the sea level elevation of 1050.
12 That's all I can say to that.

13 With respect to the exhibits, I stated
14 early on that my early general objection to being
15 provided those kinds of exhibits here in this
16 hearing and trying to digest them, not having had
17 the opportunity that Councilwoman Rudi did to get
18 through them. And I still haven't had that
19 opportunity to read through them. But I can tell
20 you that my objection with regard to relevance
21 certainly stands.

22 I see no relevance, whatsoever, to
23 showing you - in fact, I believe it's prejudicial
24 to show you pictures of tower structures,
25 particularly the one that Mr. Wingerson referred to

1 in the Village.

2 That tower structure not only is taller
3 than the one that we're proposing, it's bigger at
4 the bottom. It's grossly designed, in my opinion.
5 I have no idea why the bottom of that tower is as
6 big as it is and it contains not only one, but two
7 platforms.

8 And as I indicated, we're talking about
9 a stealth tower to be located on the site at the
10 Knights of Columbus. So there's not - not only is
11 it technically different, it doesn't even resemble
12 the same tower.

13 And I, again, would direct your
14 attention to the photo simulation that has been
15 included in your packet and was included in the
16 Planning Commission packet, which accurately
17 depicts the tower as designed.

18 I also would like to say that, with
19 respect to the term stealth tower, which is a term
20 of art at the industry, the whole point of it is to
21 be as unobtrusive as possible. You don't put
22 screening on them.

23 The studies all show that the most
24 invisible, if you will, tower to the eye over time
25 is the pure pole painted gray. In the old, old

1 days, if you've been around or if you've driven to,
2 perhaps, to Lawrence on K-10 and seen some of the
3 baby blue towers that are in Eudora, you realize
4 that the old day thought of what best way to hide
5 them, to paint it blue was not a very good thought,
6 because our days that are absolutely blue, weren't
7 that many. We have more gray days. And so a gray
8 painted pure pole, is known as the most
9 unobtrusive.

10 The case that Mr. Wingerson referred to,
11 again, which I've not had the opportunity to hear
12 tonight to refresh my recollection about, has a
13 couple of interesting statements in it. However,
14 particularly in light of his comments with respect
15 to Verizon, which again I would just respectfully
16 submit to you, had no basis in this hearing.

17 Verizon isn't before you. T-Mobile is.
18 T-Mobile is a separately licensed FCC provider of
19 telecommunication services. And the Federal Court
20 in that prior APT case said as follows, and I'm
21 quoting off of page 2. "A local government may
22 not, unreasonably discriminate among providers of
23 functionally equivalent services" or explicitly or
24 effectively prohibit the provisions of personal
25 wireless services. That's an or, so to the extent

1 that there's some statement being made that because
2 Verizon is here, that's good enough for T-Mobile,
3 that's not neither met in fact nor is it met with
4 compliance in the law.

5 With respect to the remainder of the
6 exhibit list, I again would just state for the
7 record my objection to the matters that pertain to
8 1994 and 1997 as opposed to the extent that they
9 are only listed there to show the agreement that we
10 came to with Staff with respect to the amended
11 application, I don't object to that, but I would
12 say that the reason we have the - I can't remember
13 if he called it a bugaboo or a snafoo, that we had
14 at Planning Commission was a little more of the
15 same, and that is, I had no prior warning before
16 that night that an issue with respect to the
17 Knights of Columbus special use application was
18 even going to be raised. It wasn't in the Staff
19 report and it wasn't communicated to me.

20 So, I objected that night to being
21 surprised by that and I felt that the application
22 was subject to different interpretation in the
23 Staff, and as Mr. Wingerson indicated, several of
24 the planning commissioners agreed, but that's
25 neither here nor there, we were able to come to an

1 accommodation which I appreciate Counsel and Mr.
2 Wingerson's work with that.

3 With regard, however, to the SUP packet,
4 that is Exhibit 14 - excuse me, with regard to the
5 1994 minutes from the Knights of Columbus SUP
6 hearing, I find no relevance or reason that that
7 should be in your packet. Again, the idea that
8 somebody made a statement some 13 years ago under
9 the facts known that night on the Knight of
10 Columbus application that didn't even contemplate a
11 cell tower, is hardly relevant to this proceeding.

12 And again, we would have no opportunity
13 to speak to any of those people or cross examine,
14 if you will, for one who is swearing witnesses.

15 Before the item 14 packet, I'm just
16 submitting to you that what T-Mobile did at N.E.
17 72nd Street is irrelevant to this proceeding. I
18 certainly admit that's an industrial area. I also
19 admit that whenever possible, we like to locate
20 towers in those types of areas so that we don't
21 have meetings that are at 10:30 at night in front
22 of the concerned citizenry and Council. But, the
23 fact remains that cell towers are allowable in
24 residential areas, even in Gladstone, when you have
25 an SUP.

1 An the reason for that is obvious. We
2 need coverage in our residential areas and in this
3 day and age, we need it in home. There aren't a
4 lot of industrial locations in residential areas.
5 I think we can all agree to that. There aren't a
6 lot of tall commercial buildings.

7 In fact, that same case that Mr.
8 Wingerson referred to cites his own testimony,
9 indicating that there weren't any structures taller
10 than 30 feet where it could be placed on a roof.
11 It's true in most residential areas, so we do what
12 we can in the way of stealth design at the lowest
13 elevation possible, providing co-location, if
14 possible.

15 A tower in Flora Park at 136 feet is not
16 going to give you any more co-location spots from
17 the one that is at the Knights. The reason again,
18 is that this tower has to see. The radio frequency
19 has to have access to work. It's not about how
20 tall it is from ground elevation, it's how tall is
21 it in the air and those two would be the same.
22 Seventy-seven feet at one is the same as 136 at the
23 other. Flora Park is in a hole. It's in a flood
24 plane. Whether it's immediately adjacent to that
25 flood plane or in the flood plane itself, flood

1 plane designations are obviously there for a
2 reason, they are the river basins, the creek
3 basins. They are in a hole. They are in the
4 lowest point, which obviously is not a fun
5 conversation for a cell provider. You're looking
6 for elevation to provide coverage so you don't have
7 proliferation of towers.

8 So, again, with regard to item 14, I
9 simply object that it has no relevance or bearing,
10 and in fact, constitutes prejudice on the Applicant
11 to the extent there's any inference that this
12 application deals with those items.

13 I've already referred to Mr. Helmer's
14 memo without taking this - we'll take it as deep as
15 the Council would like to go with the science, but
16 I can tell you that driving around in a car,
17 testing a cell phone is not the method used by the
18 scientists to determine when coverage is
19 appropriate. It's not even the terminology that
20 would be used to do that.

21 It's a data input system that the
22 computer checks to determine where coverages are
23 appropriate or they are not. It has nothing to do
24 with voice, it has to do with what the data ability
25 is on the phone, over the line, through the radio

1 frequency.

2 And that's as good as I can do as a
3 lawyer. I'm not a scientist and if you'd like to
4 go deeper, we can do that, but the study they did
5 is not only flawed, it fails on every scientific
6 basis there is. That's items 15 and 16.

7 Then, there were some references to
8 Kansas City, Missouri. For the life of me,
9 especially given my discussion with councilmen
10 earlier, I've tried every way I know to say this
11 isn't about whether you're in Missouri or you're in
12 Gladstone, this is about a cell provider trying to
13 fill its network out and satisfy its customers.

14 We believe that the best interest of
15 Gladstone is to locate this tower at the Knights'
16 site. It isn't up for residential development,
17 that's not in the near or the long term future.
18 There is no property for development being taken
19 off the market, in fact, this is the owner of the
20 property saying this is how they want to develop
21 it.

22 Finally, I'll close by indicating
23 references to land use and property values. We are
24 talking about - I guess we are talking about
25 property values without any evidence. We did

1 submit evidence in the form of written studies done
2 by independent third parties. They were submitted
3 in the record long before the Planning Commission.

4 There's been no evidence submitted to
5 you or to me or my client, with regard to any
6 counter to that. There's no study been performed.
7 Even if you do accept this hearsay opinion of Ms.
8 Hagen, which I have not seen, but even if we did
9 accept that, she's not done a study. There's no
10 pairings numbers, it is worthless in terms of your
11 consideration. The evidence factor swings two
12 ways.

13 I've been involved in these applications
14 in numerous cities where there was some question
15 about RF engineering, the city hired an independent
16 consultant to obtain reports. We didn't speculate,
17 we didn't say as Mr. Wingerson did, and with due
18 respect, that at the Flora Park site, it's possible
19 to locate, of course without engineering, he says,
20 at any of those elevations he showed you.

21 What does that do for us here? I would
22 submit it doesn't do anything. There's been no
23 engineering done by the City to suggest that those
24 sites are appropriate. We've done engineering.
25 We've given you the numbers. That's the

1 uncontroverted evidence that you have in front of
2 you.

3 Similarly with the other churches, maybe
4 he said, a steeple could be built. Remember again,
5 that triple A thing, accessible - I mean, it has to
6 be available, has to be agreeable. I mean, again,
7 Mr. Michaels has testified about site ac, he
8 testified about several of those churches and why
9 they did not meet the criteria for one reason or
10 another. Frankly, this is not the appropriate
11 forum to argue whether or not some church somewhere
12 else is an appropriate application.

13 We are here about this one and we want a
14 ruling, if we can, please, on the facts and the
15 evidence that's being submitted. With respect to
16 the removal provisions that is a very apropos
17 comment, Councilwoman, and we would agree with you
18 about that. Those are things that should be there
19 and we agree to have them be there. We also accept
20 that Mr. Wingerson's reference to using the sea
21 level elevation of 1050 as the maximum height so
22 that we can avoid any question about what the
23 ground elevation is.

24 Again, Councilman Revenaugh indicated
25 earlier that I said, "Hey, if I could have it at

1 140, that would be best." It would be. I don't
2 back down from that statement, but we can't, so
3 we're taking the next best thing to provide
4 coverage to Gladstone residents, per those
5 proponents, 300 strong that I gave you earlier this
6 evening.

7 Those are my objections and comments,
8 Mr. Mayor, and again I stand for any questions, but
9 otherwise, thank you very much for your patience.

10 MR. WINGERSON: May I ask just one
11 question. What percentage of the Kansas City
12 market are the T-Mobile customers in the wireless
13 market?

14 MR. BEELER: We do not have that answer
15 tonight. I have no problem providing that, by the
16 way, I just don't think we have it tonight.

17 MAYOR SMITH: Any questions? Thank you,
18 sir.

19 MR. BEELER: Thank you, Mr. Mayor.

20 MR. WINGERSON: Mr. Mayor, members of the
21 Council, I will be brief when I respond to - the
22 opportunity to respond. Just a couple of things.
23 Number one, no agreement at Flora Park East was
24 offered because we have in writing from the
25 Applicant that it didn't work, and I think I've

1 spent a good portion of tonight indicating that in
2 terms of service area, that it will work.

3 In terms of the public campaign, the
4 Applicant provided you with nearly 300 positive
5 comments, or 290 out of 300. Please note that
6 those are T-Mobile customers. That the responses
7 were not provided with any contrary discussion, any
8 discussion of the issue about plan use, about the
9 community's vision or about property value.

10 Finally, I want to talk about the
11 exhibits. Over and over again, you were told that
12 the Applicant has been surprised. The major themes
13 that I started the presentation with were no
14 surprises to the Applicant. They have been
15 discussed at the Planning Commission, at the Staff
16 level and again here tonight and we're just
17 reiterating and continuing to provide additional
18 detail as the application moves forward.

19 In terms of the packet, there were two
20 different sets of exhibits. The first set of
21 exhibits that Mr. Ramsay introduced, the first
22 seven exhibits were provided as part of your
23 Council packet last Thursday. Knowing this Council
24 and your diligence, I'm sure that you've had time,
25 as with every other development application, to

1 thoroughly review that information. The remaining
2 exhibits of the twenty-five, were provided to you
3 tonight and explained in this public hearing.

4 In terms of the summary, I'm just going
5 to read again because certainly we wouldn't want to
6 have any surprises. City Staff recommended
7 alternative sites for construction of a proposed
8 tower at the location within the City commonly
9 known as Flora Park East. Because of the negative
10 aspects of the proposed location and the existence
11 of factors making the alternative better suited to
12 meeting the City requirements for a perimeter such
13 as structure.

14 In the January 3rd, 2007 document,
15 despite prior claims that 140 feet was the height
16 required, the Applicant amended its application to
17 reduce the proposed height of the tower to 120
18 feet. On April 13th, City Staff received a letter
19 from the Applicant once again reducing the height
20 of the proposed tower to 75 feet. The Applicant
21 did not submit a propagation study with that letter
22 from the proposed 75 foot tower. We talked about
23 that.

24 The public hearing on the application
25 was held before the Planning Commission on April

1 16th. The Planning Commission's recommendation to
2 you by a vote of two to seven is that - seven to
3 two, that the application be denied.

4 I talked about the agreement of the
5 parties concerning the continuation at the Planning
6 Commission level. Design classification of the
7 property at 1500 Englewood Road is R-1, the subject
8 property which under the City's zoning ordinance
9 allows a number of appropriate uses by right. The
10 building at 1500 N.E. Englewood Road is not allowed
11 as a matter of right under the R-1 zoning
12 classification and requires a special use permit.

13 A further intensification of the use of
14 the property at 1500 Englewood Road would be
15 inappropriate because the increase in intensity of
16 the use would seriously injure the appropriate use
17 of neighboring properties and not conform to the
18 general intent and purpose of the City zoning and
19 planning ordinances.

20 Increase in intensity of use by way of
21 the addition to the currently existing building at
22 the site 1500 Englewood Road contemplated by T-
23 Mobile's application, will not promote the health
24 safety moral and general welfare but we can still
25 impair the general welfare by negatively impacting

1 esthetics in the area surrounding this property.

2 The proposed tower would not be in the
3 interest of the public health morals and welfare
4 and that it would not be reasonably consistent with
5 the surrounding area and design.

6 We did provide evidence received from
7 experts in the real estate market, the comments by
8 Staci Hagen which supported the inference, where
9 ever the service towers in residential areas act to
10 suppress properties values of properties
11 surrounding such towers.

12 T-Mobile is aware of and has been
13 authorized to locate a wireless service tower
14 within the City in a manner consistent with good,
15 land use planning standards. T-Mobile was recently
16 granted a special use permit for a wireless service
17 tower at 72nd Street near Euclid. The special use
18 permit was granted in part because the tower was
19 placed near pre-existing public utilities and the
20 addition of the tower was consistent with the pre-
21 existing use of land, did not contribute to the
22 destruction of the residential nature of the area
23 and ultimately could not be found to have a
24 negative impact on the values of surrounding
25 properties.

1 Evidence was received, I talked about it
2 tonight, stating that the location of the proposed
3 tower would effectively preclude further
4 development or re-development of the site.

5 T-Mobile already provides wireless
6 service within the City. A denial of T-Mobile's
7 special use permit would not be a prohibition of
8 service. A denial of T-Mobile's special use permit
9 would not be a prohibition of service considering
10 the real world testing conducted by City Staff and
11 the materials submitted by T-Mobile in its
12 application. T-Mobile wishes to merely improve
13 wireless service within the target area, not
14 establish new wireless service.

15 I think, unless the Council has any
16 questions, I think the very last thing is there was
17 a lot of discussion with you tonight about the
18 reduction of up to 300 homes between the two sites,
19 the proposed site at the Knights of Columbus and
20 the Flora Park East site. I think, and what
21 generated my question before this response was if
22 T-Mobile is 50 percent of the wireless market, 50
23 percent, given the other carriers in the market,
24 that is then perhaps 150 homes, and subsequent maps
25 will work on down depending on the market segment

1 of the Applicant. Wireless service is available
2 and works very good in this community.

3 Unfortunately, this is not one my Staff
4 can agree with the Applicant and bring to you a
5 recommendation that is consistent with their views.
6 For that I apologize, however, I think it's in the
7 best interest of the City, that the Council not
8 approve this request.

9 Again, I'd answer any questions that you
10 might have.

11 MR. MAYOR: Questions of the Council?

12 Is there anyone in the audience who
13 would like to speak in favor of this proposal?

14 Is there anyone in the audience who
15 would like to speak in opposition?

16 Any other comments from the Council?

17 The Public Hearing is closed.

18 Chairman entertain a motion, if you
19 wish, to act on the request.

20 COUNCILWOMAN RUDI: Mayor Smith, I would
21 like to move to approve the special use permit for
22 the communications tower facility on property
23 located at 1500 N.E. Englewood Road and I would
24 also, along with this, like to direct Staff to
25 create a written record, findings of fact that will

1 be consistent with the vote on this motion.

2 MAYOR SMITH: Do I hear a second?

3 COUNCILMAN BEER: I'll second.

4 MAYOR SMITH: I have a motion and a
5 second. Discussion?

6 COUNCILMAN BEER: Yes.

7 COUNCILWOMAN RUDI: Yes.

8 COUNCILMAN BEER: There were a number of
9 exhibits and there's a number of testimony given
10 tonight that some seem to be considered on the
11 scientific level, some considered to be on what I
12 guess probably I would call a practicality level.

13 One of those had to do with the use of
14 T-Mobile cell phones used in the areas being asked
15 for coverage by the Applicant. I understand that
16 computer models provide what should be considered
17 adequate coverage, or that should specify what that
18 coverage is. Sometimes, however, and I believe
19 that our test, provided by our Staff have shown
20 that sometimes the practical and the scientific
21 don't always go hand-in-hand.

22 Areas that were provided to us from this
23 site as having little or no cell phone coverage,
24 when used with T-Mobile service coverage seemed to
25 be adequate, with no dropped calls. Seems to be a

1 little bit of a difference between the scientific
2 model and what actually seems to occur out there
3 with phones.

4 This kind of leads me to believe that
5 perhaps alternate sites have not been adequately
6 considered. It appears from the testimony given
7 tonight, that the sites provided to us were
8 preconceived as being these are the ideal for us
9 and that no other site should be considered, or
10 considered given any practical consideration.

11 From the testimony that we have seen
12 tonight and heard tonight, I believe that there are
13 other sites, very simply, Flora Park East, that
14 does provide adequate coverage for Gladstone and in
15 fact, for some areas outside of Gladstone, in
16 Kansas City.

17 We are not suggesting - I am not
18 suggesting, that cell phone towers are to be
19 prohibited in Gladstone. What I'm suggesting is
20 that there probably is another site that is
21 suitable and less intrusive upon land uses with -
22 in terms of possible property values, but that
23 there are other sites available that should have
24 been considered.

25 We were shown some sites of cell phone

1 towers that are currently located in Gladstone.
2 Applicant seemed to believe that those were there
3 to prejudice us against cell phone towers, and
4 that's not - that's exactly not the way I perceived
5 it.

6 I perceived it as being this city is, in
7 fact, friendly to cell phone towers and cell phone
8 companies, that we have provided other sites, other
9 locations for cell phone towers and we believe that
10 there are other sites available that should be
11 considered, or should be given greater
12 consideration.

13 And I don't believe there is anyone here
14 at this council table that doesn't understand that
15 difference between actual cell tower height at the
16 top of the tower versus the - that is the height of
17 the tower above mean sea level as versus the actual
18 tower height above ground level. We all understand
19 the difference between above ground level and above
20 mean sea level.

21 I'm going to go back again to the FAA
22 report. I am an Army retiree, who was in the Army
23 Aviation Unit, helicopters. I've flown a lot of
24 hours in helicopters all over this United States
25 and in those flights I have seen a large number of

1 towers that are clearly and obviously considerably
2 above flight levels that would be considered by
3 FAA.

4 How were they provided in those
5 locations? Markings and lights. I believe if a
6 136 tower is inadequate at Flora Park, maybe a 150
7 foot might work with proper lighting and marking,
8 could get the propagation that is necessary. And
9 in an area that provides better screening, what I
10 believe to be better land use and with that, I'm
11 done.

12 MAYOR SMITH: Let me make one point of
13 clarification. I think the reference to the
14 studies that T-Mobile or Selective Sites provided
15 versus those that we did in-house are more relative
16 to what they call an in-building, if you will, than
17 job calls on the street level itself. I just want
18 to make that clarification because I believe Mr.
19 Beeler did point that out. Councilman Rudi?

20 COUNCILWOMAN RUDI: Yes. I just have a
21 few things that I'd like to say. First of all, we
22 do have two T-Mobile towers in our city now. We
23 are not interested in denying access to this
24 company or to any other company.

25 Secondly, I personally believe that

1 Flora Park would be a better location for this
2 tower for the City of Gladstone. And that is my
3 job. I get paid \$100 a year for this job and my
4 job is to watch out for our own citizens. And we
5 can talk about Not in My City and the greater
6 Northland area, that's not the issue here.

7 In looking at your own propagation
8 studies, I look at that and it looks to me like a
9 location in Flora Park would provide more coverage
10 for the citizens of Gladstone. That's what I'm
11 interested in.

12 Also, I am co-chair of the First Suburbs
13 Coalition for the Greater Kansas City Area, and we
14 are talking about renovation, rebuilding, in-field
15 development and I cannot agree to remove land that
16 has possibilities for a cell tower. I don't
17 believe this is consistent with the surrounding
18 area and I think that we need to look for a
19 location that would be more suitable. Whether that
20 location is in Gladstone or not, is up to the
21 company to decide.

22 Staff has offered a number of
23 alternatives and I believe that is because they
24 thoroughly believe that this is an inappropriate
25 location. It is not consistent with surrounding

1 land use and as Mr. Beeler said, we are here about
2 this one location. To me, this one location is not
3 the right place. I hope that we will find a good
4 one and it will work out for everyone, but I don't
5 believe that this is the location for this tower.

6 MAYOR SMITH: Mr. Revenaugh, any
7 discussion?

8 MAYOR PRO TEM REVENAUGH: I have just two
9 things. One, we were elected to do what's in the
10 best interest or what we feel is in the best
11 interest of Gladstone citizens, much as Carol Rudi
12 or Councilman Rudi, excuse me, suggested, but
13 secondly, in Mr. Beeler's own summary where he
14 said, you know, we're just trying to build a tower
15 to serve the customers in Gladstone. We don't know
16 and they don't know how many customers they are
17 trying to serve.

18 I would have been much more impressed if
19 they had said, you know, in this certain radius
20 that we are trying to effect coverage for, it's
21 going to effect X number of citizens. Well, we
22 don't know that, and it goes to Mr. Wingerson's
23 comment earlier, if they had half the coverage then
24 a reduction of 300 homes from any point is actually
25 a 150 reduction and it goes down from there, and

1 that's assuming that they have half the market.

2 So, it's an R-1, it's a neighborhood
3 area, there's houses all around there and I don't
4 think in good conscious I'll be able to support
5 this application.

6 MAYOR SMITH: I generally don't say much
7 when I cast a vote because I figure my decision is
8 usually wrong but - or my decision is usually right
9 but my reasons are wrong, but I'm right on the
10 fence on this deal, quite frankly.

11 First of all, Mr. Beeler and the rest of
12 you, Mr. Christofano, I probably went to high
13 school with some of your relatives, but I don't
14 know. Mr. Wingerson and Counselor, I appreciate
15 your diligence tonight in presenting the case on
16 all sides the best that you can. Our hourly wage
17 is definitely going down, Councilman Rudi.

18 And I do appreciate the vision with
19 proposing a cell tower, however that came about,
20 because quite frankly, you know, in my mind that's
21 what this community expects and deserves, and Mr.
22 Wingerson in producing photos of the Oak View Tower
23 is not to draw comparisons to this particular tower
24 and obviously there is no comparison. I think the
25 point he's trying to make is that the folks got

1 upset because it's inconsistent with what they
generally expect in Gladstone and not knowing any
2 differently, I think that was their overriding
concern.

3 Unfortunately, there's nothing stealth
about the base of these towers and the hardware
4 that accompanies them and the screening that you
can surround them for one thing, and number two,
5 it's really not about whether or not Flora Park
works, because quite frankly, we're only dealing
6 with this application I think the point of Flora
Park you know might work. It would definitely
7 serve Gladstone residents better than this
location, is a valid point.

8 But I go all the way back and tend to
put things in the most simplistic of perspectives
9 and that is, this particular piece of property is
an incompatible and inconsistent use of residential
10 area, and I can't get past that. If I could get
past that, then I might be able to support it, but
11 if you take all the information we've been given
this evening and you make that funnel and get down
12 to the very base of it and the bottom line is, it's
incompatible and inconsistent use of residential
13 area. For that reason, I cannot support it.

Any discussion?

14 Please call the role, Madam Clerk.

CLERK SWENSON: Councilman Wayne Beer.

15 COUNCILMAN BEER: No.

CLERK SWENSON: Councilman Carol Rudi.

16 COUNCILWOMAN RUDI: No.

CLERK SWENSON: Mayor Pro Tem Mark

17 Revenaugh.

MAYOR PRO TEM REVENAUGH: No.

18 CLERK SWENSON: Mayor Les Smith.

MAYOR SMITH: No.

19 The vote is to direct City Staff to
create a findings of fact in support of the vote
20 taken this evening.

(End of Proceeding)

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23
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REPORTER'S CERTIFICATE

I, FRANCES F. HOLLAND, Certified Court Reporter, do hereby certify that I personally appeared at the taking of the proceeding as set forth in the caption sheet hereof; that I then and there took down by use of the stenomask closed microphone, the proceedings had at said time and that the foregoing is a full, true and correct transcript of such proceeding.

Frances F. Holland, CCR
Midwest Litigation Services
711 N. 11th Street
St. Louis, MO 63101

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