



**MINUTES
REGULAR CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, DECEMBER 10, 2018**

PRESENT: Mayor Bill Garnos
Mayor Pro Tem Carol Suter
Councilmember Jean Moore
Councilman R.D. Mallams
Councilman Kyle Yarber

City Manager Scott Wingerson
Assistant City Manager Bob Baer
City Clerk Ruth Bocchino
City Counselor Chris Williams

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

Mayor Garnos opened the Regular City Council Meeting Monday, December 10, 2018, at 7:31 pm in the Gladstone City Council Chambers.

Item No. 2. On the Agenda. ROLL CALL.

All Councilmembers were present.

Item No. 3. On the Agenda. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mayor Garnos asked all to join in the Pledge of Allegiance to the Flag of the United States of America.

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

The agenda was approved as published.

Item No. 5. On the Agenda. Approval of the November 26, 2018, Regular City Council Meeting Minutes.

Councilman Mallams moved to approve the minutes of the November 26, 2018, Regular City Council meeting as presented. **Councilmember Moore** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Bill Garnos. (5-0)

Item No. 6. On the Agenda. Appoint Boards and Commission members.

Councilmember Moore moved to approve the appointments of the Boards and Commission members. **Councilman Yarber** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Bill Garnos. (5-0)

Item No. 7. On the Agenda. **CONSENT AGENDA.**

Following the Clerk’s reading, **Mayor Pro Tem Suter** moved to approve the Consent Agenda as published. **Councilman Mallams** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Bill Garnos. (5-0)

Mayor Pro Tem Suter moved to approve **RESOLUTION R-18-69** A Resolution authorizing acceptance of work under contract with Play and Park Structures, Incorporated, for the Meadowbrook Park Playground and Shelter Replacement Project, and authorizing final payment in the amount of \$34,703.03 for Project CE1864. **Councilman Mallams** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Bill Garnos. (5-0)

Mayor Pro Tem Suter moved to approve **RESOLUTION R-18-70** A Resolution authorizing acceptance of work under contract with Superior Bowen Asphalt Company, LLC, for the 2018 Mill and Overlay Program Project, and authorizing final payment in the amount of \$42,656.63 for Project TP1906. **Councilman Mallams** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Bill Garnos. (5-0)

REGULAR AGENDA.

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

There were no comments from the audience.

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

Councilman Yarber stated: *“Every year feels like it goes faster, this year certainly has felt that way. I just want to wish everyone happy holidays.”*

Mayor Pro Tem Suter stated: *“I just wanted to say it was my pleasure to attend the Mid America Regional Council event the other day where Gladstone received two Sustainable Success Story awards, one for our Hobby Hill Park, and one for our Energy Savings Program. It’s always good to be in that good company to get recognized. Also it was a whole lot of fun today to be one of the lucky people who got to be part of the soft opening for Summit Grill, which if people don’t know it will be open to the public on Wednesday, and they are already really*

booking up. It's an exciting development for Gladstone. I just wanted to thank all of the folks who applied for Board and Commission appointments. It's always one of the fun things that we get to do as Councilmembers. It's a great opportunity to see and meet lots of people that we might not otherwise. It was particularly interesting this year how many folks who are really new to Gladstone who wanted to get involved. The results were a great slate of lots of new people to get involved in Boards and Commissions. I look forward to your service. Also, happy holidays."

Mayor Garnos stated: *"I wanted to thank the members of City Council for all the time everyone has been putting in lately. We have had Board and Commission interviews, we've had all day goal setting, we've had performance evaluations, not to mention all the fancy banquets, luncheons, and breakfasts we have been allowed to attend. It will be five weeks until our next regular meeting, however we reserve the right to continue to micromanage the city's operations during this time, I'm sorry, provide broad policy direction during our break."*

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

City Manager Wingerson stated: *"I'll just follow up on that, thank you for your service for another year and safe and happy holidays to everybody."*

Item No. 11. On the Agenda. FIRST READING BILL NO. 18-43 An Ordinance approving the Re-Plat of 605 & 607 Northeast 75th Terrace, Gladstone, Clay County, Missouri, and directing the appropriate officials to affix their signature to said Plat for recording.

Councilman Mallams moved Bill No. 18-43 be placed on its First Reading. **Councilmember Moore** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Bill Garnos. (5-0). The Clerk read the Bill.

Councilman Mallams moved to accept the First Reading of Bill No. 18-43, waive the rule, and place the Bill on its Second and Final Reading. **Councilmember Moore** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Bill Garnos. (5-0). The Clerk read the Bill.

Councilman Mallams moved to accept the Second and Final Reading of Bill No. 18-43, and enact the Bill as **Ordinance 4.450**. **Councilmember Moore** seconded. The Vote: "aye", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Bill Garnos. (5-0)

Item No. 12. On the Agenda. PUBLIC HEARING: Site Plan Revision for property at 607 Northeast 69th Street.

Mayor Garnos opened the Public Hearing at 7:44 pm.

Please refer to the attached Cross Reporting Court Reporter narrative.

Mayor Garnos closed the Public Hearing at 7:47 pm.

Item No. 13. On the Agenda. FIRST READING BILL NO. 18-44 An Ordinance approving a Site Plan Revision for property at 607 Northeast 69th Street, commonly known as Gladstone Food Products Company, Inc.

Councilman Yarber moved Bill No. 18-44 be placed on its First Reading. **Mayor Pro Tem Suter** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Bill Garnos. (5-0). The Clerk read the Bill.

Councilman Yarber moved to accept the First Reading of Bill No. 18-44, waive the rule, and place the Bill on its Second and Final Reading. **Mayor Pro Tem Suter** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Bill Garnos. (5-0). The Clerk read the Bill.

Councilman Yarber moved to accept the Second and Final Reading of Bill No. 18-44, and enact the Bill as **Ordinance 4.451**. **Mayor Pro Tem Suter** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Bill Garnos. (5-0)

Item No. 14. On the Agenda. BUILDING PERMIT: Gladstone Food Products Company, Inc.; 607 NE 69th Street, Gladstone, Missouri.

Councilmember Moore moved to approve the **BUILDING PERMIT:** Gladstone Food Products Company, Inc.; 607 NE 69th Street, Gladstone, Missouri. **Councilman Yarber** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Bill Garnos. (5-0)

Item No. 15. On the Agenda. PUBLIC HEARING: Site Plan Revision for property at 6221 North Chestnut Avenue.

Mayor Garnos opened the Public Hearing at 7:51 pm.

Please refer to the attached Cross Reporting Court Reporter narrative.

Mayor Garnos closed the Public Hearing at 8:41 pm.

Item No. 16. On the Agenda. FIRST READING BILL NO. 18-45 An Ordinance approving a Site Plan Revision for property at 6221 North Chestnut Avenue.

Mayor Pro Tem Suter moved Bill No. 18-45 be placed on its First Reading. **Councilman Yarber** seconded. The Vote: “aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Bill Garnos. (5-0). The Clerk read the Bill.

Mayor Pro Tem Suter moved to accept the First Reading of Bill No. 18-45, waive the rule, and place the Bill on its Second and Final Reading. **Councilman Yarber** seconded. The Vote:

“aye”, Councilman Kyle Yarber, Councilman R.D. Mallams, Councilmember Jean Moore, Mayor Pro Tem Carol Suter, and Mayor Bill Garnos. (5-0). The Clerk read the Bill.

Mayor Pro Tem Suter moved to accept the Second and Final Reading of Bill No. 18-45, and enact the Bill as **Ordinance 4.452**. **Councilman Yarber** seconded.

Mayor Pro Tem Suter stated: *“I’ll be the first. I certainly appreciate the interest in developers and wanting to invest in Gladstone because we certainly are interested in making a better place. I’m mostly interested in making it a better place. I have grave concerns about the intensity of the use of this property. While it doesn’t require new zoning, or change, going from a restaurant type facility to a gas station is a little different kind of enterprise. Clearly the lighting, the noise, the fumes, I agree with all of that because I can’t even stand to be outside my car when the car is being fueled. There are all elements: longer hours of operation causes more disruption, all of those things I think clearly will have a negative impact on the immediate neighborhood. I think the measure of success of a community is often the measure of the trust between citizens and elected officials and when people make investments of their homes and where they are going to have their families live and be raised, that’s based on the trust that the community is going to respect those investments and somehow try to preserve them. When I look at the neighborhoods where I want to live, I look at what’s around the neighborhood, not just of course the actual specific house itself. The Woodlands is, of course, one of the finest developments in the entire northland. It is one of the attractions, one of the magnets that brings people to Gladstone and helps them to stay here. I don’t want to violate the trust that those people put in me as an elected official or in this city by doing anything that would obviously hurt the enjoyment of that property and the value of that property and disrupt their lives there. There is no way I can support putting a gas station in this location. The intensity of this operation will definitely have a negative impact on the neighborhood so I will be voting against this application.”*

Councilmember Moore stated: *“As the Council representative to the Planning Commission I’ve had the opportunity to hear the residents in this room speak at the Planning Commission and also tonight. I, along with Mayor Pro Tem Suter, when I consider the issues like lights, noise, fumes, public safety, the compelling comments that each of you have made about the negative impact of this proposed development on your properties and on your lives, I cannot support this measure.”*

Councilman Mallams stated: *“Mayor, like Councilmember Moore, I attended both of the Planning Commission meetings to gain an understanding, to gain knowledge of the proposal. I understand the concerns voiced by the residents of The Woodlands and I believe, Mr. Cuda, you have done a good job addressing some of the concerns that the residents have. I came in this evening with an open mind. Again, I wanted to listen here and then make a decision based upon what I thought was in the best interest of our community. Because of that, I can’t support the proposal.”*

Councilman Yarber stated: *“Certainly the biggest concern that I have regarding any issue is the environmental impact on public health. I have a six year old daughter. I completely understand residents having concerns and it’s not just the fumes you smell but the stuff that you don’t smell. All of the things we have learned years later of the impact of gasoline on*

developmental, I'm surprised I can even speak; growing up around leaded gasoline back in those days. I'm an example of the damage done, some people would say. I share those concerns of people raising young children near this much fuel. Even with the safest system design, there is always a percentage of times when those systems fail. Nobody's come up with a system yet that is 100%. I would be against this for those reasons. All the other reasons are very valid but that reason alone is enough for me."

Mayor Garnos stated: *"I have a few comments also. I struggled with this. I also came to this issue with an open mind. One of the things that it reminded me of is when I was, many years ago, on the Planning Commission. We had a proposal before us to look at putting in 100 townhouses in that green space behind Family Video, just off of 72nd. I came to Planning Commission, and we had every resident surrounding that property come to Planning Commission and did not want 100 town homes there; noise, lights, traffic, for that nearest intersection. There was nobody that wanted that green space turned into 100 townhouses, myself included, because I live near there. One of the things I realized when we were doing that is that we weren't sitting there trying to vote on would you rather have a park and green space or would you rather have 100 townhomes. That was not the question that was before us. This was private property that a person wanted to use their own money and run their own business out of it. In my mind, that makes a very high bar for the city to say 'you can't do that.' If they developer has jumped through all the hoops, complied with everything that the city has put before it, including agreeing to all the conditions that have been recommended by staff and the Planning Commission, I think it is very difficult to oppose a development just because we don't like it or that's not what we want to see there. Even in terms of highest and best use, for myself, I don't want to see a gas station there. I think that whole area is awkwardly laid out and this is what is going to happen when there is a weird building shoved so far back on that property. I would just as soon bulldoze the whole thing and start over and reorganize it the way it should have been in the first place. We don't get to vote on what we want to see there, what we would rather see there, and we don't get to vote on only supporting the highest and best use for the property. I don't think that this is it but I don't know that that's the question before us that we are here to decide and make a decision on. I also have to look at the work that has been done up to this point. City staff recommended approval of this. The Planning Commission, who has heard this and all the issues twice, also recommended approval. It was not unanimous, I think the vote was 9-3, but the Planning Commission voted to approve and city staff voted to approve and that has to carry some weight with City Council. I've been persuaded that Mr. Cuda has been very responsive, or attempting to be responsive to the neighborhood's concerns. I thought the letter that you wrote on November 27th was very persuasive to me responding to the issues that had previously been raised in the November 19th Planning Commission meeting. Had you not written that letter, I would have been persuaded by the comments made at Planning Commission. I appreciated your letter and your response to the issues that the people had raised. In my mind, this is not what we want to see there, but it's private property and I think the willingness to comply with city restrictions doesn't give me a lot of reasons to impose my judgment over theirs as to the business they want to run there. I think that is the issue that I'm wrestling with here. It's not the highest and best use but that is not what we are voting on tonight. I don't know that we have a right to try to impose that. That is my opinion and that is why there are five of us. Are there any other questions, comments, issues? Are we ready to go to a vote? Madam Clerk, please call the roll."*

The Vote: "aye", Mayor Garnos. "Nay", Councilman Kyle Yarber, Councilman R.D. Mallams, Councilmember Jean Moore, and Mayor Pro Tem Carol Suter. (1-4). Bill No. 18-45 failed and will not be enacted.

Item No. 17. On the Agenda. Other Business.

There was no other business to come before the Council.

Item No. 18. On the Agenda. Adjournment.

Mayor Garnos adjourned the December 10, 2018, Regular City Council meeting at 9:00 pm.

Respectfully submitted:


Ruth E. Bocchino, City Clerk

Approved as presented: 

Approved as modified: _____


Mayor Bill Garnos

AGENDA ITEM #6
BOARD & COMMISSION APPOINTMENT RECOMMENDATIONS
FOR CITY COUNCIL ACTION DECEMBER 10, 2018

BOARD/COMMISSION

TERM EXPIRATION

ARTS COMMISSION

Reappointment	Holly Buchholz	December 2021
Reappointment	Sid Robbins	December 2021

BOARD OF ZONING ADJUSTMENT

New Appointment	Daniel Bohrer	December 2023
New Appointment	Aaron Brungardt	December 2023

BUILDING COMMISSION

Reappointment	Brenda Lowe	December 2021
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CAPITAL IMPROVEMENTS PROGRAM

New Appointment	Michele Sanderson	December 2021
New Appointment	Renee Hill	December 2019

CODE BOARD OF APPEALS

Reappointment	Ken Christeson	December 2021
Reappointment	Dennis Garrison	December 2021

ENVIRONMENTAL MANAGEMENT ADVISORY COMMITTEE

Reappointment	Julie Conn	December 2021
Reappointment	George Smith	December 2021
Reappointment	Eric Woods	December 2021
New Appointment	Dallas Ascencio	December 2020

NEIGHBORHOOD COMMISSION

Reappointment	John Day	December 2021
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PARKS AND RECREATION ADVISORY BOARD

Reappointment	Jason Sharpsteen	December 2021
New Appointment	Ronald Wages	December 2019
New Appointment	Lauren Crome	December 2021

PLANNING COMMISSION

Reappointment	Chase Cookson	December 2022
Reappointment	Jennifer McGee	December 2022
Reappointment	James New	December 2022
New Appointment	J. Nathan Hernandez	December 2022

TAX INCREMENT FINANCING COMMISSION

Reappointment	Sharon Euler	December 2022
Reappointment	Pete Hall	December 2022

GLADSTONE CITY COUNCIL HEARING - December 10, 2018

CITY OF GLADSTONE, MISSOURI

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GLADSTONE CITY COUNCIL HEARING - 12/10/2018

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GLADSTONE CITY COUNCIL HEARING

Monday December 10, 2018

Appearances:

Assistant to the City Manager Greer

City Planner Alan Napoli

Member Kyle Yarber

Mayor Pro Tem Carol Suter

Mayor Bill Garnos

Member Jean Moore

Member R.D. Mallams

City Clerk Ruth Bocchino

City Manager Scott Wingerson

NICOLE M. CALCARA, C.C.R.

for

CROSS REPORTING SERVICE, INC.

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MAYOR GARNOS: Good evening. I'd like to welcome everyone to the December 10, 2018, regular meeting of the Gladstone City Council and call this meeting to order. Madam Clerk and all the members of City Council are present. We have a quorum. Third item is the pledge of allegiance.

(Pledge of allegiance.)

MAYOR GARNOS: Next item on the agenda is the approval of the agenda for tonight's meeting. Does anyone have any issues or problems with the agenda for this evening? Hearing none, the agenda is approved.

Next item is the approval of the minutes from the November 26, 2018, regular City Council meeting.

R.D. MALLAMS: I move to approve the minutes from the November 26, 2018, regular City Council meeting.

(Motion seconded and carried.)

MAYOR GARNOS: We'll move on to Item 6, appointment of ward and commission members. As you know, the City of Gladstone and the City Council rely very heavily on various boards and commissions. They are the basis of our citizen engagement, which is the foundation of our City's government. Each year several members of our community serve on our boards and commissions. Each year we have a few vacancies and each year we interview new applicants who are interested in serving. We also have a number of reappointments each year for people who continue to serve on our boards and

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1 commissions, some for a long, long time. I believe in
2 January we will be recognizing our outgoing boards and
3 commission members for their service. The boards and
4 commission appointment recommendations for City Council
5 action tonight are as follows: For arts commission,
6 reappoint of Holly Buckholtz and Sid Robins with terms
7 expiring December 2021. For board of zoning adjustment, new
8 appointments of Daniel Borer and Aaron Brumgart for terms
9 expiring in December 2023. For building commission, the
10 reappointment of Brenda Lowe with a term expiring December
11 2021. For capital improvements program, new appointments of
12 Michelle Sanderson with a term expiring in December 2021, and
13 Renee Hill with a term expiring in December, 2019. For code
14 board of appeals, we have the reappointment of Ken
15 Christensen and Dennis Garrison, with terms expiring in
16 December 2021. For the environmental management advisory
17 board, we have the reappointment of Julie Kahn, George Smith
18 and Eric Woods with terms expiring December 2021 and a new
19 appointment of Dallas Esencio with a term expiring December
20 2020. For the neighborhood commission we have a
21 reappointment of John Day with a term expiring in December
22 2021. Parks and recreation advisory board, we have the
23 reappointment of Jason Sharpstein with a term expiring in
24 December 2021 and new appointments of Ronald Wages with a
25 term expiring in December 2019 and Warren Prone with a term

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1 expiring December 2021. Planning commission, we have the
2 reappointment of Chase Cookson, Jennifer McGee and James New
3 with terms expiring in December 2022 and a new appointment of
4 Nathan Hernandez with a term expiring in December 2022. And
5 the ever popular tax increment financing commission we have
6 the reappointment of Sharon Yuler and Pete Hall with terms
7 expiring in December 2022. Is there a motion to accept these
8 boards and commission appointment recommendations?

(Motion made, seconded and carried.)

MAYOR GARNOS: The board and commission appointments are hereby approved. I know many of these individuals are here tonight. So, if I called your name, would you please stand and be recognized as a reappointment or new appointment? Thank you all for your time and your interest.

In the words of the great Dr. Seuss, without someone like you who cares a whole awful lot, nothing is going to get better, it's not. Thank you for stepping forward and helping to make Gladstone a great place to live. We'll move on to Item 7.

Madam Clerk, would you please explain the consent agenda.

MADAM CLERK: Consent agenda allows the City Council to consider and approve routine items of business without discussion. Any member of the City Council, the City staff or the public may request removal of any item from the consent agenda and request that it be considered under the regular agenda of discussion or debate if the item is

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1 desired. Items not removed from the consent agenda will
 2 stand approved upon motion by any council member, second and
 3 unanimous vote to approve consent agenda as published or
 4 modified. Resolution R-18-69, a resolution authorizing
 5 acceptance of work under contract with Play and Park
 6 Structures Incorporated for the Meadowbrook Park playground
 7 and shelter replacement project authorizing final payment in
 8 the amount of \$34,703.03 for project CE, 1864 resolution
 9 R-18-70, a resolution authorizing acceptance of work under
 10 contract for Security(Inaudible) Asphalt Company, LLC, for
 11 the 2018 (Inaudible) program project and authorizing final
 12 payment in the amount of \$42,656.63 for project TP 1906.
 13 MAYOR GARNOS: Thank you. Does any member of the
 14 audience request a removal of any item from the consent
 15 agenda for discussion? City Council?
 16 (Moved and seconded.)
 17 MAYOR GARNOS: It has been moved and seconded to
 18 approve the consent agenda as published.
 19 (Vote taken.)
 20 MAYOR GARNOS: Consent agenda is approved. We'll
 21 move on to the regular agenda and start with communications
 22 from the audience. Is there any member of the audience who
 23 would like to address City Council on a matter that is not on
 24 this evening's agenda? If not, we will move forward with
 25 communications from City Council. Councilman Yarber.

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1 KYLE YARBER: Well, every year feels like it goes
 2 faster. This year certainly has felt that way. Just want to
 3 wish everyone happy holidays.
 4 MAYOR GARNOS: Thank you. Councilman Mallams?
 5 R.D. MALLAMS: No comments.
 6 MAYOR GARNOS: Ms. Moore?
 7 JEAN MOORE: No.
 8 MAYOR GARNOS: Mayor Pro Tem Suter?
 9 MAYOR PRO TEM SUTER: I just wanted to say it was my
 10 pleasure to attend the Mid-America Regional Counsel event the
 11 other day. Gladstone received two sustainable success story
 12 awards. One for our Hobby Hill Park and one for our energy
 13 savings program. It is always good to be in that kind of
 14 good company to get recognized. Also it was a lot of fun
 15 today to be part of the soft opening for Summit Grill, which,
 16 if people don't know, will be open to the public on
 17 Wednesday, and they are already booking up. An exciting
 18 development for Gladstone. I just wanted to thank all of the
 19 folks who applied for board and commission appointments. It
 20 is always one of the fun things that we get to do as council
 21 members is just a great opportunity to see and get to meet
 22 lots of people that we might not otherwise. It was
 23 particularly interesting this year how many folks who were
 24 new to Gladstone who wanted to get involved, and so the
 25 results were this kind of great slate of lots of new people

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1 to get involved in boards and commissions. Look forward to
 2 your service and also happy holidays.
 3 MAYOR GARNOS: Thank you. I wanted to thank the
 4 members of City Council for all the time everyone has been
 5 putting in lately. We've had board and commission
 6 interviews, we've had all-day goal setting, performance
 7 evaluations, not to mention all the fancy banquets, luncheons
 8 and breakfasts we've been allowed to attend. It will be five
 9 weeks until our next regular meeting. However, we reserve
 10 the right to continue to micro-manage the City's operations
 11 during this time -- I'm sorry, provide broad policy direction
 12 during our break. Mr. City Manager?
 13 CITY MANAGER WINGERSON: Just following up on that,
 14 thank you for your service for another year. And safe and
 15 happy holidays to everybody.
 16 MAYOR GARNOS: We'll move on to Item 11, the first
 17 reading of Bill No. 18-43, an ordinance approving the re-plat
 18 of 605 and 607 Northeast 75th Terrace, Gladstone, Clay
 19 County, Missouri, and directing the appropriate officials to
 20 affix their signature to said plat for recording.
 21 R.D. MALLAMS: I move to replace Bill No. 18-43 on
 22 its first reading.
 23 (Motion carried.)
 24 MAYOR PRO TEM SUTER: Madam Clerk, please read the
 25 bill.

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1 (Bill read by Madam Clerk.)
 2 R.D. MALLAMS: I move to accept the first reading of
 3 Bill No. 18-43, waive the rule, place the bill on its second
 4 and final reading.
 5 (Motion carried.)
 6 MAYOR GARNOS: Madam Clerk.
 7 (Bill read by Madam Clerk.)
 8 R.D. MALLAMS: I move to accept the second and final
 9 reading of bill No. 18-43 and enact the bill as ordinance No.
 10 4.450.
 11 (Motion carried and roll called by Madam Clerk.)
 12 MAYOR GARNOS: Bill No. 18-43 stands enacted as
 13 ordinance No. 4.450. We will move on to Item 12, public
 14 hearing for site plan revision for property at 607 Northeast
 15 69th street.
 16 The public hearing is now open.
 17 During the public hearing we will hear first from
 18 City staff followed by those in favor of the site plan
 19 revision and then by those opposed. Let's start with the
 20 staff presentation.
 21 AUSTIN GREER: Thanks, Mayor. The applicant tonight
 22 is Kim Catalano who is requesting a site plan revision for
 23 the purpose of an expansion to their Gladstone Foods
 24 operation by adding a new building with one additional
 25 loading dock, new paved and parking lot configuration and a

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1 side driveway to a new screened trash enclosure. Their plan
 2 is to use the existing wall, new EIFS and new concrete block
 3 to construct this new addition. There will be additional
 4 landscaping such as shrubs and trees added on the north and
 5 west side of the property. These proposed improvements do
 6 not increase impervious area runoff, therefore, no storm
 7 water improvements are required, nor recommended. Mrs.
 8 Catalano as of this afternoon has graciously agreed to add an
 9 irrigation system to the proposed landscaping, and you'll see
 10 this addition to condition No. 5. City staff recommends that
 11 the City Council approve this site plan revision contingent
 12 upon compliance with the recommended conditions, Number 1,
 13 all exterior existing lighting shall be converted to LED.
 14 Number 2, dumpster enclosures shall be constructed with
 15 materials and colors consistent with a primary building.
 16 Specific colors shall be submitted and approved as per the
 17 building permit. Number 3, trash services, deliveries and
 18 distribution shall be scheduled between the hours of 7:00
 19 a.m. and 10:00 p.m. Number 4, any and all disturbed areas
 20 shall be sodded. Number 5, all landscaped areas shall be
 21 irrigated and maintained in perpetuity. Number 6, all
 22 mechanical equipment on the roof shall be screened from
 23 public view by a parapet similar in design to the rest of the
 24 structure. This must be a minimum of 12 inches above the
 25 tallest piece of mechanical equipment. Thank you and that is

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1 all, Mayor.
 2 MAYOR GARNOS: Thank you. Questions for City staff?
 3 Is the applicant or anyone here who would like to testify in
 4 favor of the site plan revision?
 5 AUSTIN GREER: I believe the engineer, Michael, and
 6 Mrs. Catalano are here tonight.
 7 MAYOR GARNOS: Please, if you would like to make any
 8 comments, step forward, give us your name and address.
 9 KIM CATALANO: Kim Catalano, 607 Northeast 69th
 10 Street.
 11 MICHAEL LAIRD: Michael Laird.
 12 MAYOR GARNOS: Any comments you want to provide in
 13 support of the site plan revision?
 14 MICHAEL LAIRD: I believe Austin did a fine job of
 15 explaining everything.
 16 MAYOR GARNOS: Any questions or comments?
 17 MAYOR PRO TEM SUTER: I appreciate the materials,
 18 the sketches so we can see the elevations. It appears as
 19 though the general look of the building from the front will
 20 be different. And so that, as also residents of one of the
 21 older buildings in the neighborhood, we needed to spruce up
 22 around here so I'm really excited to see the plans. It looks
 23 like it's going to be an interesting and appropriate upgrade
 24 to the facade.
 25 MAYOR GARNOS: Any other questions or comments?

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1 Thank you. Is there anybody in the audience who would like
 2 to address City Council in opposition to the site plan
 3 revision? Any further testimony from the audience, City
 4 staff, City Council? If not, hearing none, I will declare
 5 the public hearing closed.
 6 We'll move on with Item 13, first reading of bill
 7 No. 18-44, an ordinance approving a site plan revision for
 8 property at 607 Northeast 69th Street, commonly known as
 9 Gladstone Food Products Company Incorporated.
 10 (Motion made and seconded to place bill on first
 11 reading, voted on and carried.)
 12 MADAM CLERK: First reading Bill No. 18-44, an
 13 ordinance approving site plan revision for property at 607
 14 Northeast 69th Street, commonly known as Gladstone Food
 15 Products Company Incorporated.
 16 (Motion made and seconded to accept the reading of
 17 bill 18-44, waive the rule and place bill on its second and
 18 final reading, voted on and carried.)
 19 (Bill read by Madam Clerk.)
 20 (Motion to accept the second and final reading of
 21 Bill No. 18-44 and enact the bill as ordinance 4.451,
 22 seconded, roll called and motion carried.)
 23 MAYOR GARNOS: Bill No. 18-44 stands enacted as
 24 ordinance 4.451. Move on to Item 14 as a building permit for
 25 Gladstone Food Products Company Incorporated, 607 Northeast

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1 69th Street, Gladstone, Missouri.
 2 (Motion to approve building permit, seconded, and
 3 carried.)
 4 MAYOR GARNOS: Building permit for Gladstone Food
 5 Products Company is hereby approved.
 6 We'll move on to Item 15. Public hearing for a site
 7 plan revision for property at 6221 North Chestnut Avenue.
 8 Public hearing is now open.
 9 During the public hearing we will hear first from
 10 City staff, followed by those in favor of the site plan
 11 revision and then by those opposed. We'll start with the
 12 staff presentation.
 13 AUSTIN GREER: Applicant 3F30 architects is
 14 requesting a site plan revision on behalf of Mr. Charles
 15 Cuda, OPES Commercial Real Estate for the purpose of
 16 constructing convenience store and gas station at 6221 North
 17 Chestnut Avenue, formerly known as Tanner's Restaurant.
 18 Their plan is to significantly remodel the building, bring
 19 the structure up to code and retrofit the company using a
 20 combination of EIFS, stone, artificial stone and a metal
 21 awning for the exterior. The site plan shows additional
 22 trees and landscaping being planted on the eastern side of
 23 the property located directly behind the proposed convenience
 24 store and gas station, helping create the required buffer
 25 zone between the subject commercial and residential

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1 properties. There is also proposed landscaping on the
 2 western side of the property near the planned monument sign
 3 and green space between the two egress and ingress access
 4 points off of Chestnut Avenue. City staff recommends that
 5 the trees and shrubs being planted on the property be native
 6 to Missouri by nature in an effort to aid in a better
 7 streetscape and survival. Regarding aesthetics of the
 8 proposed structure, two primary guiding principles are
 9 described in the City's comprehensive plan. The plan states
 10 that City should promote compatible growth, ensure the urban
 11 design framework of a new development is compatible with the
 12 character of the community, promote quality development and
 13 improve area appearance. In the BMP analysis conducted by
 14 Kaw Valley Engineering, run-off drains toward the southwest
 15 corner of the property and a bioswale will be implemented to
 16 capture and treat run-off from the fueling area prior to
 17 run-off exiting the site. Included in the City Council
 18 packet is a letter from Rural Fuel Services describing the
 19 experience of Amir Nadeem Mehndi, who will be the store
 20 operator for the proposed gas and convenience store. Staff
 21 has also included a retail mystery shop store for the
 22 proposed operator for their various other locations. There
 23 are residents in adjacent neighborhoods located to the east
 24 of the subject property that are opposed to this particular
 25 project. The community development department has received

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1 multiple phone calls and a signed letter included in your
 2 packet from the Woodlands HOA Board in opposition. Due to
 3 the current zoning of this property at CP3, this particular
 4 use of a gas station and convenience store is permitted by
 5 right at this location. Mr. Cuda has sent the Planning
 6 Commission and the City Council a letter addressing issues
 7 and concerns of both the residents and the Planning
 8 Commission. Please see the letter attached in your packet.
 9 City staff recommends that the following conditions be
 10 considered if the City Council choose to his approve this
 11 project request. Number 1, any and all disturbed areas shall
 12 be sodded. Number 2, all manicured grass and landscaped
 13 areas shall be irrigated and maintained in perpetuity.
 14 Number 3, all mechanical equipment on the roof shall be
 15 screened from public view by a parapet or approved screen
 16 similar in design to the rest of the structure. This must be
 17 a minimum of 12 inches above the tallest piece of mechanical
 18 equipment. Number 4, a compliant monument sign shall be used
 19 to serve the development. The monument sign will need a
 20 minimum of 240 square feet of area landscaping around the
 21 sign. Number 5, relocation of the trash dumpster to the
 22 northwest corner of the parking lot away from the residential
 23 area adjacent to the property. Number 6, all exterior
 24 lighting on the site shall be LED and designed to reduce
 25 adverse impact on adjoining residential properties. Number

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1 7, outdoor lighting cannot be greater than 0.25 foot candles
 2 and 10 feet beyond the property line. Number 8, dumpsters
 3 shall be enclosed with materials consistent with the primary
 4 building. Specific colors shall be submitted and approved as
 5 part of the building permit. Number 9, trash service, store
 6 deliveries and gasoline refilling underground commercial
 7 gasoline tanks, shall occur between the hours of 7:00 a.m.
 8 and 10:00 p.m. Number 10, tractor/trailers, storage
 9 containers and other commercial vehicles shall not be parked
 10 or stored overnight on the premises. Number 11, no more than
 11 50 percent of the glazed area of the building shall have
 12 signage. Number 12, hours of operation are from 5:00 a.m.
 13 through 2 a.m. The store will be closed from 2:00 a.m.
 14 through 5:00 a.m., Monday through Sunday. Number 13, signage
 15 compliant with the sign code shall be used. Signage shall be
 16 approved at the time of permitting. Number 14, construct and
 17 maintain in perpetuity a six-foot PVC privacy fence, earth
 18 tone in color, along the eastern property line. Number 15,
 19 maintain growth between the commercial privacy fence and the
 20 residential privacy fence in perpetuity. Thank you, and that
 21 is all, Mayor.
 22 MAYOR GARNOS: Thank you. Any questions for City
 23 staff? If not, we'll move on to the applicant. Those in
 24 favor of the site plan revision, is the applicant here this
 25 evening? Please give us your name and address.

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1 BRIAN RUOFF: I'm Brian Ruoff, 3F30 Architects. In
 2 the interest of time, everybody has seen the letter, I
 3 believe, from Mr. Chuck Cuda, including the neighborhood
 4 association. I do have quick synopsis I can go through. But
 5 I would like to reserve the right to -- I could skip this,
 6 since everybody is familiar with that letter, and I would
 7 like the chance to answer -- maybe follow up at the end
 8 because I believe there is some documentation that may have
 9 been given to the City Council that I haven't seen. So if
 10 there are new issues that come up, I would like a chance to
 11 just respond to those. Is that agreeable?
 12 MAYOR GARNOS: Sure. Is there any other comments or
 13 anything in support of the site plan revision?
 14 BRIAN RUOFF: Well, a real brief synopsis is we've
 15 gone through several meetings, we've made several plan
 16 changes. There were a few issues brought up two weeks ago in
 17 the Planning Commission meeting. We responded to those in
 18 letter. We've agreed to additional landscaping. We've
 19 agreed to the full parapet height, even though I haven't had
 20 a structural engineer do a full analysis of the building yet.
 21 We are going to make that work. And everything else I think
 22 has been explained in that letter. I don't want to go
 23 through it all. I can. But the last thing I would like to
 24 say is, it is a CP3 zoning and we are not changing the
 25 zoning, so I want to remind everybody we are doing our best

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1 to make this site amiable and work for the neighborhood, but
 2 we are in a final plan revision situation.
 3 MAYOR GARNOS: Any questions?
 4 R.D. MALLAMS: I have a question, there was a
 5 question about how the mechanical equipment on the roof was
 6 going to be screened, and I think at the Planning Commission
 7 meeting that had not been decided yet.
 8 BRIAN RUOFF: I've talked to the structural engineer
 9 two or three times on this project. We have an existing
 10 building and existing roof. And what happens is, we are
 11 taking 20 feet off the front of the existing building and
 12 putting a tall wall in front of that building. Well, the
 13 wind load, everybody thinks it is the wind load for that
 14 wall, which is really not the situation. It is really the
 15 snow drift load on the back of that wall on the existing
 16 roof. We have joists that run perpendicular to that front
 17 wall -- basically the building is kind of skewed, but east
 18 and west. That is actually an advantage. But on the south
 19 and north those joists run parallel to that parapet wall so
 20 there is less control structurally on those edges. That was
 21 my biggest concern from the very beginning, was those other
 22 walls, because this is existing roof. We are going to make
 23 it work, basically. We are going -- we've already agreed to
 24 do -- that is not an issue anymore. We are going to
 25 reinforce, we're going to go in there to do whatever we have

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1 to do to make it work. I just don't have a structural
 2 analysis of the existing building.
 3 MAYOR GARNOS: Other questions for the applicant?
 4 MAYOR PRO TEM SUTER: I had a question about the
 5 management company, group. Is this the same one that manages
 6 the Conoco down the street?
 7 BRIAN RUOFF: No.
 8 MAYOR PRO TEM SUTER: What will be the impact from
 9 Conoco's perspective of this facility on that one?
 10 BRIAN RUOFF: Well, since 1999, 2000, 2001 almost
 11 every fuel station in the entire city is not corporate. They
 12 are all independently owned and operated situations, so I
 13 wouldn't -- we have to have market analysis to say exactly,
 14 but --
 15 MAYOR PRO TEM SUTER: I assume you have done market
 16 analysis to decide it was --
 17 BRIAN RUOFF: I don't have mine -- in reality most
 18 of the profit and most of the sales, most of the means for
 19 this is the store. Fuel is not the main driving emphasis.
 20 But that's the traffic generator. But you really want people
 21 to get gas and go into the store and do both. So that comes
 22 into store sales. There is restaurant planned in this
 23 facility and other residual means of income in this, because
 24 it is a 5,000-square foot building still after we are done.
 25 R.D. MALLAMS: This is in Mr. Cuda's letter he

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1 responded back about being agreeable to planting additional
 2 trees on that eastern side, and the plans provided were
 3 evergreens or Spruce, and, you know, I don't have a real good
 4 green thumb or anything, but those two types of trees grow
 5 very, very slowly. What other trees are being planned to be
 6 planted on that east side?
 7 BRIAN RUOFF: We haven't gone back to the landscape
 8 plan in detail, but my suggestion is, and this would be a
 9 staff decision, but there are trees you can plant that grow
 10 very, very fast, but they are not necessarily natural to
 11 Missouri. But those could be intermediate. Because I see
 12 this as layer. We have 35 feet to deal with. You can't
 13 plant oak trees because they fill up -- they are too tall.
 14 You really want 30 foot trees through here because that is
 15 how you get your screening. Because eventually those trees
 16 get too tall for what we're really trying to do. So what you
 17 really want is a variety of trees. I think it also could be
 18 line of sight could be dealt with. We can calculate where we
 19 need More trees, less trees, that sort of things. But I
 20 would say you want two rows of trees, maybe an intermediate
 21 fast growing tree that might be a compromise. They can grow
 22 10 feet a year. There's hybrids out there that will really
 23 grow tall and fast. That would be my solution. However, I'm
 24 not a landscape architect.
 25 KYLE YARBER: One quick question, what is the actual

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1 dimensions of the buffer zone? Is that more a question for
 2 staff?
 3 BRIAN RUOFF: It varies.
 4 KYLE YARBER: I'm talking about the minimum.
 5 AUSTIN GREER: The minimum is 35 feet.
 6 KYLE YARBER: On the site or --
 7 AUSTIN GREEN: Between residential and commercial,
 8 we refer to residential zoning. And that minimum is 35 feet.
 9 Given that this is CP3, it's planned zoning, there is a
 10 little bit of flexibility, but for the most part they meet
 11 the 35, the minimum.
 12 KYLE YARBER: Okay. Thank you.
 13 MAYOR GARNOS: Any other questions? Applicant?
 14 Thank you. Is there anyone in the audience who would like to
 15 address City Council in favor of the site plan revision? If
 16 not, we'll move on to anyone who would like to address City
 17 Council in opposition to the site plan revision, please step
 18 forward with your name and address.
 19 MICHELLE BAKER: My name is Michelle Baker and the
 20 address is 108 the Woodlands. May I approach?
 21 MAYOR GARNOS: Please. These we have not seen
 22 before, correct?
 23 MICHELLE BAKER: The first letter I believe is in
 24 your packet. The other stuff you have not seen, sir. Good
 25 evening. Thank you for allowing me to address you. I come

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1 here before you as a resident for the past 20 years, eight
 2 months and nine days of the Woodlands. I thank you for
 3 affording me this opportunity to speak. I do so as a
 4 resident of the Woodlands and as an HOA Board member where 87
 5 of my neighbors have requested that I speak for them in not
 6 wanting this to go forward. Out of the 95 residents of the
 7 Woodlands, we've only had eight who had said that they
 8 didn't -- they didn't care against it, they didn't care for
 9 it, they were kind of non-committed on it. Please note that
 10 none of those eight are directly affected. They are not any
 11 of the ones that back up to it. As a resident of Gladstone
 12 who wishes to make Gladstone one of the finest cities north
 13 of the river, in the past 21 years, to coin an old phrase
 14 from the '70s, we've come a long way, baby. And we really
 15 don't want to see that go backward. We've already shared
 16 with the Planning Commission our issues. If you look at the
 17 orange tab, that actually goes to the vent pipe emission from
 18 storage tanks at gas stations. There was a study done that
 19 showed the amount of fuel vapors that are released into the
 20 atmosphere from the storage tanks. If you look on the
 21 left-hand side, the highlighted, under the highlights, gas
 22 stations, fuel vapors are released from storage tanks through
 23 vent pipes. The emission factors were greater than 10 times
 24 higher than previous estimates. The blue tab goes over the
 25 vapor studies of gas stations where the fence line was less

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1 than 225 feet and they say that the distance of greater than
 2 30 feet still causes -- uses a distance further of 300 feet
 3 from the fence line of the gas station and it would still
 4 represent a health concern despite compliance with the CARB
 5 guidelines. We are talking less than 35 feet. If you look
 6 at the photographs, I know the overhead photographs Mr. Cuda
 7 had provided with his letter were the satellite imaging
 8 looking down. It doesn't give a true accurate perception of
 9 how close we are talking about the back of the building. I
 10 went and shot these photographs. This is the end of the
 11 building here. This is the fence line. This is standing up
 12 against the fence looking toward the building. This is from
 13 North Chestnut itself out in front and you can see the direct
 14 correlation between where the residents of the Woodlands are
 15 in correlation to the building itself. I was also able to
 16 find crime statistics, the pink tab. And that was from the
 17 FBI 2016 crime statistics. With regards to the number of
 18 convenience store robberies that had gone up significantly.
 19 Compared to 2015, the report found that the number of
 20 convenience stores rose the most among six of the seven
 21 locations that were tracked. 17,401 robberies of convenience
 22 stores which was up 6.7 percent. This is right in our back
 23 yard. If you look on the purple tab, there is the other case
 24 study for convenience stores and crime. There are over
 25 32,000 robberies a year at convenience stores and nearly

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1 11,000 of those will be robbed multiple times. The rate of
 2 the robberies has been described as epidemic and unless cost
 3 effective preventative actions are taken, customers and
 4 employees will continue be at serious risk. Most of the
 5 reported violent crimes occur at night in these locations.
 6 The green tab is an article by Crime and Delinquency on fast
 7 food restaurants and convenience stores. This study was
 8 performed in Seattle. I apologize, I couldn't find a study
 9 that was more conducive to Gladstone. But it showed how the
 10 convenience stores and fast food restaurants influenced crime
 11 patterns over time. And the results demonstrate the high
 12 sales being linked to high crime even when you control the
 13 local socioeconomic status. The two opposing groups are
 14 coming at this site plan revision from two different points
 15 of view. Mr. Cuda is in the game to make money. And he does
 16 that by developing the site. The Woodlands residents are
 17 looking out for their neighborhood. It is not an eight or
 18 12-hour time frame. This is for years and years. This is
 19 where we live and where we raise our families. The site is
 20 proven to have a turnover track record of a minimum of three
 21 different businesses in the past 20 years. Are you willing
 22 to risk the health, well being and valuation of a
 23 neighborhood on a business that might only be there for a
 24 couple of years? We have QuikTrip one mile to the left. We
 25 have QuikTrip one mile to the right. And we have the Conoco

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1 approximately four tenths of a mile from where we are at.
 2 We've already gone over the different issues of the
 3 disruption to the proximity with regards to the residents'
 4 property. The hours of operation, while they were kind
 5 enough to change them so it wasn't a 24-hour convenience,
 6 still 5:00 a.m. to 2:00 a.m. are not hours that are conducive
 7 families. Especially when you look at the houses that are
 8 going to back-up directly behind it. We still take issue
 9 with the large tankers and delivery trucks that are going to
 10 be up and down Chestnut in order to be making the deliveries.
 11 Lights, trash, noise level, and, once again, the vapors. I
 12 would encourage the City Council to not only consider what is
 13 best for the closest neighborhood, the Woodlands, but also to
 14 think what is best for Gladstone. A resident -- the
 15 residents would gladly support another restaurant. We
 16 frequented Tommy's and Tanner's. Tommy's was fabulous. Had
 17 some of the best food around. It stayed packed and any
 18 number of nights you would end up, all your neighbors and
 19 everybody would be sitting out having some of the best
 20 chicken fingers in Gladstone. We would gladly support a
 21 restaurant. But we do not and we are heart-felt in our plea
 22 that you please, please, do not accept a convenience gas
 23 station in our back yard. Thank you for your time.
 24 MAYOR GARNOS: Thank you. Any questions from
 25 Council? Okay. Is there anyone else who would like to

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1 address City Council in opposition to the proposed site plan
 2 revision? Give us your name and address.
 3 JOHN CHAPMAN: John Chapman, 118 the Woodlands, just
 4 downstream from where the station will be. I just want to
 5 add to what Michelle said. The problem with the fumes is not
 6 just an odor problem. I've read the same article she is
 7 referring to. The problem is the carcinogen benzene present
 8 in gasoline. We are exposed to that, and no amount of trees
 9 or screening is going to prevent the air from getting from
 10 that station down to my home. The other article that I
 11 researched talks about the problem with small gas spills on
 12 concrete. Now, the problem there is not the tank rupturing.
 13 The problem is just the drip, drip, drip, of the everyday --
 14 concrete is porous, seeps through the concrete, gets into the
 15 soil, and I'm downstream from that. I just wanted to add to
 16 those concerns. Thank you.
 17 MAYOR GARNOS: Thank you. Is there anyone else who
 18 would like to address City Council? Please give us your name
 19 and address.
 20 JOHN McINTOSH: John McIntosh, I'm at 135 the
 21 Woodlands. You know, I've lived in the community just two
 22 years. I moved from the City of Whittier in California. And
 23 we chose this community because we love the quaintness of the
 24 community, the trees. And the traffic was very minimum.
 25 Now, the proposal for this gas station and convenience store

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1 on this site, to our community, the question came to me was
 2 why? Why do we need a gas station when we have five gas
 3 stations within a mile and a half to two miles in between
 4 each other? Why have another one? Now, we understand
 5 democracy and we have a basic understanding of economics.
 6 Supply and demand. But in this case we don't have a demand
 7 for a gas station. But our supply is constituted as good.
 8 I've never had a conversation with any of my neighbors saying
 9 that, you know what, John, I couldn't get into the gas
 10 station because the line was so long, or I didn't get able to
 11 buy bread because I didn't have a convenience store. I never
 12 had that conversation. So why do we need another gas station
 13 and a convenience store? As Michelle has eloquently stated,
 14 the crime rate, we don't need to bring in unnecessary crime
 15 into our community. This project will not only in the long
 16 run bring our property value down and cause long-term issues
 17 in the community, this community we live in is a mature one.
 18 We don't need to put another gas station in. Now, like I
 19 said, I've been here only two years, so forgive me if I name
 20 the streets incorrectly, but if you were to go north down
 21 toward the 152, there is a new housing project that is being
 22 built over there. I would suggest Mr. Cudo and his friends
 23 go down there and ask them to put the gas station down there.
 24 Because there is no gas station down in that area. But in
 25 our area, we just don't need it. So I would respectfully ask

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1 the counsel to reject this proposal on our behalf because we
 2 like our community just as it is. Thank you so very much.
 3 MAYOR GARNOS: Is there anyone else who would like
 4 to address City Council in opposition to the proposed site
 5 plan revision?
 6 JANET KLINE: Hello, Janet Kline, and I live in the
 7 cul-de-sac directly behind the property at 6221 North
 8 Chestnut. I live at Number 128 and I have been there 21
 9 years. I still, like everybody else, have concerns about the
 10 petroleum vapors and the truck delivery. It does sound like
 11 they discussed the dumpster problem when Tanner's was there.
 12 As soon as I moved in, 6:30 in the morning, boom,
 13 dumpsters -- I thought we were getting shot at then. That
 14 was 21 years ago and that really didn't happen out here. But
 15 now hopefully everybody will comply, because I think
 16 Gladstone is 7:00 a.m. or later before they dump dumpsters.
 17 But I think that is a problem. And that happened again when
 18 Tanner's was there. I have an alarm system. I use it
 19 probably 20 hours out of the day. I feel confident if that
 20 goes through I'll be using it 24 hours a day. I don't feel
 21 safe even being in my front yard with the garage door open
 22 with all the crime that could happen. Armed robbery. It is
 23 right in my front yard, because the front of my house faces
 24 the back of that building. Again, as everybody else has
 25 said, there is four convenience stores with petroleum within

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1 a one mile radius. Do we really need five of them right
 2 there? Thank you for your time.
 3 MAYOR GARNOS: Thank you. Any other comments?
 4 Please.
 5 JOE KLINEMORE: My name is Joe Klinemore. And my
 6 wife and I live at 127 Woodlands. We are in the house
 7 directly behind the building so we are probably more affected
 8 than anyone with the change of -- from a restaurant to a gas
 9 station. We've lived here since 2003. For the most part,
 10 the businesses in the past haven't been a big problem. We
 11 had trash problems and things with Tommy's. Tanner's were
 12 good neighbors. We really never had any problem with them.
 13 But we really are concerned about the lights, the noise, and
 14 most of all the fumes. You know, when Tanner's was there, it
 15 really -- we could sit on our deck and really it smelled good
 16 because they had a lot of -- they were cooking all the time.
 17 I'm very concerned that it's going to go from that to
 18 gasoline fumes. So, anyway, we are close. Our back fence
 19 is, as Michelle said, is 18 -- 18 Michelle Baker steps from
 20 the back of the building to our fence. So it is very close.
 21 And we are also concerned about, they are talking about some
 22 curbing and some changes along the back. We've -- there is
 23 four houses -- our house and three other ones that we are at
 24 127, 123, 125 and 129, we all got water in our basement this
 25 last two years since the McDonald's project went in. Now, we

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1 talked to the City and the City said they can't see any
2 reason why that would happen. But all the years -- we've
3 been there since '03 and the neighbor had been there over 20
4 years, he had never had any water. So we are concerned about
5 the changes in the fence line, too, is it going to bring more
6 water over the fence. Even though we are close, we are also
7 downhill, too. We are down -- we look up to see the building
8 from the -- from our house. Anyway, we feel certain that the
9 zoning from a restaurant to a gas station is going to be
10 negative for our property values. And we just don't feel we
11 need another gas station. So we ask that you not approve the
12 project as it's applied for.

13 MAYOR GARNOS: Thank you. Is there anyone else who
14 would like to address City Council in opposition to the site
15 plan revision?

16 STEVE GEISINGER: Steve Geisinger, 102 the
17 Woodlands. And I'm not going to repeat, I think they've done
18 a good job of explaining a lot of things. I guess I would
19 like to point out just a few things. We've been there 23
20 years, moved here from Omaha. And we love Gladstone. We
21 love being up here. You-all have done a good job and Council
22 has done a good job of planning, I remember sitting and
23 talking to Kirk Davis about what was going on in Johnson
24 Farms and over here in this area and downtown Gladstone.
25 Both of those were long-term projects. Mr. Cuda said, well,

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1 that property is taking six months and they haven't been able
2 to sell it. I don't know that I care about the six months.
3 I think I'm more interested in what is the long-term plan for
4 that whole area along there. The QuikTrip had a convenience
5 shop in there, and they are gone. They moved to the other
6 end. And quite frankly I think it was a good thing because
7 there were issues that came up with that and we ended up
8 having people running through the neighborhood and the police
9 chasing them. It's just not a good situation. And the other
10 thing is that we really like having CVS handy. It is going
11 to be in competition with a convenience store if they are
12 serving alcohol, a lot of the other things. Maybe there is
13 something there that we are not seeing. But the one thing
14 that they are proposing is taking those hours and extending
15 them into the wee hours of the morning, and we just don't see
16 it to be favorable. So, again, I would impress upon you to
17 take these things into consideration. Let's try to put
18 together a long-term plan for everything from UMB past Lawson
19 Bank. Lawson bank, it is too bad they left, but it is a
20 beautiful building. And having more things that look nice
21 like that and not just a refurbished old building would be
22 beneficial to, I think, all of the Gladstone community.
23 Thank you.

24 MAYOR GARNOS: Thank you. Anyone else who would
25 like to address City Council in opposition to the site plan

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1 revision?

2 CORNELIA LONG: Cornelia Long, 17 the Woodlands.
3 And would you want to live next to this? If it were your
4 property and you had been there 17 years? And loved your
5 area? Thank you for your service.

6 MAYOR GARNOS: Thank you.

7 ZACHARY SKINNER: Zachary Skinner, 105 the
8 Woodlands. My wife and I moved in just coming up on a year
9 ago. We have a 17-month-old daughter. My father was born
10 and raised in Gladstone, so it's nice for me to be able to
11 bring it back and raise my family in Gladstone. The
12 Woodlands was a huge draw to us. The building was empty even
13 when we moved in, so as a restaurant it didn't really affect
14 me. However, looking forward, I know I've got some neighbors
15 who have young children similar in age to my daughter who do
16 live very close to that area of the Woodlands. And they've
17 already spoken about if it becomes a gas station they will
18 consider moving. And I look down the line and wonder, can my
19 daughter have friends in our neighborhood? Especially at
20 that end, as Steve pointed out, if gasoline isn't the main
21 income, convenience stores also have plenty of competition in
22 the area, along with any number of fast food restaurants all
23 the same. Thank you.

24 MAYOR GARNOS: Is there anyone else who would like
25 to address City Council?

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1 VERNA DECENIMA: Verna Decenima, 123 the Woodlands.
2 As a crow flies I'm about 250 feet away from where this
3 facility is going to be potentially put in. I'm one of the
4 people with small children. I have four children. That was
5 the draw of moving into the Woodlands, it seemed like a quiet
6 environment to raise children. My main concern is the health
7 of my children being so close, them playing in the back yard
8 and having fumes, ground water being contaminated. In
9 addition to the one study that was referenced, I was able to
10 find a few peer reviewed journals, specifically the American
11 Journal of Public Health. And basically the study, it was a
12 consolidation of multiple studies over the past 20 years, and
13 the residential proximity to environmental hazards and the
14 negative health ramifications it can have to children. And
15 just reading it just gets me upset. So it's really hard not
16 to be upset because there has been a direct correlation
17 between being next to these residential hazards and the raise
18 of not just leukemia in children but leukemia deaths. The
19 study actually says significant trend towards gas station
20 densities and an increased risk of childhood leukemia deaths.
21 So I'm there. I have four children. I understand I'm just
22 one home with one children, but my main concern is the health
23 of my children. I know if a gas station is there, I'll move
24 as soon as I can, as soon as financially I can move. I will
25 be moving, and I'll have to just because of my concerns of

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1 the health. And some people might be okay with that. But
 2 just knowing that there is studies that point towards
 3 childhood leukemia just is something I can't endanger my
 4 children with. I do agree with one statement about the
 5 health studies, there hasn't been too many health studies.
 6 There hasn't been too many studies in regards to like they
 7 were saying the slow drips and the penetration. There has
 8 been big studies for big spills. And there are a lot of
 9 questions on whether the slow penetration will still hit us,
 10 as my neighbors have stated, it is a downward slope. A big
 11 rain storm, that water is going to come over and hit my back
 12 yard. It is just, further concerns that any small drips,
 13 even big ones, can definitely negatively impact my children
 14 is a great concern to me. Thank you.

15 MAYOR GARNOS: Thank you. Anyone else in
 16 opposition who would like to address the Commission?

17 MERLE WATT: Merle Watt, 34 the Woodlands. My
 18 address is focused on rejecting this project at this time.
 19 My background and a registered professional engineer spans
 20 more than three decades. And tonight it really warmed my
 21 heart to hear two phrases that tie in with the main point I
 22 want to make about an economic impact assessment. Earlier I
 23 heard a comment marketing study. Later on twice tonight, at
 24 least twice, I have heard comments alluding to property
 25 devaluation. These are phrases -- there is nothing that has

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1 been presented by the project ownership or representation
 2 that states there will be no economic impact as a result.
 3 There is none that says there will be a net economic
 4 improvement to the City for the incremental additional
 5 business that will come from a building that is now
 6 un-occupied, especially when compared with the cost for
 7 public safety and other factors that go in for having that
 8 building. Now, excuse me for backing up just a little to an
 9 earlier presentation this evening where you were requested to
 10 approve a one half of one percent increase in taxes. Some
 11 part of that went to public safety. Mostly we think of
 12 public safety as police, first responders. There is more.
 13 There is people who are interested in health conditions,
 14 inspections, things of this nature. So to put some meat on
 15 the bone and some real numbers, let me just pose to you the
 16 fact that since this project has become known in the
 17 Woodlands, I know personally of three houses that have gone
 18 up on the market. Tonight I heard of a fourth one. I know
 19 of a fifth one that said when he moved in two years ago his
 20 next stop was going to be the grave yard. Because that is
 21 where he wanted to be until he went to the grave yard. And
 22 so he is No. 6. So let's take a look at just some easy
 23 numbers so I can conclude and sit down and we can all go
 24 home. There are two basic groups of housing types in the
 25 Woodlands. I live in a town home. The typical value of

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1 those, let's put it at about 225,000 on the market today.
 2 There is another segment, about the same number of units a
 3 few smaller, those are single family houses, three car
 4 garages, two stories, quite nice, typically that would be
 5 about 325 to \$340,000. Just conservative. I'm not a
 6 financial -- certified financial planner, but part of 38
 7 years of engineering gets you involved with numbers and
 8 making presentations and quantifying things. So my
 9 conclusion is that it is quite likely that the preponderance
 10 of my experience says the property values will go down soon
 11 and for a long time if this project is approved. So how much
 12 could they go down? Let's take something minimal. 10 to 12
 13 percent. That is within the negotiating range if you put
 14 your house on the market. You are going to put it here and,
 15 you know, it's going to come down. Same for everybody. So
 16 this sum aggregate of 10 to 12 percent times each house of
 17 its type collected together is around 2 million dollars. I
 18 don't have any hair and I don't have 2 million dollars, but
 19 what I think needs to be done, and I did ask for this in the
 20 Planning Commission so I'm not a Johnny-come-lately, is where
 21 is the developers and the owners economic impact analysis
 22 that does quantify with certified financial planners what the
 23 impact is and how long that could exist? Think in terms when
 24 housing prices start going down, they don't traditionally go
 25 up very fast. So my assessment as a rookie, 10 years, 2

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1 million dollars down. Now, that could easily be set up from
 2 the proceeds of the sale of the property. It could easily be
 3 set up by the future owners if they want to participate in an
 4 offset contribution into a trust. There are many different
 5 solutions. But no one has addressed a quantified fact that
 6 exists and no one in favor of this project has stated that it
 7 doesn't exist. So I conclude, let's go home, reject the
 8 project. Thank you.

9 MAYOR GARNOS: Do we have any other members of the
 10 audience that would like to address City Council in
 11 opposition to the site plan revision? If not, as I promised
 12 earlier, I would like to give you one opportunity to respond
 13 to some of the comments, please.

14 CHUCK CUDA: Chuck Cuda, 6051 North Chestnut Avenue.
 15 I just want to address a couple things that I heard, you
 16 know, in the last few speakers, because I don't remember all
 17 of the objections, but I've tried to address most of those in
 18 the letter and what we've agreed to do. As far as the
 19 economic impact, I'm putting my money where my mouth is. If
 20 you could scroll down a little bit, Kendallwood nursing
 21 facility, I am 25 percent owner of that project. So that is
 22 going to be a 114-unit project in the 12 to 15 million dollar
 23 range. So if I thought that this was going to hurt values, I
 24 wouldn't be doing this project. That is one thing. If I
 25 thought this was going to cause leukemia, I wouldn't be doing

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1 this project. My dad is a follicular Non-Hodgkin's lymphoma
2 survivor. I chaired the leg that I walked this year and
3 raised over a million dollars for LLS, so if I felt those two
4 things were issues, they just come to mind because they were
5 the last ones said, I wouldn't be doing this project. So
6 with that being said, I'm willing to accommodate, you know,
7 all of the staff's requests and most of the neighborhood
8 requests. Thank you.

9 MAYOR GARNOS: Thank you Mr. Cudo.

10 BRIAN RUOFF: I do not know what you have in front
11 of you, we have not seen that, so based on the commentary I
12 have heard I would like to make sure we are looking at this
13 objectively and currently because I think one of the studies
14 may have come out of California, which is a state that is
15 very sensitive. But what we have to understand is, 20 years
16 ago there was a Phase 1 implemented. That is where
17 there's -- the tankers fill up at the tanks. They put a hose
18 over that and when the fuel goes into the tank, the fumes
19 come out, it goes back into the tanker and they take the
20 fumes back with them. So it circulates -- those fumes are
21 captured by the tanker. So the vents aren't nearly as active
22 as they used to be on the tanks. The vents I normally would
23 put -- I'm not a fuel engineer, but I've done a lot of these,
24 but normally we put those vents up above the canopy to get
25 them 30 feet in the air. It is better for ventilation and

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1 not as aesthetically a problem. But those vents can go all
2 the way out at the street. They can be 300 feet away from
3 residents, if we want to -- if we choose to do that. That is
4 some compromise there. But the other thing I want to get to
5 is there has been discussion of going to what is called Phase
6 2, which is what California has when you go out and they have
7 a big hose that is capturing the fumes coming out of the car
8 tank. That is a big pollutant. Modern cars for several
9 years now, they have built-in Phase 2. They capture the
10 fumes themselves in the tank. It is part of the system on
11 modern cars. Older cars don't have that. But going forward,
12 contemporary cars have that feature. The fume situation is
13 more -- has rectified itself over the last few years and I
14 want to make sure the studies aren't going into old data. I
15 just want to leave it like that.

16 R.D. MALLAMS: Brian, may I ask a question, while we
17 are talking about the vent pipes, what is the distance for
18 the vent pipes, the way they are configured now, to the
19 closest property line?

20 BRIAN RUOFF: I don't have them in -- I haven't
21 gotten construction documents. Normally I would run them up
22 a canopy. I don't know what the distance it would be from
23 the center of the canopy close to the tanks to the nearest
24 property line, which would be 250 feet. 200 something.

25 MAYOR GARNOS: The canopy over the gas pumps?

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1 BRIAN RUOFF: Yes, we would run up one of the
2 columns of the canopy. You'll see other fueling sites,
3 you'll see two or three pipes sticking up -- that is what
4 those are. As far as fuel spills on paving, I've demo'd and
5 remodeled 40 stations over the last 20 some years and there
6 is never fuel contamination in the soil from the concrete.
7 It's almost always from a piping issue or some other
8 malfunction. As I described to the Planning Commission two
9 week ago, that is another situation where contemporary modern
10 technology, two years ago Missouri mandated double-walled
11 tanks, so all tanks that go in the ground are double wall.
12 So if there is a leak on the inner wall, interstitial space
13 sets off alarm, shuts down the system and everybody comes out
14 to do pressure tests. Tanks should never be an issue in a
15 modern situation. The fuel lines are normally rigid piping
16 and they are pressurized, so what happens is there is a pump
17 that puts the fuel into the car. When the pumps stop
18 running, because they don't run all the time, they test the
19 pressure. If there is a pressure drop when the pumps aren't
20 running, that sets off an alarm so they know there is an air
21 leak or some kind of leak in the pipe system. So there is
22 less and less of that as time goes on. Now, I also admitted
23 two weeks ago that it is not 100 percent. You can't
24 guarantee everything. But if everything is done right,
25 that's generally not a problem. Some of these other studies

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1 I have no knowledge of because I haven't seen. So I can't
2 really do a rebuttal on some of these other statements that
3 have been made, because this was all new documentation to us
4 tonight.

5 R.D. MALLAMS: I would like to go back to the vent
6 pipes, Brian. You said you can put them out at the street.
7 How would that look? I mean --

8 BRIAN RUOFF: Normally they just stand up and there
9 are three pipes. And you might have five because normally I
10 would support them with another -- you have three -- well,
11 you have diesel, but you have pipes that vent those. Those
12 are really just to make sure the system operates. They are
13 not always venting. They actually have a control ball. They
14 are not venting constantly. They are only venting when there
15 is a pressure issue. So they do vent, but they are not
16 venting constantly.

17 R.D. MALLAMS: One of the studies referenced large
18 stations, but it wasn't defined what a large station was.
19 How many pumps?

20 BRIAN RUOFF: We have five islands which will be 10
21 fueling sites.

22 R.D. MALLAMS: Thank you, Mayor.

23 BRIAN RUOFF: But I openly want to do as much as we
24 can to do everything we can to make everything as good as it
25 possibly can be. But it's an existing building, you know, on

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1 an existing site. I can only move things so far.
 2 MAYOR GARNOS: Questions, comments? Thank you. Any
 3 further testimony from the audience, from City Council?
 4 Please.

5 GWEN VANDEVER: I'm Gwen Vandever, 45 Woodlands. I
 6 hadn't planned on saying anything tonight but what -- and I
 7 know Mr. Cuda. I'm a real estate broker. I'm with Re/Max.
 8 I've been there almost 40 years. I am absolutely vehemently
 9 opposed to this. Not only do I feel that it is going to be
 10 detrimental to our community, the Woodlands, I think it will
 11 be detrimental to a lot of the little businesses around
 12 there. I do have concerns as the other mothers do about how
 13 this is going to affect children. I have seven grandsons.
 14 And I could have bought anywhere, but I have wanted to live
 15 in the Woodlands for a very long time. I've been widowed for
 16 almost 17 years. I feel safe there. And with this coming
 17 here, I do not feel safe. And I'd just like to ask Chuck,
 18 would you put this in your back yard? I don't think so. So
 19 thank you for your time.

20 MAYOR GARNOS: Thank you. Any further testimony
 21 from the audience? Any more comments from City Council or
 22 City staff? If not, I will declare the public hearing
 23 closed. We will move on the ordinance approving the site
 24 plan revision for 6120 North Chestnut Avenue.

25 (Motion made to place 18-45 on its first reading,

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1 seconded and carried.)

2 MAYOR GARNOS: Madam Clerk, please read the bill.

3 MADAM CLERK: First reading, Bill No. 18-45, an
 4 ordinance approving site plan revision for property at 6221
 5 North Chestnut Avenue.

6 (Motion made to accept first reading, waive the rule
 7 and place it on the second and final reading, seconded and
 8 carried.)

9 (Madam Clerk read the bill.)

10 (Motion made to accept the second and final reading
 11 of Bill 18-45 enact as ordinance 4.452 and seconded.)

12 MAYOR GARNOS: Been moved and seconded to accept the
 13 final reading of bill No. 18-45 and enact 4.452. Is there
 14 any discussion?

15 MAYOR PRO TEM SUTER: I'll be the first.

16 MAYOR GARNOS: Mayor Pro Tem, very brave.

17 MAYOR PRO TEM SUTER: I certainly appreciate the
 18 interest in developers and wanting to invest in Gladstone,
 19 because we certainly are interested in making it a better
 20 place. I'm mostly interested in making it a better place. I
 21 have grave concerns about the intensity of the use of this
 22 property. While it doesn't require a new zoning change,
 23 going from a restaurant-type facility to a gas station is a
 24 whole different kind of enterprise. Clearly the lighting,
 25 the noise, the fumes, I'll agree kind of with all that I

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1 can't even stand to be outside my car when the car is being
 2 fueled. They are all elements. Longer hours of operation
 3 causes more disruption; all of those things I think clearly
 4 will have a negative impact on the immediate neighborhood. I
 5 think the measure of success of a community is often the
 6 measure of the trust between citizens and elected officials.
 7 And when people make investments of their homes and where
 8 they are going to have their families live and be raised
 9 that's based on a trust that the community is going to
 10 respect those investments and somehow try to preserve them.
 11 When I look at the neighborhood I want to live, I look at
 12 what is around the neighborhood, not just the specific house
 13 itself. And the Woodlands is one of the finest developments
 14 in the entire Northland. It is one of the attractions, one
 15 of the magnets that brings people to Gladstone and helps them
 16 to stay here. I don't want to violate the trust that those
 17 people put in me as an elected official or in this City by
 18 doing anything that would obviously hurt the enjoyment of
 19 that property and the value of that property and disrupt
 20 their lives there. So there is no way I can support putting
 21 a gas station in this location. The intensity of this
 22 operation will definitely have a negative impact on the
 23 neighborhood, so I will be voting against this application.

24 MAYOR GARNOS: Thank you. Are there comments?

25 JEAN MOORE: As the Council representative to the

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1 Planning Commission, I have had the opportunity to hear the
 2 residents in this room speak at the Planning Commission and
 3 also tonight. And I along with Mayor Pro Tem Suter, when I
 4 consider the issues like lights, noise, fumes, public safety,
 5 the compelling comments that each of you have made about the
 6 negative impact of this proposed development on your
 7 properties and on your lives, I cannot support this measure.

8 MAYOR GARNOS: Thank you. Other comments?

9 R.D. MALLAMS: Mayor, like Council Member Moore, I
 10 attended both of the Planning Commission meetings to gain an
 11 understanding, to gain knowledge of the proposal. I
 12 understand your concerns voiced by the residents of the
 13 Woodlands. And I believe, Mr. Cudo, you've done a good job
 14 addressing some of the concerns that the residents have. And
 15 I came in this evening with an open mind and, again, I wanted
 16 to listen here and then make a decision based upon what I
 17 thought was in the best interest of our community. And
 18 because of that, I can't support the proposal.

19 KYLE YARBER: Certainly the biggest concern I have
 20 regarding any issue is the environmental impact on public
 21 health. I have a six-year-old daughter. I completely
 22 understand residents having concerns. And it is not just the
 23 if fumes you smell, but the stuff that you don't smell, all
 24 the things we've learned years later of the impact of
 25 gasoline on developmental -- I'm surprised I can even speak

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1 growing up around lead had gasoline back in those days. I am
2 an example of the damage done, some people would say. So I
3 am, I share those concerns people raising young children near
4 this -- potentially raising them near this much fuel. Even
5 with the safest system design, still, they always have a
6 percentage of times when those systems fail. Nobody has come
7 up with a system yet that is 100 percent. So I would be
8 against this for those reasons. All the other reasons are
9 very valid. But that reason alone is enough for me.

10 MAYOR GARNOS: Thank you, Councilman. I had a
11 couple comments, too. I struggled with this coming with an
12 open mind. Many years ago on the Planning Commission we had
13 a proposal before us to look at putting in 100 townhouses in
14 that green space behind Family Video just off of 72nd. That
15 came to Planning Commission and we had every resident
16 surrounding that property came to Planning Commission and did
17 not want 100 townhomes there, noise, lights, traffic, that
18 nearest intersection. There was nobody that wanted that
19 green space turned into 100 townhouses. Myself included,
20 because I live near there. But one of the things I realized
21 when we were doing that is we weren't sitting there trying to
22 vote on would you rather have a park and green space or would
23 you rather have 100 townhomes. That was not the question
24 that was before this. This was private property. The person
25 wanted to do their -- use their own money and make -- run

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1 their own business out of it. And in my mind, it -- that
2 makes a very high bar for the City to say, you can't do that.
3 If a developer has jumped through all the hoops, complied
4 with everything that the City has put before it, including
5 agreeing to all the conditions that have been recommended by
6 staff and the Planning Commission, I think it's very
7 difficult to oppose a development just because we don't like
8 it or that is not what we want to see there. And even in
9 terms of highest and best use for myself, I don't want to see
10 a gas station there. I think that whole area is awkwardly
11 laid out and this is what is going to happen when this is a
12 weird building shoved so far back on that property, and I'd
13 just as soon bulldoze the whole thing and start over,
14 re-organize it the way it should have been in the first
15 place. But we don't get to vote on what we want to see
16 there, what we would rather see there. And we don't get to
17 vote on only supporting the highest and best use for the
18 property. I don't think that this is it. But I don't know
19 that that is the question before us that we can -- we are
20 here to decide and make a decision on. I also have to look
21 at the work that has been done up to this point. City staff
22 recommended approval of this. The Planning Commission, who
23 has heard this and all the issues twice, also recommended
24 approval. It was not unanimous. I think the vote was nine
25 to three. But the Planning Commission voted to approve and

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1 City staff voted to approve and that has to carry some weight
2 with City Council. I've been persuaded that Mr. Cuda has
3 been very responsive or attempting to be responsive to the
4 neighborhood's concerns. I thought the letter that you wrote
5 on November 27th was very persuasive to me responding to the
6 issues that have previously been raised in the November 19th
7 Planning Commission meeting. Had you not written that
8 letter, I would have been persuaded by the comments made at
9 Planning Commission. But I appreciated your letter and your
10 response to the issues that the people had raised. But in my
11 mind, this is not what we want to see there. But the private
12 property, I think the willingness to comply with City
13 restrictions doesn't give me a lot of reasons to impose my
14 judgement over theirs as to the business they want to run
15 there. And I think that is my -- the issue I'm wrestling
16 with here. It is not the highest and best use, but that is
17 not what we are voting on tonight. I don't know that we have
18 a right to try to impose that. But that is my opinion and
19 that is why there is five of us. So is there any other
20 questions, comments, issues? Are we ready to go to a vote?
21 Madam Clerk, please call the roll.

22 MADAM CLERK: Councilman Kyle Yarber?

23 KYLE YARBER: No.

24 MADAM CLERK: Councilman Mallams?

25 R.D. MALAMS: No.

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1 MADAM CLERK: Counsel Member Jean Moore?
2 JEAN MOORE: No.
3 MADAM CLERK: Mayor Pro Tem Carol Suter?
4 CAROL SUTER: No.
5 MADAM CLERK: Mayor Bill Garnos?
6 MAYOR GARNOS: I'm going to vote yes. Bill No.
7 18-45 fails and will not be enacted.
8 Item 17, any other business for the City Council
9 this evening? If not, we stand adjourned.
10 (Adjourned.)
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C E R T I F I C A T E

I, Nicole M. Calcara, Certified Court Reporter, do hereby certify that on November 19, 2018, I was present and reported all of the proceedings in the Gladstone City Council Hearing; I further certify that the foregoing 48 pages contain a complete and accurate transcription of the proceedings.

C.C.R. #930

Official Court Reporter

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GLADSTONE CITY COUNCIL HEARING - 12/10/2018

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GLADSTONE CITY COUNCIL HEARING - December 10, 2018

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GLADSTONE CITY COUNCIL HEARING

Monday December 10, 2018

Appearances:

Assistant to the City Manager Greer

City Planner Alan Napoli

Member Kyle Yarber

Mayor Pro Tem Carol Suter

Mayor Bill Garnos

Member Jean Moore

Member R.D. Mallams

City Clerk Ruth Bocchino

City Manager Scott Wingerson

NICOLE M. CALCARA, C.C.R.
for
CROSS REPORTING SERVICE, INC.

1 MAYOR GARNOS: Good evening. I'd like to welcome
2 everyone to the December 10, 2018, regular meeting of the
3 Gladstone City Council and call this meeting to order. Madam
4 Clerk and all the members of City Council are present. We
5 have a quorum. Third item is the pledge of allegiance.

6 (Pledge of allegiance.)

7 MAYOR GARNOS: Next item on the agenda is the
8 approval of the agenda for tonight's meeting. Does anyone
9 have any issues or problems with the agenda for this evening?
10 Hearing none, the agenda is approved.

11 Next item is the approval of the minutes from the
12 November 26, 2018, regular City Council meeting.

13 R.D. MALLAMS: I move to approve the minutes from
14 the November 26, 2018, regular City Council meeting.

15 (Motion seconded and carried.)

16 MAYOR GARNOS: We'll move on to Item 6, appointment
17 of ward and commission members. As you know, the City of
18 Gladstone and the City Council rely very heavily on various
19 boards and commissions. They are the basis of our citizen
20 engagement, which is the foundation of our City's government.
21 Each year several members of our community serve on our
22 boards and commissions. Each year we have a few vacancies
23 and each year we interview new applicants who are interested
24 in serving. We also have a number of reappointments each
25 year for people who continue to serve on our boards and

1 commissions, some for a long, long time. I believe in
2 January we will be recognizing our outgoing boards and
3 commission members for their service. The boards and
4 commission appointment recommendations for City Council
5 action tonight are as follows: For arts commission,
6 reappoint of Holly Buckholtz and Sid Robins with terms
7 expiring December 2021. For board of zoning adjustment, new
8 appointments of Daniel Borer and Aaron Brumgart for terms
9 expiring in December 2023. For building commission, the
10 reappointment of Brenda Lowe with a term expiring December
11 2021. For capital improvements program, new appointments of
12 Michelle Sanderson with a term expiring in December 2021, and
13 Renee Hill with a term expiring in December, 2019. For code
14 board of appeals, we have the reappointment of Ken
15 Christensen and Dennis Garrison, with terms expiring in
16 December 2021. For the environmental management advisory
17 board, we have the reappointment of Julie Kahn, George Smith
18 and Eric Woods with terms expiring December 2021 and a new
19 appointment of Dallas Esencio with a term expiring December
20 2020. For the neighborhood commission we have a
21 reappointment of John Day with a term expiring in December
22 2021. Parks and recreation advisory board, we have the
23 reappointment of Jason Sharpstein with a term expiring in
24 December 2021 and new appointments of Ronald Wages with a
25 term expiring in December 2019 and Warren Prone with a term

1 expiring December 2021. Planning commission, we have the
2 reappointment of Chase Cookson, Jennifer McGee and James New
3 with terms expiring in December 2022 and a new appointment of
4 Nathan Hernandez with a term expiring in December 2022. And
5 the ever popular tax increment financing commission we have
6 the reappointment of Sharon Yuler and Pete Hall with terms
7 expiring in December 2022. Is there a motion to accept these
8 boards and commission appointment recommendations?

9 (Motion made, seconded and carried.)

10 MAYOR GARNOS: The board and commission appointments
11 are hereby approved. I know many of these individuals are
12 here tonight. So, if I called your name, would you please
13 stand and be recognized as a reappointment or new
14 appointment? Thank you all for your time and your interest.
15 In the words of the great Dr. Seuss, without someone like you
16 who cares a whole awful lot, nothing is going to get better,
17 it's not. Thank you for stepping forward and helping to make
18 Gladstone a great place to live. We'll move on to Item 7.
19 Madam Clerk, would you please explain the consent agenda.

20 MADAM CLERK: Consent agenda allows the City Council
21 to consider and approve routine items of business without
22 discussion. Any member of the City Council, the City staff
23 or the public may request removal of any item from the
24 consent agenda and request that it be considered under the
25 regular agenda of discussion or debate if the item is

1 desired. Items not removed from the consent agenda will
2 stand approved upon motion by any council member, second and
3 unanimous vote to approve consent agenda as published or
4 modified. Resolution R-18-69, a resolution authorizing
5 acceptance of work under contract with Play and Park
6 Structures Incorporated for the Meadowbrook Park playground
7 and shelter replacement project authorizing final payment in
8 the amount of \$34,703.03 for project CE, 1864 resolution
9 R-18-70, a resolution authorizing acceptance of work under
10 contract for Security(Inaudible) Asphalt Company, LLC, for
11 the 2018 (Inaudible) program project and authorizing final
12 payment in the amount of \$42,656.63 for project TP 1906.

13 MAYOR GARNOS: Thank you. Does any member of the
14 audience request a removal of any item from the consent
15 agenda for discussion? City Council?

16 (Moved and seconded.)

17 MAYOR GARNOS: It has been moved and seconded to
18 approve the consent agenda as published.

19 (Vote taken.)

20 MAYOR GARNOS: Consent agenda is approved. We'll
21 move on to the regular agenda and start with communications
22 from the audience. Is there any member of the audience who
23 would like to address City Council on a matter that is not on
24 this evening's agenda? If not, we will move forward with
25 communications from City Council. Councilman Yarber.

1 KYLE YARBER: Well, every year feels like it goes
2 faster. This year certainly has felt that way. Just want to
3 wish everyone happy holidays.

4 MAYOR GARNOS: Thank you. Councilman Mallams?

5 R.D. MALLAMS: No comments.

6 MAYOR GARNOS: Ms. Moore?

7 JEAN MOORE: No.

8 MAYOR GARNOS: Mayor Pro Tem Suter?

9 MAYOR PRO TEM SUTER: I just wanted to say it was my
10 pleasure to attend the Mid-America Regional Counsel event the
11 other day. Gladstone received two sustainable success story
12 awards. One for our Hobby Hill Park and one for our energy
13 savings program. It is always good to be in that kind of
14 good company to get recognized. Also it was a lot of fun
15 today to be part of the soft opening for Summit Grill, which,
16 if people don't know, will be open to the public on
17 Wednesday, and they are already booking up. An exciting
18 development for Gladstone. I just wanted to thank all of the
19 folks who applied for board and commission appointments. It
20 is always one of the fun things that we get to do as council
21 members is just a great opportunity to see and get to meet
22 lots of people that we might not otherwise. It was
23 particularly interesting this year how many folks who were
24 new to Gladstone who wanted to get involved, and so the
25 results were this kind of great slate of lots of new people

1 to get involved in boards and commissions. Look forward to
2 your service and also happy holidays.

3 MAYOR GARNOS: Thank you. I wanted to thank the
4 members of City Council for all the time everyone has been
5 putting in lately. We've had board and commission
6 interviews, we've had all-day goal setting, performance
7 evaluations, not to mention all the fancy banquets, luncheons
8 and breakfasts we've been allowed to attend. It will be five
9 weeks until our next regular meeting. However, we reserve
10 the right to continue to micro-manage the City's operations
11 during this time -- I'm sorry, provide broad policy direction
12 during our break. Mr. City Manager?

13 CITY MANAGER WINGERSON: Just following up on that,
14 thank you for your service for another year. And safe and
15 happy holidays to everybody.

16 MAYOR GARNOS: We'll move on to Item 11, the first
17 reading of Bill No. 18-43, an ordinance approving the re-plat
18 of 605 and 607 Northeast 75th Terrace, Gladstone, Clay
19 County, Missouri, and directing the appropriate officials to
20 affix their signature to said plat for recording.

21 R.D. MALLAMS: I move to replace Bill No. 18-43 on
22 its first reading.

23 (Motion carried.)

24 MAYOR PRO TEM SUTER: Madam Clerk, please read the
25 bill.

1 (Bill read by Madam Clerk.)

2 R.D. MALLAMS: I move to accept the first reading of
3 Bill No. 18-43, waive the rule, place the bill on its second
4 and final reading.

5 (Motion carried.)

6 MAYOR GARNOS: Madam Clerk.

7 (Bill read by Madam Clerk.)

8 R.D. MALLAMS: I move to accept the second and final
9 reading of bill No. 18-43 and enact the bill as ordinance No.
10 4.450.

11 (Motion carried and roll called by Madam Clerk.)

12 MAYOR GARNOS: Bill No. 18-43 stands enacted as
13 ordinance No. 4.450. We will move on to Item 12, public
14 hearing for site plan revision for property at 607 Northeast
15 69th street.

16 The public hearing is now open.

17 During the public hearing we will hear first from
18 City staff followed by those in favor of the site plan
19 revision and then by those opposed. Let's start with the
20 staff presentation.

21 AUSTIN GREER: Thanks, Mayor. The applicant tonight
22 is Kim Catalano who is requesting a site plan revision for
23 the purpose of an expansion to their Gladstone Foods
24 operation by adding a new building with one additional
25 loading dock, new paved and parking lot configuration and a

1 side driveway to a new screened trash enclosure. Their plan
2 is to use the existing wall, new EIFS and new concrete block
3 to construct this new addition. There will be additional
4 landscaping such as shrubs and trees added on the north and
5 west side of the property. These proposed improvements do
6 not increase impervious area runoff, therefore, no storm
7 water improvements are required, nor recommended. Mrs.
8 Catalano as of this afternoon has graciously agreed to add an
9 irrigation system to the proposed landscaping, and you'll see
10 this addition to condition No. 5. City staff recommends that
11 the City Council approve this site plan revision contingent
12 upon compliance with the recommended conditions, Number 1,
13 all exterior existing lighting shall be converted to LED.
14 Number 2, dumpster enclosures shall be constructed with
15 materials and colors consistent with a primary building.
16 Specific colors shall be submitted and approved as per the
17 building permit. Number 3, trash services, deliveries and
18 distribution shall be scheduled between the hours of 7:00
19 a.m. and 10:00 p.m. Number 4, any and all disturbed areas
20 shall be sodded. Number 5, all landscaped areas shall be
21 irrigated and maintained in perpetuity. Number 6, all
22 mechanical equipment on the roof shall be screened from
23 public view by a parapet similar in design to the rest of the
24 structure. This must be a minimum of 12 inches above the
25 tallest piece of mechanical equipment. Thank you and that is

1 all, Mayor.

2 MAYOR GARNOS: Thank you. Questions for City staff?
3 Is the applicant or anyone here who would like to testify in
4 favor of the site plan revision?

5 AUSTIN GREER: I believe the engineer, Michael, and
6 Mrs. Catalano are here tonight.

7 MAYOR GARNOS: Please, if you would like to make any
8 comments, step forward, give us your name and address.

9 KIM CATALANO: Kim Catalano, 607 Northeast 69th
10 Street.

11 MICHAEL LAIRD: Michael Laird.

12 MAYOR GARNOS: Any comments you want to provide in
13 support of the site plan revision?

14 MICHAEL LAIRD: I believe Austin did a fine job of
15 explaining everything.

16 MAYOR GARNOS: Any questions or comments?

17 MAYOR PRO TEM SUTER: I appreciate the materials,
18 the sketches so we can see the elevations. It appears as
19 though the general look of the building from the front will
20 be different. And so that, as also residents of one of the
21 older buildings in the neighborhood, we needed to spruce up
22 around here so I'm really excited to see the plans. It looks
23 like it's going to be an interesting and appropriate upgrade
24 to the facade.

25 MAYOR GARNOS: Any other questions or comments?

1 Thank you. Is there anybody in the audience who would like
2 to address City Council in opposition to the site plan
3 revision? Any further testimony from the audience, City
4 staff, City Council? If not, hearing none, I will declare
5 the public hearing closed.

6 We'll move on with Item 13, first reading of bill
7 No. 18-44, an ordinance approving a site plan revision for
8 property at 607 Northeast 69th Street, commonly known as
9 Gladstone Food Products Company Incorporated.

10 (Motion made and seconded to place bill on first
11 reading, voted on and carried.)

12 MADAM CLERK: First reading Bill No. 18-44, an
13 ordinance approving site plan revision for property at 607
14 Northeast 69th Street, commonly known as Gladstone Food
15 Products Company Incorporated.

16 (Motion made and seconded to accept the reading of
17 bill 18-44, waive the rule and place bill on its second and
18 final reading, voted on and carried.)

19 (Bill read by Madam Clerk.)

20 (Motion to accept the second and final reading of
21 Bill No. 18-44 and enact the bill as ordinance 4.451,
22 seconded, roll called and motion carried.)

23 MAYOR GARNOS: Bill No. 18-44 stands enacted as
24 ordinance 4.451. Move on to Item 14 as a building permit for
25 Gladstone Food Products Company Incorporated, 607 Northeast

1 69th Street, Gladstone, Missouri.

2 (Motion to approve building permit, seconded, and
3 carried.)

4 MAYOR GARNOS: Building permit for Gladstone Food
5 Products Company is hereby approved.

6 We'll move on to Item 15. Public hearing for a site
7 plan revision for property at 6221 North Chestnut Avenue.

8 Public hearing is now open.

9 During the public hearing we will hear first from
10 City staff, followed by those in favor of the site plan
11 revision and then by those opposed. We'll start with the
12 staff presentation.

13 AUSTIN GREER: Applicant 3F30 architects is
14 requesting a site plan revision on behalf of Mr. Charles
15 Cuda, OPES Commercial Real Estate for the purpose of
16 constructing convenience store and gas station at 6221 North
17 Chestnut Avenue, formerly known as Tanner's Restaurant.
18 Their plan is to significantly remodel the building, bring
19 the structure up to code and retrofit the company using a
20 combination of EIFS, stone, artificial stone and a metal
21 awning for the exterior. The site plan shows additional
22 trees and landscaping being planted on the eastern side of
23 the property located directly behind the proposed convenience
24 store and gas station, helping create the required buffer
25 zone between the subject commercial and residential

1 properties. There is also proposed landscaping on the
2 western side of the property near the planned monument sign
3 and green space between the two egress and ingress access
4 points off of Chestnut Avenue. City staff recommends that
5 the trees and shrubs being planted on the property be native
6 to Missouri by nature in an effort to aid in a better
7 streetscape and survival. Regarding aesthetics of the
8 proposed structure, two primary guiding principles are
9 described in the City's comprehensive plan. The plan states
10 that City should promote compatible growth, ensure the urban
11 design framework of a new development is compatible with the
12 character of the community, promote quality development and
13 improve area appearance. In the BMP analysis conducted by
14 Kaw Valley Engineering, run-off drains toward the southwest
15 corner of the property and a bioswale will be implemented to
16 capture and treat run-off from the fueling area prior to
17 run-off exiting the site. Included in the City Council
18 packet is a letter from Rural Fuel Services describing the
19 experience of Amir Nadeem Mehndi, who will be the store
20 operator for the proposed gas and convenience store. Staff
21 has also included a retail mystery shop store for the
22 proposed operator for their various other locations. There
23 are residents in adjacent neighborhoods located to the east
24 of the subject property that are opposed to this particular
25 project. The community development department has received

1 multiple phone calls and a signed letter included in your
2 packet from the Woodlands HOA Board in opposition. Due to
3 the current zoning of this property at CP3, this particular
4 use of a gas station and convenience store is permitted by
5 right at this location. Mr. Cuda has sent the Planning
6 Commission and the City Council a letter addressing issues
7 and concerns of both the residents and the Planning
8 Commission. Please see the letter attached in your packet.
9 City staff recommends that the following conditions be
10 considered if the City Council choose to his approve this
11 project request. Number 1, any and all disturbed areas shall
12 be sodded. Number 2, all manicured grass and landscaped
13 areas shall be irrigated and maintained in perpetuity.
14 Number 3, all mechanical equipment on the roof shall be
15 screened from public view by a parapet or approved screen
16 similar in design to the rest of the structure. This must be
17 a minimum of 12 inches above the tallest piece of mechanical
18 equipment. Number 4, a compliant monument sign shall be used
19 to serve the development. The monument sign will need a
20 minimum of 240 square feet of area landscaping around the
21 sign. Number 5, relocation of the trash dumpster to the
22 northwest corner of the parking lot away from the residential
23 area adjacent to the property. Number 6, all exterior
24 lighting on the site shall be LED and designed to reduce
25 adverse impact on adjoining residential properties. Number

1 7, outdoor lighting cannot be greater than 0.25 foot candles
2 and 10 feet beyond the property line. Number 8, dumpsters
3 shall be enclosed with materials consistent with the primary
4 building. Specific colors shall be submitted and approved as
5 part of the building permit. Number 9, trash service, store
6 deliveries and gasoline refilling underground commercial
7 gasoline tanks, shall occur between the hours of 7:00 a.m.
8 and 10:00 p.m. Number 10, tractor/trailers, storage
9 containers and other commercial vehicles shall not be parked
10 or stored overnight on the premises. Number 11, no more than
11 50 percent of the glazed area of the building shall have
12 signage. Number 12, hours of operation are from 5:00 a.m.
13 through 2 a.m. The store will be closed from 2:00 a.m.
14 through 5:00 a.m., Monday through Sunday. Number 13, signage
15 compliant with the sign code shall be used. Signage shall be
16 approved at the time of permitting. Number 14, construct and
17 maintain in perpetuity a six-foot PVC privacy fence, earth
18 tone in color, along the eastern property line. Number 15,
19 maintain growth between the commercial privacy fence and the
20 residential privacy fence in perpetuity. Thank you, and that
21 is all, Mayor.

22 MAYOR GARNOS: Thank you. Any questions for City
23 staff? If not, we'll move on to the applicant. Those in
24 favor of the site plan revision, is the applicant here this
25 evening? Please give us your name and address.

1 BRIAN RUOFF: I'm Brian Ruoff, 3F30 Architects. In
2 the interest of time, everybody has seen the letter, I
3 believe, from Mr. Chuck Cuda, including the neighborhood
4 association. I do have quick synopsis I can go through. But
5 I would like to reserve the right to -- I could skip this,
6 since everybody is familiar with that letter, and I would
7 like the chance to answer -- maybe follow up at the end
8 because I believe there is some documentation that may have
9 been given to the City Council that I haven't seen. So if
10 there are new issues that come up, I would like a chance to
11 just respond to those. Is that agreeable?

12 MAYOR GARNOS: Sure. Is there any other comments or
13 anything in support of the site plan revision?

14 BRIAN RUOFF: Well, a real brief synopsis is we've
15 gone through several meetings, we've made several plan
16 changes. There were a few issues brought up two weeks ago in
17 the Planning Commission meeting. We responded to those in
18 letter. We've agreed to additional landscaping. We've
19 agreed to the full parapet height, even though I haven't had
20 a structural engineer do a full analysis of the building yet.
21 We are going to make that work. And everything else I think
22 has been explained in that letter. I don't want to go
23 through it all. I can. But the last thing I would like to
24 say is, it is a CP3 zoning and we are not changing the
25 zoning, so I want to remind everybody we are doing our best

1 to make this site amiable and work for the neighborhood, but
2 we are in a final plan revision situation.

3 MAYOR GARNOS: Any questions?

4 R.D. MALLAMS: I have a question, there was a
5 question about how the mechanical equipment on the roof was
6 going to be screened, and I think at the Planning Commission
7 meeting that had not been decided yet.

8 BRIAN RUOFF: I've talked to the structural engineer
9 two or three times on this project. We have an existing
10 building and existing roof. And what happens is, we are
11 taking 20 feet off the front of the existing building and
12 putting a tall wall in front of that building. Well, the
13 wind load, everybody thinks it is the wind load for that
14 wall, which is really not the situation. It is really the
15 snow drift load on the back of that wall on the existing
16 roof. We have joists that run perpendicular to that front
17 wall -- basically the building is kind of skewed, but east
18 and west. That is actually an advantage. But on the south
19 and north those joists run parallel to that parapet wall so
20 there is less control structurally on those edges. That was
21 my biggest concern from the very beginning, was those other
22 walls, because this is existing roof. We are going to make
23 it work, basically. We are going -- we've already agreed to
24 do -- that is not an issue anymore. We are going to
25 reinforce, we're going to go in there to do whatever we have

1 to do to make it work. I just don't have a structural
2 analysis of the existing building.

3 MAYOR GARNOS: Other questions for the applicant?

4 MAYOR PRO TEM SUTER: I had a question about the
5 management company, group. Is this the same one that manages
6 the Conoco down the street?

7 BRIAN RUOFF: No.

8 MAYOR PRO TEM SUTER: What will be the impact from
9 Conoco's perspective of this facility on that one?

10 BRIAN RUOFF: Well, since 1999, 2000, 2001 almost
11 every fuel station in the entire city is not corporate. They
12 are all independently owned and operated situations, so I
13 wouldn't -- we have to have market analysis to say exactly,
14 but --

15 MAYOR PRO TEM SUTER: I assume you have done market
16 analysis to decide it was --

17 BRIAN RUOFF: I don't have mine -- in reality most
18 of the profit and most of the sales, most of the means for
19 this is the store. Fuel is not the main driving emphasis.
20 But that's the traffic generator. But you really want people
21 to get gas and go into the store and do both. So that comes
22 into store sales. There is restaurant planned in this
23 facility and other residual means of income in this, because
24 it is a 5,000-square foot building still after we are done.

25 R.D. MALLAMS: This is in Mr. Cuda's letter he

1 responded back about being agreeable to planting additional
2 trees on that eastern side, and the plans provided were
3 evergreens or Spruce, and, you know, I don't have a real good
4 green thumb or anything, but those two types of trees grow
5 very, very slowly. What other trees are being planned to be
6 planted on that east side?

7 BRIAN RUOFF: We haven't gone back to the landscape
8 plan in detail, but my suggestion is, and this would be a
9 staff decision, but there are trees you can plant that grow
10 very, very fast, but they are not necessarily natural to
11 Missouri. But those could be intermediate. Because I see
12 this as layer. We have 35 feet to deal with. You can't
13 plant oak trees because they fill up -- they are too tall.
14 You really want 30 foot trees through here because that is
15 how you get your screening. Because eventually those trees
16 get too tall for what we're really trying to do. So what you
17 really want is a variety of trees. I think it also could be
18 line of sight could be dealt with. We can calculate where we
19 need More trees, less trees, that sort of things. But I
20 would say you want two rows of trees, maybe an intermediate
21 fast growing tree that might be a compromise. They can grow
22 10 feet a year. There's hybrids out there that will really
23 grow tall and fast. That would be my solution. However, I'm
24 not a landscape architect.

25 KYLE YARBER: One quick question, what is the actual

1 dimensions of the buffer zone? Is that more a question for
2 staff?

3 BRIAN RUOFF: It varies.

4 KYLE YARBER: I'm talking about the minimum.

5 AUSTIN GREER: The minimum is 35 feet.

6 KYLE YARBER: On the site or --

7 AUSTIN GREEN: Between residential and commercial,
8 we refer to residential zoning. And that minimum is 35 feet.
9 Given that this is CP3, it's planned zoning, there is a
10 little bit of flexibility, but for the most part they meet
11 the 35, the minimum.

12 KYLE YARBER: Okay. Thank you.

13 MAYOR GARNOS: Any other questions? Applicant?
14 Thank you. Is there anyone in the audience who would like to
15 address City Council in favor of the site plan revision? If
16 not, we'll move on to anyone who would like to address City
17 Council in opposition to the site plan revision, please step
18 forward with your name and address.

19 MICHELLE BAKER: My name is Michelle Baker and the
20 address is 108 the Woodlands. May I approach?

21 MAYOR GARNOS: Please. These we have not seen
22 before, correct?

23 MICHELLE BAKER: The first letter I believe is in
24 your packet. The other stuff you have not seen, sir. Good
25 evening. Thank you for allowing me to address you. I come

1 here before you as a resident for the past 20 years, eight
2 months and nine days of the Woodlands. I thank you for
3 affording me this opportunity to speak. I do so as a
4 resident of the Woodlands and as an HOA Board member where 87
5 of my neighbors have requested that I speak for them in not
6 wanting this to go forward. Out of the 95 residents of the
7 Woodlands, we've only had eight who had said that they
8 didn't -- they didn't care against it, they didn't care for
9 it, they were kind of non-committed on it. Please note that
10 none of those eight are directly affected. They are not any
11 of the ones that back up to it. As a resident of Gladstone
12 who wishes to make Gladstone one of the finest cities north
13 of the river, in the past 21 years, to coin an old phrase
14 from the '70s, we've come a long way, baby. And we really
15 don't want to see that go backward. We've already shared
16 with the Planning Commission our issues. If you look at the
17 orange tab, that actually goes to the vent pipe emission from
18 storage tanks at gas stations. There was a study done that
19 showed the amount of fuel vapors that are released into the
20 atmosphere from the storage tanks. If you look on the
21 left-hand side, the highlighted, under the highlights, gas
22 stations, fuel vapors are released from storage tanks through
23 vent pipes. The emission factors were greater than 10 times
24 higher than previous estimates. The blue tab goes over the
25 vapor studies of gas stations where the fence line was less

1 than 225 feet and they say that the distance of greater than
2 30 feet still causes -- uses a distance further of 300 feet
3 from the fence line of the gas station and it would still
4 represent a health concern despite compliance with the CARB
5 guidelines. We are talking less than 35 feet. If you look
6 at the photographs, I know the overhead photographs Mr. Cuda
7 had provided with his letter were the satellite imaging
8 looking down. It doesn't give a true accurate perception of
9 how close we are talking about the back of the building. I
10 went and shot these photographs. This is the end of the
11 building here. This is the fence line. This is standing up
12 against the fence looking toward the building. This is from
13 North Chestnut itself out in front and you can see the direct
14 correlation between where the residents of the Woodlands are
15 in correlation to the building itself. I was also able to
16 find crime statistics, the pink tab. And that was from the
17 FBI 2016 crime statistics. With regards to the number of
18 convenience store robberies that had gone up significantly.
19 Compared to 2015, the report found that the number of
20 convenience stores rose the most among six of the seven
21 locations that were tracked. 17,401 robberies of convenience
22 stores which was up 6.7 percent. This is right in our back
23 yard. If you look on the purple tab, there is the other case
24 study for convenience stores and crime. There are over
25 32,000 robberies a year at convenience stores and nearly

1 11,000 of those will be robbed multiple times. The rate of
2 the robberies has been described as epidemic and unless cost
3 effective preventative actions are taken, customers and
4 employees will continue be at serious risk. Most of the
5 reported violent crimes occur at night in these locations.
6 The green tab is an article by Crime and Delinquency on fast
7 food restaurants and convenience stores. This study was
8 performed in Seattle. I apologize, I couldn't find a study
9 that was more conducive to Gladstone. But it showed how the
10 convenience stores and fast food restaurants influenced crime
11 patterns over time. And the results demonstrate the high
12 sales being linked to high crime even when you control the
13 local socioeconomic status. The two opposing groups are
14 coming at this site plan revision from two different points
15 of view. Mr. Cuda is in the game to make money. And he does
16 that by developing the site. The Woodlands residents are
17 looking out for their neighborhood. It is not an eight or
18 12-hour time frame. This is for years and years. This is
19 where we live and where we raise our families. The site is
20 proven to have a turnover track record of a minimum of three
21 different businesses in the past 20 years. Are you willing
22 to risk the health, well being and valuation of a
23 neighborhood on a business that might only be there for a
24 couple of years? We have QuikTrip one mile to the left. We
25 have QuikTrip one mile to the right. And we have the Conoco

1 approximately four tenths of a mile from where we are at.
2 We've already gone over the different issues of the
3 disruption to the proximity with regards to the residents'
4 property. The hours of operation, while they were kind
5 enough to change them so it wasn't a 24-hour convenience,
6 still 5:00 a.m. to 2:00 a.m. are not hours that are conducive
7 families. Especially when you look at the houses that are
8 going to back-up directly behind it. We still take issue
9 with the large tankers and delivery trucks that are going to
10 be up and down Chestnut in order to be making the deliveries.
11 Lights, trash, noise level, and, once again, the vapors. I
12 would encourage the City Council to not only consider what is
13 best for the closest neighborhood, the Woodlands, but also to
14 think what is best for Gladstone. A resident -- the
15 residents would gladly support another restaurant. We
16 frequented Tommy's and Tanner's. Tommy's was fabulous. Had
17 some of the best food around. It stayed packed and any
18 number of nights you would end up, all your neighbors and
19 everybody would be sitting out having some of the best
20 chicken fingers in Gladstone. We would gladly support a
21 restaurant. But we do not and we are heart-felt in our plea
22 that you please, please, do not accept a convenience gas
23 station in our back yard. Thank you for your time.

24 MAYOR GARNOS: Thank you. Any questions from
25 Council? Okay. Is there anyone else who would like to

1 address City Council in opposition to the proposed site plan
2 revision? Give us your name and address.

3 JOHN CHAPMAN: John Chapman, 118 the Woodlands, just
4 downstream from where the station will be. I just want to
5 add to what Michelle said. The problem with the fumes is not
6 just an odor problem. I've read the same article she is
7 referring to. The problem is the carcinogen benzene present
8 in gasoline. We are exposed to that, and no amount of trees
9 or screening is going to prevent the air from getting from
10 that station down to my home. The other article that I
11 researched talks about the problem with small gas spills on
12 concrete. Now, the problem there is not the tank rupturing.
13 The problem is just the drip, drip, drip, of the everyday --
14 concrete is porous, seeps through the concrete, gets into the
15 soil, and I'm downstream from that. I just wanted to add to
16 those concerns. Thank you.

17 MAYOR GARNOS: Thank you. Is there anyone else who
18 would like to address City Council? Please give us your name
19 and address.

20 JOHN McINTOSH: John McIntosh, I'm at 135 the
21 Woodlands. You know, I've lived in the community just two
22 years. I moved from the City of Whittier in California. And
23 we chose this community because we love the quaintness of the
24 community, the trees. And the traffic was very minimum.
25 Now, the proposal for this gas station and convenience store

1 on this site, to our community, the question came to me was
2 why? Why do we need a gas station when we have five gas
3 stations within a mile and a half to two miles in between
4 each other? Why have another one? Now, we understand
5 democracy and we have a basic understanding of economics.
6 Supply and demand. But in this case we don't have a demand
7 for a gas station. But our supply is constituted as good.
8 I've never had a conversation with any of my neighbors saying
9 that, you know what, John, I couldn't get into the gas
10 station because the line was so long, or I didn't get able to
11 buy bread because I didn't have a convenience store. I never
12 had that conversation. So why do we need another gas station
13 and a convenience store? As Michelle has eloquently stated,
14 the crime rate, we don't need to bring in unnecessary crime
15 into our community. This project will not only in the long
16 run bring our property value down and cause long-term issues
17 in the community, this community we live in is a mature one.
18 We don't need to put another gas station in. Now, like I
19 said, I've been here only two years, so forgive me if I name
20 the streets incorrectly, but if you were to go north down
21 toward the 152, there is a new housing project that is being
22 built over there. I would suggest Mr. Cudo and his friends
23 go down there and ask them to put the gas station down there.
24 Because there is no gas station down in that area. But in
25 our area, we just don't need it. So I would respectfully ask

1 the counsel to reject this proposal on our behalf because we
2 like our community just as it is. Thank you so very much.

3 MAYOR GARNOS: Is there anyone else who would like
4 to address City Council in opposition to the proposed site
5 plan revision?

6 JANET KLINE: Hello, Janet Kline, and I live in the
7 cul-de-sac directly behind the property at 6221 North
8 Chestnut. I live at Number 128 and I have been there 21
9 years. I still, like everybody else, have concerns about the
10 petroleum vapors and the truck delivery. It does sound like
11 they discussed the dumpster problem when Tanner's was there.
12 As soon as I moved in, 6:30 in the morning, boom,
13 dumpsters -- I thought we were getting shot at then. That
14 was 21 years ago and that really didn't happen out here. But
15 now hopefully everybody will comply, because I think
16 Gladstone is 7:00 a.m. or later before they dump dumpsters.
17 But I think that is a problem. And that happened again when
18 Tanner's was there. I have an alarm system. I use it
19 probably 20 hours out of the day. I feel confident if that
20 goes through I'll be using it 24 hours a day. I don't feel
21 safe even being in my front yard with the garage door open
22 with all the crime that could happen. Armed robbery. It is
23 right in my front yard, because the front of my house faces
24 the back of that building. Again, as everybody else has
25 said, there is four convenience stores with petroleum within

1 a one mile radius. Do we really need five of them right
2 there? Thank you for your time.

3 MAYOR GARNOS: Thank you. Any other comments?
4 Please.

5 JOE KLINEMORE: My name is Joe Klinemore. And my
6 wife and I live at 127 Woodlands. We are in the house
7 directly behind the building so we are probably more affected
8 than anyone with the change of -- from a restaurant to a gas
9 station. We've lived here since 2003. For the most part,
10 the businesses in the past haven't been a big problem. We
11 had trash problems and things with Tommy's. Tanner's were
12 good neighbors. We really never had any problem with them.
13 But we really are concerned about the lights, the noise, and
14 most of all the fumes. You know, when Tanner's was there, it
15 really -- we could sit on our deck and really it smelled good
16 because they had a lot of -- they were cooking all the time.
17 I'm very concerned that it's going to go from that to
18 gasoline fumes. So, anyway, we are close. Our back fence
19 is, as Michelle said, is 18 -- 18 Michelle Baker steps from
20 the back of the building to our fence. So it is very close.
21 And we are also concerned about, they are talking about some
22 curbing and some changes along the back. We've -- there is
23 four houses -- our house and three other ones that we are at
24 127, 123, 125 and 129, we all got water in our basement this
25 last two years since the McDonald's project went in. Now, we

1 talked to the City and the City said they can't see any
2 reason why that would happen. But all the years -- we've
3 been there since '03 and the neighbor had been there over 20
4 years, he had never had any water. So we are concerned about
5 the changes in the fence line, too, is it going to bring more
6 water over the fence. Even though we are close, we are also
7 downhill, too. We are down -- we look up to see the building
8 from the -- from our house. Anyway, we feel certain that the
9 zoning from a restaurant to a gas station is going to be
10 negative for our property values. And we just don't feel we
11 need another gas station. So we ask that you not approve the
12 project as it's applied for.

13 MAYOR GARNOS: Thank you. Is there anyone else who
14 would like to address City Council in opposition to the site
15 plan revision?

16 STEVE GEISINGER: Steve Geisinger, 102 the
17 Woodlands. And I'm not going to repeat, I think they've done
18 a good job of explaining a lot of things. I guess I would
19 like to point out just a few things. We've been there 23
20 years, moved here from Omaha. And we love Gladstone. We
21 love being up here. You-all have done a good job and Council
22 has done a good job of planning, I remember sitting and
23 talking to Kirk Davis about what was going on in Johnson
24 Farms and over here in this area and downtown Gladstone.
25 Both of those were long-term projects. Mr. Cuda said, well,

1 that property is taking six months and they haven't been able
2 to sell it. I don't know that I care about the six months.
3 I think I'm more interested in what is the long-term plan for
4 that whole area along there. The QuikTrip had a convenience
5 shop in there, and they are gone. They moved to the other
6 end. And quite frankly I think it was a good thing because
7 there were issues that came up with that and we ended up
8 having people running through the neighborhood and the police
9 chasing them. It's just not a good situation. And the other
10 thing is that we really like having CVS handy. It is going
11 to be in competition with a convenience store if they are
12 serving alcohol, a lot of the other things. Maybe there is
13 something there that we are not seeing. But the one thing
14 that they are proposing is taking those hours and extending
15 them into the wee hours of the morning, and we just don't see
16 it to be favorable. So, again, I would impress upon you to
17 take these things into consideration. Let's try to put
18 together a long-term plan for everything from UMB past Lawson
19 Bank. Lawson bank, it is too bad they left, but it is a
20 beautiful building. And having more things that look nice
21 like that and not just a refurbished old building would be
22 beneficial to, I think, all of the Gladstone community.
23 Thank you.

24 MAYOR GARNOS: Thank you. Anyone else who would
25 like to address City Council in opposition to the site plan

1 revision?

2 CORNELIA LONG: Cornelia Long, 17 the Woodlands.
3 And would you want to live next to this? If it were your
4 property and you had been there 17 years? And loved your
5 area? Thank you for your service.

6 MAYOR GARNOS: Thank you.

7 ZACHARY SKINNER: Zachary Skinner, 105 the
8 Woodlands. My wife and I moved in just coming up on a year
9 ago. We have a 17-month-old daughter. My father was born
10 and raised in Gladstone, so it's nice for me to be able to
11 bring it back and raise my family in Gladstone. The
12 Woodlands was a huge draw to us. The building was empty even
13 when we moved in, so as a restaurant it didn't really affect
14 me. However, looking forward, I know I've got some neighbors
15 who have young children similar in age to my daughter who do
16 live very close to that area of the Woodlands. And they've
17 already spoken about if it becomes a gas station they will
18 consider moving. And I look down the line and wonder, can my
19 daughter have friends in our neighborhood? Especially at
20 that end, as Steve pointed out, if gasoline isn't the main
21 income, convenience stores also have plenty of competition in
22 the area, along with any number of fast food restaurants all
23 the same. Thank you.

24 MAYOR GARNOS: Is there anyone else who would like
25 to address City Council?

1 VERNA DECENIMA: Verna Decenima, 123 the Woodlands.
2 As a crow flies I'm about 250 feet away from where this
3 facility is going to be potentially put in. I'm one of the
4 people with small children. I have four children. That was
5 the draw of moving into the Woodlands, it seemed like a quiet
6 environment to raise children. My main concern is the health
7 of my children being so close, them playing in the back yard
8 and having fumes, ground water being contaminated. In
9 addition to the one study that was referenced, I was able to
10 find a few peer reviewed journals, specifically the American
11 Journal of Public Health. And basically the study, it was a
12 consolidation of multiple studies over the past 20 years, and
13 the residential proximity to environmental hazards and the
14 negative health ramifications it can have to children. And
15 just reading it just gets me upset. So it's really hard not
16 to be upset because there has been a direct correlation
17 between being next to these residential hazards and the raise
18 of not just leukemia in children but leukemia deaths. The
19 study actually says significant trend towards gas station
20 densities and an increased risk of childhood leukemia deaths.
21 So I'm there. I have four children. I understand I'm just
22 one home with one children, but my main concern is the health
23 of my children. I know if a gas station is there, I'll move
24 as soon as I can, as soon as financially I can move. I will
25 be moving, and I'll have to just because of my concerns of

1 the health. And some people might be okay with that. But
2 just knowing that there is studies that point towards
3 childhood leukemia just is something I can't endanger my
4 children with. I do agree with one statement about the
5 health studies, there hasn't been too many health studies.
6 There hasn't been too many studies in regards to like they
7 were saying the slow drips and the penetration. There has
8 been big studies for big spills. And there are a lot of
9 questions on whether the slow penetration will still hit us,
10 as my neighbors have stated, it is a downward slope. A big
11 rain storm, that water is going to come over and hit my back
12 yard. It is just, further concerns that any small drips,
13 even big ones, can definitely negatively impact my children
14 is a great concern to me. Thank you.

15 MAYOR GARNOS: Thank you. Anyone else in
16 opposition who would like to address the Commission?

17 MERLE WATT: Merle Watt, 34 the Woodlands. My
18 address is focused on rejecting this project at this time.
19 My background and a registered professional engineer spans
20 more than three decades. And tonight it really warmed my
21 heart to hear two phrases that tie in with the main point I
22 want to make about an economic impact assessment. Earlier I
23 heard a comment marketing study. Later on twice tonight, at
24 least twice, I have heard comments alluding to property
25 devaluation. These are phrases -- there is nothing that has

1 been presented by the project ownership or representation
2 that states there will be no economic impact as a result.
3 There is none that says there will be a net economic
4 improvement to the City for the incremental additional
5 business that will come from a building that is now
6 un-occupied, especially when compared with the cost for
7 public safety and other factors that go in for having that
8 building. Now, excuse me for backing up just a little to an
9 earlier presentation this evening where you were requested to
10 approve a one half of one percent increase in taxes. Some
11 part of that went to public safety. Mostly we think of
12 public safety as police, first responders. There is more.
13 There is people who are interested in health conditions,
14 inspections, things of this nature. So to put some meat on
15 the bone and some real numbers, let me just pose to you the
16 fact that since this project has become known in the
17 Woodlands, I know personally of three houses that have gone
18 up on the market. Tonight I heard of a fourth one. I know
19 of a fifth one that said when he moved in two years ago his
20 next stop was going to be the grave yard. Because that is
21 where he wanted to be until he went to the grave yard. And
22 so he is No. 6. So let's take a look at just some easy
23 numbers so I can conclude and sit down and we can all go
24 home. There are two basic groups of housing types in the
25 Woodlands. I live in a town home. The typical value of

1 those, let's put it at about 225,000 on the market today.
2 There is another segment, about the same number of units a
3 few smaller, those are single family houses, three car
4 garages, two stories, quite nice, typically that would be
5 about 325 to \$340,000. Just conservative. I'm not a
6 financial -- certified financial planner, but part of 38
7 years of engineering gets you involved with numbers and
8 making presentations and quantifying things. So my
9 conclusion is that it is quite likely that the preponderance
10 of my experience says the property values will go down soon
11 and for a long time if this project is approved. So how much
12 could they go down? Let's take something minimal. 10 to 12
13 percent. That is within the negotiating range if you put
14 your house on the market. You are going to put it here and,
15 you know, it's going to come down. Same for everybody. So
16 this sum aggregate of 10 to 12 percent times each house of
17 its type collected together is around 2 million dollars. I
18 don't have any hair and I don't have 2 million dollars, but
19 what I think needs to be done, and I did ask for this in the
20 Planning Commission so I'm not a Johnny-come-lately, is where
21 is the developers and the owners economic impact analysis
22 that does quantify with certified financial planners what the
23 impact is and how long that could exist? Think in terms when
24 housing prices start going down, they don't traditionally go
25 up very fast. So my assessment as a rookie, 10 years, 2

1 million dollars down. Now, that could easily be set up from
2 the proceeds of the sale of the property. It could easily be
3 set up by the future owners if they want to participate in an
4 offset contribution into a trust. There are many different
5 solutions. But no one has addressed a quantified fact that
6 exists and no one in favor of this project has stated that it
7 doesn't exist. So I conclude, let's go home, reject the
8 project. Thank you.

9 MAYOR GARNOS: Do we have any other members of the
10 audience that would like to address City Council in
11 opposition to the site plan revision? If not, as I promised
12 earlier, I would like to give you one opportunity to respond
13 to some of the comments, please.

14 CHUCK CUDA: Chuck Cuda, 6051 North Chestnut Avenue.
15 I just want to address a couple things that I heard, you
16 know, in the last few speakers, because I don't remember all
17 of the objections, but I've tried to address most of those in
18 the letter and what we've agreed to do. As far as the
19 economic impact, I'm putting my money where my mouth is. If
20 you could scroll down a little bit, Kendallwood nursing
21 facility, I am 25 percent owner of that project. So that is
22 going to be a 114-unit project in the 12 to 15 million dollar
23 range. So if I thought that this was going to hurt values, I
24 wouldn't be doing this project. That is one thing. If I
25 thought this was going to cause leukemia, I wouldn't be doing

1 this project. My dad is a follicular Non-Hodgkin's lymphoma
2 survivor. I chaired the leg that I walked this year and
3 raised over a million dollars for LLS, so if I felt those two
4 things were issues, they just come to mind because they were
5 the last ones said, I wouldn't be doing this project. So
6 with that being said, I'm willing to accommodate, you know,
7 all of the staff's requests and most of the neighborhood
8 requests. Thank you.

9 MAYOR GARNOS: Thank you Mr. Cudo.

10 BRIAN RUOFF: I do not know what you have in front
11 of you, we have not seen that, so based on the commentary I
12 have heard I would like to make sure we are looking at this
13 objectively and currently because I think one of the studies
14 may have come out of California, which is a state that is
15 very sensitive. But what we have to understand is, 20 years
16 ago there was a Phase 1 implemented. That is where
17 there's -- the tankers fill up at the tanks. They put a hose
18 over that and when the fuel goes into the tank, the fumes
19 come out, it goes back into the tanker and they take the
20 fumes back with them. So it circulates -- those fumes are
21 captured by the tanker. So the vents aren't nearly as active
22 as they used to be on the tanks. The vents I normally would
23 put -- I'm not a fuel engineer, but I've done a lot of these,
24 but normally we put those vents up above the canopy to get
25 them 30 feet in the air. It is better for ventilation and

1 not as aesthetically a problem. But those vents can go all
2 the way out at the street. They can be 300 feet away from
3 residents, if we want to -- if we choose to do that. That is
4 some compromise there. But the other thing I want to get to
5 is there has been discussion of going to what is called Phase
6 2, which is what California has when you go out and they have
7 a big hose that is capturing the fumes coming out of the car
8 tank. That is a big pollutant. Modern cars for several
9 years now, they have built-in Phase 2. They capture the
10 fumes themselves in the tank. It is part of the system on
11 modern cars. Older cars don't have that. But going forward,
12 contemporary cars have that feature. The fume situation is
13 more -- has rectified itself over the last few years and I
14 want to make sure the studies aren't going into old data. I
15 just want to leave it like that.

16 R.D. MALLAMS: Brian, may I ask a question, while we
17 are talking about the vent pipes, what is the distance for
18 the vent pipes, the way they are configured now, to the
19 closest property line?

20 BRIAN RUOFF: I don't have them in -- I haven't
21 gotten construction documents. Normally I would run them up
22 a canopy. I don't know what the distance it would be from
23 the center of the canopy close to the tanks to the nearest
24 property line, which would be 250 feet. 200 something.

25 MAYOR GARNOS: The canopy over the gas pumps?

1 BRIAN RUOFF: Yes, we would run up one of the
2 columns of the canopy. You'll see other fueling sites,
3 you'll see two or three pipes sticking up -- that is what
4 those are. As far as fuel spills on paving, I've demo'd and
5 remodeled 40 stations over the last 20 some years and there
6 is never fuel contamination in the soil from the concrete.
7 It's almost always from a piping issue or some other
8 malfunction. As I described to the Planning Commission two
9 week ago, that is another situation where contemporary modern
10 technology, two years ago Missouri mandated double-walled
11 tanks, so all tanks that go in the ground are double wall.
12 So if there is a leak on the inner wall, interstitial space
13 sets off alarm, shuts down the system and everybody comes out
14 to do pressure tests. Tanks should never be an issue in a
15 modern situation. The fuel lines are normally rigid piping
16 and they are pressurized, so what happens is there is a pump
17 that puts the fuel into the car. When the pumps stop
18 running, because they don't run all the time, they test the
19 pressure. If there is a pressure drop when the pumps aren't
20 running, that sets off an alarm so they know there is an air
21 leak or some kind of leak in the pipe system. So there is
22 less and less of that as time goes on. Now, I also admitted
23 two weeks ago that it is not 100 percent. You can't
24 guarantee everything. But if everything is done right,
25 that's generally not a problem. Some of these other studies

1 I have no knowledge of because I haven't seen. So I can't
2 really do a rebuttal on some of these other statements that
3 have been made, because this was all new documentation to us
4 tonight.

5 R.D. MALLAMS: I would like to go back to the vent
6 pipes, Brian. You said you can put them out at the street.
7 How would that look? I mean --

8 BRIAN RUOFF: Normally they just stand up and there
9 are three pipes. And you might have five because normally I
10 would support them with another -- you have three -- well,
11 you have diesel, but you have pipes that vent those. Those
12 are really just to make sure the system operates. They are
13 not always venting. They actually have a control ball. They
14 are not venting constantly. They are only venting when there
15 is a pressure issue. So they do vent, but they are not
16 venting constantly.

17 R.D. MALLAMS: One of the studies referenced large
18 stations, but it wasn't defined what a large station was.
19 How many pumps?

20 BRIAN RUOFF: We have five islands which will be 10
21 fueling sites.

22 R.D. MALLAMS: Thank you, Mayor.

23 BRIAN RUOFF: But I openly want to do as much as we
24 can to do everything we can to make everything as good as it
25 possibly can be. But it's an existing building, you know, on

1 an existing site. I can only move things so far.

2 MAYOR GARNOS: Questions, comments? Thank you. Any
3 further testimony from the audience, from City Council?
4 Please.

5 GWEN VANDEVER: I'm Gwen Vandever, 45 Woodlands. I
6 hadn't planned on saying anything tonight but what -- and I
7 know Mr. Cuda. I'm a real estate broker. I'm with Re/Max.
8 I've been there almost 40 years. I am absolutely vehemently
9 opposed to this. Not only do I feel that it is going to be
10 detrimental to our community, the Woodlands, I think it will
11 be detrimental to a lot of the little businesses around
12 there. I do have concerns as the other mothers do about how
13 this is going to affect children. I have seven grandsons.
14 And I could have bought anywhere, but I have wanted to live
15 in the Woodlands for a very long time. I've been widowed for
16 almost 17 years. I feel safe there. And with this coming
17 here, I do not feel safe. And I'd just like to ask Chuck,
18 would you put this in your back yard? I don't think so. So
19 thank you for your time.

20 MAYOR GARNOS: Thank you. Any further testimony
21 from the audience? Any more comments from City Council or
22 City staff? If not, I will declare the public hearing
23 closed. We will move on the ordinance approving the site
24 plan revision for 6120 North Chestnut Avenue.

25 (Motion made to place 18-45 on its first reading,

1 seconded and carried.)

2 MAYOR GARNOS: Madam Clerk, please read the bill.

3 MADAM CLERK: First reading, Bill No. 18-45, an
4 ordinance approving site plan revision for property at 6221
5 North Chestnut Avenue.

6 (Motion made to accept first reading, waive the rule
7 and place it on the second and final reading, seconded and
8 carried.)

9 (Madam Clerk read the bill.)

10 (Motion made to accept the second and final reading
11 of Bill 18-45 enact as ordinance 4.452 and seconded.)

12 MAYOR GARNOS: Been moved and seconded to accept the
13 final reading of bill No. 18-45 and enact 4.452. Is there
14 any discussion?

15 MAYOR PRO TEM SUTER: I'll be the first.

16 MAYOR GARNOS: Mayor Pro Tem, very brave.

17 MAYOR PRO TEM SUTER: I certainly appreciate the
18 interest in developers and wanting to invest in Gladstone,
19 because we certainly are interested in making it a better
20 place. I'm mostly interested in making it a better place. I
21 have grave concerns about the intensity of the use of this
22 property. While it doesn't require a new zoning change,
23 going from a restaurant-type facility to a gas station is a
24 whole different kind of enterprise. Clearly the lighting,
25 the noise, the fumes, I'll agree kind of with all that I

1 can't even stand to be outside my car when the car is being
2 fueled. They are all elements. Longer hours of operation
3 causes more disruption; all of those things I think clearly
4 will have a negative impact on the immediate neighborhood. I
5 think the measure of success of a community is often the
6 measure of the trust between citizens and elected officials.
7 And when people make investments of their homes and where
8 they are going to have their families live and be raised
9 that's based on a trust that the community is going to
10 respect those investments and somehow try to preserve them.
11 When I look at the neighborhood I want to live, I look at
12 what is around the neighborhood, not just the specific house
13 itself. And the Woodlands is one of the finest developments
14 in the entire Northland. It is one of the attractions, one
15 of the magnets that brings people to Gladstone and helps them
16 to stay here. I don't want to violate the trust that those
17 people put in me as an elected official or in this City by
18 doing anything that would obviously hurt the enjoyment of
19 that property and the value of that property and disrupt
20 their lives there. So there is no way I can support putting
21 a gas station in this location. The intensity of this
22 operation will definitely have a negative impact on the
23 neighborhood, so I will be voting against this application.

24 MAYOR GARNOS: Thank you. Are there comments?

25 JEAN MOORE: As the Council representative to the

1 Planning Commission, I have had the opportunity to hear the
2 residents in this room speak at the Planning Commission and
3 also tonight. And I along with Mayor Pro Tem Suter, when I
4 consider the issues like lights, noise, fumes, public safety,
5 the compelling comments that each of you have made about the
6 negative impact of this proposed development on your
7 properties and on your lives, I cannot support this measure.

8 MAYOR GARNOS: Thank you. Other comments?

9 R.D. MALLAMS: Mayor, like Council Member Moore, I
10 attended both of the Planning Commission meetings to gain an
11 understanding, to gain knowledge of the proposal. I
12 understand your concerns voiced by the residents of the
13 Woodlands. And I believe, Mr. Cudo, you've done a good job
14 addressing some of the concerns that the residents have. And
15 I came in this evening with an open mind and, again, I wanted
16 to listen here and then make a decision based upon what I
17 thought was in the best interest of our community. And
18 because of that, I can't support the proposal.

19 KYLE YARBER: Certainly the biggest concern I have
20 regarding any issue is the environmental impact on public
21 health. I have a six-year-old daughter. I completely
22 understand residents having concerns. And it is not just the
23 if fumes you smell, but the stuff that you don't smell, all
24 the things we've learned years later of the impact of
25 gasoline on developmental -- I'm surprised I can even speak

1 growing up around lead had gasoline back in those days. I am
2 an example of the damage done, some people would say. So I
3 am, I share those concerns people raising young children near
4 this -- potentially raising them near this much fuel. Even
5 with the safest system design, still, they always have a
6 percentage of times when those systems fail. Nobody has come
7 up with a system yet that is 100 percent. So I would be
8 against this for those reasons. All the other reasons are
9 very valid. But that reason alone is enough for me.

10 MAYOR GARNOS: Thank you, Councilman. I had a
11 couple comments, too. I struggled with this coming with an
12 open mind. Many years ago on the Planning Commission we had
13 a proposal before us to look at putting in 100 townhouses in
14 that green space behind Family Video just off of 72nd. That
15 came to Planning Commission and we had every resident
16 surrounding that property come to Planning Commission and did
17 not want 100 townhomes there, noise, lights, traffic, that
18 nearest intersection. There was nobody that wanted that
19 green space turned into 100 townhouses. Myself included,
20 because I live near there. But one of the things I realized
21 when we were doing that is we weren't sitting there trying to
22 vote on would you rather have a park and green space or would
23 you rather have 100 townhomes. That was not the question
24 that was before this. This was private property. The person
25 wanted to do their -- use their own money and make -- run

1 their own business out of it. And in my mind, it -- that
2 makes a very high bar for the City to say, you can't do that.
3 If a developer has jumped through all the hoops, complied
4 with everything that the City has put before it, including
5 agreeing to all the conditions that have been recommended by
6 staff and the Planning Commission, I think it's very
7 difficult to oppose a development just because we don't like
8 it or that is not what we want to see there. And even in
9 terms of highest and best use for myself, I don't want to see
10 a gas station there. I think that whole area is awkwardly
11 laid out and this is what is going to happen when this is a
12 weird building shoved so far back on that property, and I'd
13 just as soon bull doze the whole thing and start over,
14 re-organize it the way it should have been in the first
15 place. But we don't get to vote on what we want to see
16 there, what we would rather see there. And we don't get to
17 vote on only supporting the highest and best use for the
18 property. I don't think that this is it. But I don't know
19 that that is the question before us that we can -- we are
20 here to decide and make a decision on. I also have to look
21 at the work that has been done up to this point. City staff
22 recommended approval of this. The Planning Commission, who
23 has heard this and all the issues twice, also recommended
24 approval. It was not unanimous. I think the vote was nine
25 to three. But the Planning Commission voted to approve and

1 City staff voted to approve and that has to carry some weight
2 with City Council. I've been persuaded that Mr. Cuda has
3 been very responsive or attempting to be responsive to the
4 neighborhood's concerns. I thought the letter that you wrote
5 on November 27th was very persuasive to me responding to the
6 issues that have previously been raised in the November 19th
7 Planning Commission meeting. Had you not written that
8 letter, I would have been persuaded by the comments made at
9 Planning Commission. But I appreciated your letter and your
10 response to the issues that the people had raised. But in my
11 mind, this is not what we want to see there. But the private
12 property, I think the willingness to comply with City
13 restrictions doesn't give me a lot of reasons to impose my
14 judgement over theirs as to the business they want to run
15 there. And I think that is my -- the issue I'm wrestling
16 with here. It is not the highest and best use, but that is
17 not what we are voting on tonight. I don't know that we have
18 a right to try to impose that. But that is my opinion and
19 that is why there is five of us. So is there any other
20 questions, comments, issues? Are we ready to go to a vote?
21 Madam Clerk, please call the roll.

22 MADAM CLERK: Councilman Kyle Yarber?

23 KYLE YARBER: No.

24 MADAM CLERK: Councilman Mallams?

25 R.D. MALAMS: No.

1 MADAM CLERK: Counsel Member Jean Moore?

2 JEAN MOORE: No.

3 MADAM CLERK: Mayor Pro Tem Carol Suter?

4 CAROL SUTER: No.

5 MADAM CLERK: Mayor Bill Garnos?

6 MAYOR GARNOS: I'm going to vote yes. Bill No.

7 18-45 fails and will not be enacted.

8 Item 17, any other business for the City Council
9 this evening? If not, we stand adjourned.

10 (Adjourned.)

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C E R T I F I C A T E

I, Nicole M. Calcara, Certified Court Reporter, do hereby certify that on November 19, 2018, I was present and reported all of the proceedings in the Gladstone City Council Hearing; I further certify that the foregoing 48 pages contain a complete and accurate transcription of the proceedings.

Official Court Reporter C.C.R. #930

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