

**MINUTES**  
**RAYTOWN BOARD OF ALDERMEN**  
**AUGUST 16, 2016**  
**REGULAR SESSION No. 33**  
**RAYTOWN CITY HALL**  
**10000 EAST 59<sup>TH</sup> STREET**  
**RAYTOWN, MISSOURI 64133**

**OPENING SESSION**  
**7:00 P.M.**

Mayor Michael McDonough called the August 16, 2016 Board of Aldermen meeting to order at 7:00 p.m. Alderman Bill Van Buskirk provided the invocation and led the pledge of allegiance.

**Roll Call**

The roll was called and the attendance was as follows:

Present: Alderman Karen Black, Alderman Josh Greene, Alderman Jim Aziere, Alderman Jason Greene, Alderman Janet Emerson, Alderman Mark Moore, Alderman Steve Meyers, Alderman Bill Van Buskirk, Alderman Eric Teeman

Absent: None

**Proclamations and Presentations**

★ Proclamation recognizing Liz Kelley-Hansen

**Public Comments**

Taylor Seedorf, President of the IAFF Local 1730, the Raytown fire fighters and paramedics union, thanked the Board for providing his staff of EMS workers a well-deserved and needed raise last meeting. He also read a statement on behalf of the membership and executive board of IAFF Local 1730 regarding conversations about merging the EMS System with the Raytown Fire District, and the need to provide the necessary funding to create a workable system. The IAFF Local 1730 is calling upon the Board of Aldermen and the Board of the Raytown Fire District to set up meetings to develop a workable proposal to merge the Raytown EMS Department into the Raytown Fire Protection District as soon as it is operationally and fiscally responsible to the citizens.

**Communication from the Mayor**

None.

**Communication from the City Administrator**

None.

**Committee Reports**

Alderman Eric Teeman reported on the Park Board Meeting on August 15, 2016. He also stated that on August 19, 2016 Kenagy Park will host Movies in the Park starting at dusk; The Good Dinosaur will be featured this month. Saturday, August 27, 2016, The Raytown Art and Music Festival will be held from noon to 7:00 p.m. Liverpool, which was the cover band for The Beatles, will be featured.

Alderman Janet Emerson reported the Raytown Chamber has updated its website. There are still tickets available at the Chamber and at Hy-Vee for their Hawaiian Luau for Senior Citizens on September 29, 2016.

Alderman Jason Greene thanked Mark for his communication updates and quick responses to requests for information.

Alderman Bill Van Buskirk reported on the funeral of Former Alderman Steve Mock, and invited people to visit his remains at the Chapel at Floral Hills.

## LEGISLATIVE SESSION

### 1. **CONSENT AGENDA**

All matters listed under the Consent Agenda are considered to be routine by the Board of Aldermen and will be enacted by one motion without separate discussion or debate. The Mayor or a member of the Board of Aldermen may request that any item be removed from the consent agenda. If there is no objection by the remaining members of the board, such item will be removed from the consent agenda and considered separately. If there is an objection, the item may only be removed by a motion and vote of the board.

Approval of the Regular August 9, 2016 Board of Aldermen meeting minutes.

**R-2898-16: A RESOLUTION AUTHORIZING AND APPROVING THE REAPPOINTMENT OF DANIELLE MILES TO THE RAYTOWN PARK BOARD.** Point of Contact: Teresa Henry, City Clerk.

**R-2899-16: A RESOLUTION AUTHORIZING AND APPROVING THE APPOINTMENT OF DAVID THURMAN TO THE RAYTOWN PARK BOARD.** Point of Contact: Teresa Henry, City Clerk.

**R-2900-16: A RESOLUTION AUTHORIZING AND APPROVING THE APPOINTMENT OF ROBBIE TUBBS TO THE RAYTOWN PARK BOARD.** Point of Contact: Teresa Henry, City Clerk.

Alderman Karen Black, seconded by Alderman Janet Emerson, made a motion to approve the consent agenda. The motion was approved by a vote of 9-0.

Ayes: Aldermen Karen Black, Janet Emerson, Eric Teeman, Bill Van Buskirk, Steve Meyers, Mark Moore, Jason Greene, Jim Aziere, Josh Greene

Nays: None

Steve Meyers thanked the outgoing members for their exemplary services.

### REGULAR AGENDA

### 2. **REPORT OF CERTIFIED ELECTION RESULTS FOR THE AUGUST 2, 2016 ELECTION.**

Alderman Eric Teeman, seconded by Alderman Mark Moore, made a motion to accept. The motion was approved by a vote of 9-0.

Ayes: Aldermen Eric Teeman, Mark Moore, Josh Greene, Jason Greene, Bill Van Buskirk, Karen Black, Jim Aziere, Janet Emerson, Steve Meyers

Nays: None

3. **Public Hearing:** A public hearing to consider a Conditional Use Permit on property located at 6709 Raytown Road.

3a. **SECOND READING: Amended Bill No. 6412-16, Section XIII. AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT SUBJECT TO CERTAIN CONDITIONS TO ALLOW A FUELING STATION AT 6709 RAYTOWN ROAD IN RAYTOWN, MISSOURI.** Point of Contact: Ray Haydaripoor, Acting Development & Public Affairs Director.

The bill was read by title only by Teresa Henry, City Clerk.

Ex-Parte communications were reported by Aldermen Josh Green, Steve Meyers, Bill Van Buskirk, and Jim Aziere. Each either stated they would weigh all factors when making a decision or the communications would not affect their votes.

Scott Peterson, Development & Public Affairs, provided the Staff Report and remained available for discussion.

Discussion included the Planning & Zoning Commission had previously approved this conditional use permit by a vote of 5-0. Since then, the Traffic Impact Analysis has been completed by the Public Works Department, and the Commission voted 5-1 to approve the original recommendations, along with one additional recommendation that the driveway entrance along Raytown Road be right-in right-out only. The traffic study was done according to city policies.

Jim Sullivan of Sullivan Palmer Architects summarized prior discussion; concerns included crime, whether or not the building design would be the same as presented, signage, and maintenance issues. He reported that these concerns have been addressed, and stated that if the resolution passed, his company would provide what has been agreed to in the proposal. As the right to build a convenience store already exists, the proposal is focused on the right to attach a fueling station and provide the proposed landscaping. While a convenience store alone may create an increase in crime, the gas pumping sales is not believed to pull in additional crime. They will work with city staff to ensure that any signage is in full compliance with the city criteria and zoning codes. The demolition of the front building on Raytown Road, the utilization of the east building and the additions will result in a new facility which will improve the site and the traffic patterns over the current status.

Albert Hermans with SDC Engineering, who conducted the traffic studies for the development, stated the peak hour would be between 4:30 p.m. and 5:30 p.m., with a volume of 1800 vehicles through the intersection of 67<sup>th</sup> Street and Raytown Road. There is no room to put in a left turn lane due to the left turn lane coming out of 67<sup>th</sup> Street onto southbound Raytown Road. The location is not determined to be a trip generator and should not increase traffic. The study was completed on Wednesday, July 6, 2016. There will be signage, possibly a curb island set up to prevent left turns out of the facility.

Carol Hensley of Mid America Laminating expressed concerns that the intersection in question is prone to accidents, and the gas station could increase that potential. She expressed concerns that the study was inadequate. There have been 15 accidents in the last 20 months, most of them between 3:00 pm and 4:00 pm as school is letting out. 25 busses go through the intersection. She noted that in earlier discussions the property owner had stated that a convenience store would not be built without the gas station. There is already another gas station within 2 blocks of the proposed site. Another convenience store is already located within 400 feet of the proposed site. The proposal would take business away from these existing businesses and result in newly vacant sites.

Sameer Vishnani, the property owner, stated that we have a free enterprise system and should not prohibit a new business just because it might take business away from existing businesses. There are already two businesses that create traffic issues, and he believes his proposal will actually address some of these issues by removing hazards and creating a right-in right-out joint access. He has the experience to run the business responsibly and create sustainable value in his projects. He stated it is his responsibility to remove the fuel tank in the event of a business failure. The project would be built concurrently with the convenience store. He is not sure which brand of gas, but it will be a branded station.

Alderman Bill Van Buskirk thanked Mr. Vishnani for his responsiveness during previous projects.

The public hearing was closed.

Board discussion included there are already seven gas stations in the area. The process set up to conduct a traffic study is inadequate. School busses, sidewalks, the presence of children that are being picked up should all be considered relevant to a traffic study. We should consider changing our processes for conducting future studies. This should be brought up in another session, perhaps a work session, with proposals of alternate methods. The intersection has apartment buildings on both sides on the street, no sidewalks, and 67<sup>th</sup> Street is an overflow street. At certain times of the day it gets almost as much traffic as a major street. On one side of the street, there are no sidewalks, no streetlights, and a gully. On the other side of the street there is a convenience store, sidewalks, and a lot of children. Safety should be a more important consideration than money. The concerns of the citizens should be an important consideration. The petition is not a valid petition; each page must be notarized. It includes signatures of people who do not live in Raytown. There are 30,000 residents of Raytown. In a system of free enterprise, personal preferences of what people want should not be the determining factor of use on a private property, as long as it is developed according to the laws of the city and within the zoning requirements. The applicant has worked well with the city in responding to our concerns.

Alderman Eric Teeman, seconded by Alderman Steve Meyers, made a motion to adopt. The motion failed by a vote of 4-5.

Ayes: Aldermen Eric Teeman, Steve Meyers, Josh Greene, Bill Van Buskirk

Nays: Aldermen Jim Aziere, Jason Greene, Janet Emerson, Karen Black, Mark Moore

4. **FIRST READING: Bill No. 6416-16, Section XIII. AN ORDINANCE** GRANTING APPROVAL OF THE SITE PLAN FOR A RETAIL STORE ON LAND LOCATED AT 9109 EAST 63RD STREET IN ACCORDANCE WITH THE PROVISIONS OF THE COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF RAYTOWN, MISSOURI. Point of Contact: Ray Haydaripoor, Acting Development & Public Affairs Director.

The resolution was read by title only by Teresa Henry, City Clerk.

Scott Peterson, Development & Public Affairs, provided the Staff Report and remained available for discussion.

Discussion included this is part of a rezoning application to label it Neighborhood Commercial With a Plan to Overlay District which was approved by the Board of Aldermen in February 2016. As part of the rezoning approval, the Board set three conditions on the application: 1) that the final site plan comply with the Central Business District design standards; 2) that the final site plan be presented for approval to the Planning and Zoning Commission and the Board of Aldermen; and 3) the retail store be prohibited from selling alcohol. It went back before the Planning and Zoning Commission this month, which recommended approval by a vote of 6-0 subject to the following conditions: 1) the buffer as set out in the NC district shall not be required and the location of the building shall be as determined by the Board of Aldermen; 2) parking shall be permitted in front of the building; and 3) the planting area along 63<sup>rd</sup> Street shall be increased to a minimum of ten feet; 4) the width of the parking lot shall be reduced from 76 feet to 72 feet; 5) the building shall be moved north 2.4 feet to allow greater separation between the building and future residences to the south; 6) a front building set back greater than ten feet shall be permitted; 7) the applicant shall prepare a complete sign package in accordance to the sign regulations and submit it to staff for review and approval; 8) the applicant shall replace the Downy Hawthorns along 63<sup>rd</sup> Street and in the southwest corner of the parking lot with a different variety; 9) the applicant shall be responsible for the maintenance of all landscaping and fencing as needed; 10) add one additional tree to the west side and two to the south side of the building; 11) revise the site plan as approved by the Zoning and Planning Commission and the Board of Aldermen and submit five copies to the staff for review and approval of the changes. The site plan as it stands would be short six parking spaces as required by the zoning ordinance. They currently have 31 spaces on site; zoning ordinance requires 37.

Ralph Monaco stated that it was important that the retail component was approved before breaking ground on the residential section so that interested parties would see it was an integral part of the project. They can't build anything until they know what the buffer, separation and landscaping is going to look like. The sanitary sewers are laid on the back side of the property.

Greg Stervinou stated the final site plans will show three sewer stubs for hook ups off the main for those lots.

Mr. Miller stated the retaining wall can be graded back without adversely affecting the lots on the Blue Ridge side. Instead of creating a large retaining wall with a fence on top of it, which could prove to be a safety hazard, it was decided to grade it out as a 3-1 slope which can be mowed and maintained. There will also be a privacy fence on the graded hillside. This was added to the original plan and was not part of the original approved plan. Additional trees could be added to mask the building.

Mr. Peterson stated there are concerns about removing the retaining wall. Since the privacy fence would be at the bottom of the hill, the commercial business would not be screened from the view of the residences. Although the commission did not ask that it be retained, staff does have reservations. The people who live at Regency East do not want the project. Some people feel that 63<sup>rd</sup> Street is turning into a Dollar General Corridor. Dollar General does very thorough studies to determine potential profits before committing to a project. There are some nearby strip malls that are not performing well. Dollar General is interested, but will not commit until a site plan is approved.

5. **FIRST Reading: Bill No. 6417-16, Section XIII. AN ORDINANCE AMENDING CHAPTER 50, SECTION 50-38 OF THE CITY OF RAYTOWN CODE OF ORDINANCES RELATING TO THE ESTABLISHMENT AND MEMBERSHIP OF THE PLANNING COMMISSION.** Point of Contact: Teresa Henry, City Clerk.

Teresa Henry, City Clerk provided the Staff Report and remained available for discussion.

Discussion included this ordinance is designed to bring city code into compliance with state statute. This was changed in 1999.

Alderman Bill Van Buskirk, seconded by Alderman Mark Moore, made a motion to suspend the rule requiring a second reading. The motion was approved by a vote of 9-0.

Ayes: Aldermen Bill Van Buskirk, Mark Moore, Eric Teeman, Jim Aziere, Josh Greene, Karen Black, Steve Meyers, Jason Greene, Janet Emerson

Nays: None

Alderman Jason Greene, seconded by Alderman Bill Van Buskirk, made a motion to adopt. The motion was approved by a vote of 9-0.

Ayes: Aldermen Jason Greene, Bill Van Buskirk, Janet Emerson, Mark Moore, Karen Black, Steve Meyers, Josh Greene, Jim Aziere, Eric Teeman

Nays: None

It became **Ordinance NO.: 5551-16**

### **CLOSED SESSION**

**Notice is hereby given that the Mayor and Board of Aldermen may conduct a closed session, pursuant to the following statutory provisions:**

610.021(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys;

### **ADJOURNMENT**

Alderman Eric Teeman, seconded by Alderman Janet Emerson, made a motion to move to closed session. The motion was approved by a majority of those present.

The meeting adjourned at 9:50 p.m.

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Teresa Henry, City Clerk