

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
CITY OF WASHINGTON, FRANKLIN COUNTY, MISSOURI
MONDAY, NOVEMBER 19, 2018**

INTRODUCTORY ITEMS:

The Regular Meeting of the City of Washington, Missouri, City Council was held on November 19, 2018, at 7:00 p.m. in the Council Chamber. Mayor Sandy Lucy opened the meeting with roll call and Pledge of Allegiance.

Mayor:	Sandy Lucy	Present
Council Members: Ward I	Steve Sullentrup	Present
	Susan Watermann	Present
Ward II	Jeff Mohesky	Present
	Mark Hidritch	Present
Ward III	Jeff Patke	Present
	Greg Skornia	Present
Ward IV	Gretchen Pettet	Present
	Joe Holtmeier	Present

Also Present:	City Attorney	Mark Piontek
	City Administrator	Darren Lamb
	City Clerk	Mary Trentmann
	Director of Public Services	John Nilges
	Police Chief	Ed Menefee
	Economic Development Director	Sal Maniaci
	Parks Foreman	Chad Owens
	Fire Chief	Tim Frankenberg

Originals and/or copies of agenda items of the meeting, including recorded votes are available on record in the office of the City Clerk. Each ordinance is read a minimum of twice by title, unless otherwise noted.

Approval of Minutes:

* Approval of the Minutes from the November 5, 2018 Council Meeting

A motion to accept the minutes as presented was made by Councilmember Patke, seconded by Councilmember Holtmeier, passed without dissent.

Approval and Adjustment of Agenda including Consent Agenda:

* Fireworks Display Request

November 14, 2018

Honorable Mayor and City Council

405 Jefferson Street

Washington, MO 63090

Re: Fireworks Display Permit Request

Dear Honorable Mayor and City Council,

The City of Washington would like to request a permit for a fireworks display on the evening of Saturday, December 1, 2018 at the riverfront for a public fireworks display to commemorate the bridge opening.

The issuance of this permit is contingent upon all paperwork and approvals being met by all departments and weather conditions being favorable.

Respectfully submitted,

Tom Neldon

Building Official

* Final Pay Request – McConnell & Associates – Phoenix Tennis Court Repairs

* Change Order #3 – McFry Excavating, Inc. – Landfill Site Preparation

After a discussion regarding Change Order #3 – McFry Excavating, Inc. – Landfill Site Preparation, a motion to accept and approve the agenda including the consent agenda accordingly was made by Councilmember Holtmeier, seconded by Councilmember Watermann, passed without dissent.

PRIORITY ITEMS:

Mayor's Presentations, Appointments & Re-Appointments:

* Park & Recreation Commission Appointment

November 5, 2018

To The City Council

City of Washington

Washington, MO 63090

Dear Council Members:

I herewith submit for your approval the following for appointment to the Parks & Recreation Commission:

Kevin Kriete – term ending June 2021

Respectfully submitted,

Sandy Lucy

Mayor MKT

After a brief discussion on how to join the Park & Recreation Commission, a motion to accept and approve the appointment was made by Councilmember Patke, seconded by Councilmember Skornia, passed without dissent.

* Police Department Reappointments

November 13, 2018

To The City Council

City of Washington

Washington, MO 63090

Dear Council Members:

I herewith submit for your approval the following for reappointment to the Police Department:

<i>NAME</i>	<i>APPOINTED</i>	<i>TERM EXPIRE</i>
<i>Michael Grissom Patrol Officer</i>	<i>Nov. 22, 2018</i>	<i>Nov. 22, 2019</i>
<i>Michael Wissbaum Detective</i>	<i>Dec. 1, 2018</i>	<i>Dec. 1, 2019</i>

*Respectfully submitted,
Sandy Lucy
Mayor
MKT:*

A motion to accept and approve the appointment was made by Councilmember Patke, seconded by Councilmember Holtmeier, passed without dissent.

* Phoenix Center CID Reappointments

November 13, 2018

City Council

City of Washington

405 Jefferson Street

Washington, MO 63090

Dear City Council Members:

I herewith submit for your approval the reappointment of Joseph Vernaci and Sandy Lucy to the Board of Directors of the Phoenix Center II Community Improvement District with terms expiring November 2022.

Respectfully Submitted,

Sandy Lucy

Mayor

A motion to accept and approve the reappointments was made by Councilmember Sullentrup, seconded by Councilmember Patke, passed without dissent.

PUBLIC HEARINGS

* Postpone rezone request – 505 W 2nd Street from R-2, Residential Two-Family to R-1C, Single-Family Attached

November 14, 2018

Mayor & City Council

City of Washington

Washington, MO 63090

RE: File No. 18-1103-Rezoning 505 W. Second Street

Mayor & City Council,

The above mentioned file has been requested to be postponed by the applicant.

Sincerely,

Thomas R. Holdmeier

Chairman

Planning & Zoning Commission

Maniaci: This was one of the duplexes downtown on West Second Street and there was some confusion about the ownership. Someone had passed away and so we didn't have the correct names on the application so it's been postponed until December.

A motion to table the rezone request was made by Councilmember Patke, seconded by Councilmember Holtmeier, passed without dissent.

* Special Use Permit – 504 W. 3rd Street – Vacation Rental

November 14, 2018

Mayor & City Council

City of Washington

Washington, MO 63090

RE: File No. 18-1102-Special Use Permit-504 W Third Street-Vacation Rental

Mayor & City Council,

At the regular meeting of the Planning & Zoning Commission held on November 13, 2018 the above mentioned Special Use Permit was approved with a unanimous 9-0 vote in favor.

Sincerely,

Thomas R. Holdmeier

Chairman

Planning & Zoning Commission

Mayor: Okay, Sal.

Maniaci: John, would you mind pulling that up real quick? Should be one of the PowerPoints, the other one on the right. So this is pretty straight forward. This is another Airbnb Short Term Lodging located at 504 West Third Street. The only other difference is actually theirs one in the vicinity so this house right here is currently used as a Bed and Breakfast. They are asking for and it was granted a Special Use Permit years ago, this one is asking for the same.

They do have off street parking that is in close proximity to walking distance of Downtown, so we think it's in an appropriate area.

It's zoned R-2 Overlay which is what all of the houses are there. I mean they can be used as single-family or two-family and then to have that short term lodging they do need the same Special Use Permit.

Mayor: Any questions or comments?

Holtmeier: I make a motion.

Skornia: Second.

Lamb: It's a Public Hearing. You need to open the floor up.

Holtmeier: It's a Public Hearing.

Mayor: Okay, is there anyone here who would like to address the Council on this item?

Patke: It don't look like it.

With no further discussion, a motion to accept the Public Hearing into the minutes was made by Councilmember Holtmeier, seconded by Councilmember Sullentrup, passed without dissent.

Bill No. 18-11907, Ordinance No. 18-11945, an ordinance granting a Special Use Permit to utilize 504 West Third Street as a Vacation Rental in the City of Washington, Franklin County, Missouri.

The ordinance was introduced by Councilmember Holtmeier.

With no further discussion, the ordinance was read a second time and passed on the following roll call vote; Mohesky-aye, Skornia-aye, Watermann-aye, Hidritch-aye, Patke-aye, Pettet-aye, Holtmeier-aye, Sullentrup-aye.

* Establish rules and regulations for the operation of motorized food trucks and Food Truck Vending Districts

Mayor: Okay, Sal.

Maniaci: So this is a Public Hearing for establishing the Food Truck Regulations and the Vending Districts. We went over this at Admin and Operations in October. There was a couple of comments. We, I think, we addressed those.

You can see in your ordinance it has most of the same regulations that we had previously. Some of the concerns were that permit fees, that if say Lourdes was doing their food truck event if these vendors would have to get a \$500 or \$125 permit fee and this is for, if they're going on public ground only. If they're going to be doing it at on their own time as their own business, if they're part of another special event they have to get a business license. They're not going to be required to get this food truck vendor, this is if only they're going to be doing it as a separate business from a special event.

And then, trying to figure out what the other thing I changed was, I think that was it. That was the only thing that we actually...

Mohesky: (*Inaudible*)...real quick here.

Maniaci: Yeah.

Mohesky: On Section 4 a. there where it talks about insurance, do we require them to have a set amount for insurance?

Maniaci: Yes, on you know what I, it's not stated in there but it is on the application. It is for not less than \$1,000,000.

Mohesky: Less than, okay; that's good. And then the second one was on that Section 7 there, as far as the district, we have a designated district for food trucks yet, or not?

Maniaci: So this ordinance also does that. So, John if you want to go to the Adobe. And so this ordinance should also be designating both of these.

First one is for Downtown Vending District. You can see here it goes down on Front Street encompasses in front of Rhine River and our publicly owned parking lot there. The Riverfront as well as the graveled area and then over to Market. Cuts back over away from the residential area down to, I'm sorry, this is Market. It goes back over to Jefferson and then down to Fifth.

Mohesky: Is there any reason we jump out to Market there? I mean not just go straight down to Jefferson?

Maniaci: Honestly because of the construction going on here. You're correct, this is residential.

Mohesky: Yep.

Maniaci: That's being built now. I just added, to be honest I followed the TIF District.

Mohesky: No, I'm with you.

Maniaci: So.

Mohesky: I'm with you. I'm stating if you're going to stay out of housing neighborhoods...

Maniaci: Yeah, that could be amended to go right down Jefferson.

Lamb: There is a lot of housing down there.

Mohesky: I know.

Lamb: It's all housing.

Mohesky: You're right.

Maniaci: And those green dots are restaurants so this will be updated as new restaurants open to make sure when we had this out, they know that they have to be 200 feet away from there.

Sullentrup: So is our public parking lot down on the Riverfront not included?

Lamb: It is included.

Maniaci: Yep, it's right here.

Sullentrup: No, the one down by...

Mohesky: Yeah, it's there.

Sullentrup: Yeah.

Maniaci: Yeah, here it is in front of...

Sullentrup: Yep, I see it.

Mohesky: Yep.

Maniaci: There.

Mohesky: Cool.

Maniaci: And the second district, if John you want to go to that second tab, it is encompassing the Fairgrounds for events that our Parks and Rec would want to host out there. Even if a different organization would have a food truck event, as well as Lakeview Park and the Ballfields, so if someone wanted to set up during a busy Saturday or tournament that they could do so.

Mohesky: Okay.

Holtmeier: Good.

Piontek: Sal, those two maps are not specifically incorporated into this ordinance.

Mohesky: Yeah.

Piontek: Just ask that the Council can establish them as they deem appropriate. If the Council is going to approve this ordinance, then the second thing that you need to do is approve those two vending districts.

Mohesky: Okay.

Mayor: Do we have to put that back onto the agenda or can we do that tonight?

Piontek: You can do that tonight.

Maniaci: Okay.

Piontek: After you adopt this ordinance. Assuming...*(inaudible.)*

Mayor: Okay, this is a Public Hearing.

Watermann: I have a question Sal.

Maniaci: Yes.

Watermann: So this and this may not be a question you know the answer to, but when the Health Department inspects, do they also inspect for fire for safety like having making sure that restaurants have adequate fire extinguishers?

Maniaci: I don't know that for sure, but I would be surprised that they verify if the Health Department would verify if the location of a fire hydrant or a fire extinguisher...

Mohesky: We brought the Fire Department just because of this tonight.

Watermann: Just because of this?

Moheky: Come on up.

Lamb: Come on up Tim. We know you...

Watermann: Because the other the concern that I have is food trucks. You know in that close space, they I know that they're more of a fire hazard even than restaurants are because you've got such an enclosed space with cooking going on there and we don't have any requirements for that sort of safety.

Frankenberg: That's why I'm here.

Watermann: Oh.

Frankenberg: I don't know if I've caught it in. If we've missed it, if the Fire Department missed it in the October Operations, I'd like to apologize. That's one thing that I've noticed missing in the ordinance, is there's no fire safety provisions.

There was a truck that exploded, a food truck that exploded in Philadelphia a few years back that killed two people. Looking at the NFPA statistics, there's 580 propane fires as first point of ignition in vehicles since between 2011 and 2014. So that's a concern.

If you look at the City of St. Louis as well as the City of Chicago, they've done some pretty proactive measures for fire protection in food trucks particularly in the safety side of it. Hard piping rather than running cheaper rubber hose or flexible line inside these food trucks. The State of Missouri also has requirements for propane being established in a vehicle, so that is a concern I have from a fire perspective and a safety perspective of the ordinance.

I love the idea, I mean I eat at a food truck regularly. I just think there's some provisions that we need to do.

I think the City of St. Louis has a good footprint. It's not real restrictive, they're using an NFPA guidelines that are fairly straight forward. The codes have not kept up with this. There's a couple of hundred thousand food trucks estimated to be on the road with this foodie craze so the codes are very slow to react to that. NFPA 1 and NFPA 96, NFPA 1 is the Fire Prevention Code. National Fire Protection Association Code and NFPA 96 is talking about the ventilation same thing that we use in restaurants requirements for hood systems hood protection. If you're frying with grease in these things, they need to be properly protected.

The two big questions, the two big safety issues are grease fires and more importantly and honestly is propane. That's the big, big, the big one is propane. Not changing propane cylinders while you're cooking, having somebody competent working with it as well as spacing. There's even spacings from NFPA under the recommendation of distance between food trucks and distances from buildings as well. There's some phenomenal statistics on the power of propane. One 20-pound cylinder has the equivalent of 176 sticks of dynamite. There was a food truck exploded in March of this year in Minnesota, it could be heard, the blast could be heard six miles away. So it's a significant amount of energy there with these propane cylinders in these trucks.

So I would recommend that the ordinance, if this passes we follow-up with another ordinance looking at the fire safety side of this.

Lamb: I think that we could look at Section 5, that's where you have the Health Department Food Permit and subject to the Health Code, I think that you could go ahead and take this back and add a section insert a section there and go ahead and come up with a...

Frankenberg: And we would have the Building Department would actually be the, that's where we would push the permitting through...

Unknown: Sure.

Frankenberg: If there were any inspections, I don't think necessarily that the City may need to get into the inspection business, but have them provide documentation. When they're setting up in one of these districts setting up appropriately that they're far enough from buildings, they're far enough from one another, and if we need to spot check one for public complaint we would at least have some backing to go back on if we had some ordinance language.

Moheky: Do you know is there any certifications out there for these food trucks, like they gotta be checked once a year, nothing like that out there?

Frankenberg: No, really the codes haven't caught up. Looking at the, doing some research on this, the State of Missouri does have propane regulations on mobile vehicles and that is what the City of St. Louis is using as well as the NFPA guidelines that are out there.

NFPA is trying to catch up and after the explosion that killed those folks in Philadelphia, that's when people started to get on board. Chicago is the leader in it to be quite frank with you; City of St. Louis is trying to mimic them. City of Chicago requires all kinds of requirements that I think are far and beyond what we're capable of right now, but looking at the City there's (*inaudible*)...number of those types of trucks in there that are substantially at more risk.

Sullentrup: I know that Sal's worked really hard on this, but do you think that it would be right to maybe table this and get it going...

Lamb: Yeah, yeah we have...

Maniaci: (*Inaudible*)...Public Hearing.

Moheky: It's winter time, it's not in a rush right now.

Lamb: Yeah.

Maniaci: Yeah, I think it's the whole point was to get comments. We had the Public Hearing which is what we need to do and the ordinance can always be done later.

Moheky: Yep. So, Mark since he's going to do that do we just go ahead and have him add that into the ordinance, the actual maps too?

Piontek: Yeah...(inaudible.)

Maniaci: You know what, this is not updated.

Watermann: Well couldn't there be some benefit to having the maps separate though because that way we wouldn't have to change the whole ordinance to change the...

Piontek: Well the way the code is written...

Moheky: It's tied in.

Piontek: You have the ability to adopt additional districts as you deem appropriate.

Moheky: Yeah.

Piontek: I just want to have something in the record that says yes, we've adopted these particular districts. If you want to include them into the ordinance that's fine, you don't want to include them into the ordinance, if you just want to make a motion to adopt them, that's fine too.

Lamb: Mark...

Piontek: In some way there's gotta be some official approval.

Lamb: But if we added an additional map, I mean you would be passing it by ordinance at a later date anyway, right?

Piontek: Not necessarily.

Lamb: Okay.

Piontek: You won't do it for a Festival Districts but you could.

Lamb: I was just saying it seems like it's going to come back in front of you anyways...(inaudible.)

Watermann: (Inaudible)

Mohesky: It doesn't matter one way or the other I guess.

Lamb: Yeah.

Mohesky: Half a dozen one, half a dozen the other. Alright.

Mayor: Okay, so do we need to...

Mohesky: (Inaudible)...needs to change, well if we're done with the...

Mayor: Well the, I guess that we have to accept the Public Hearing into the minutes, right?

Piontek: Yes.

Lamb: Yes.

Mayor: Because we've done that now.

With no further discussion, a motion to accept the Public Hearing into the minutes was made by Councilmember Patke, seconded by Councilmember Watermann, passed without dissent.

CITIZENS DISCUSSIONS

* None

UNFINISHED BUSINESS

* None

REPORT OF DEPARTMENT HEADS

* Director of Public Services, John Nilges updated Council on Oak Street, Bieker/Steutermann Overlay, West Main Street sidewalks, and the Trash Tippers. A brief discussion ensued regarding asphalt on West Main Street.

ORDINANCES/RESOLUTIONS

Bill No. 18-11908, Ordinance No. 18-11946, an ordinance accepting the bid from Nappier Construction D.B.A. Shingle-Tech and to approve the purchase and installation of asphalt roofing and materials by the City of Washington, Missouri.

The ordinance was introduced by Councilmember Patke.

After a brief discussion, the ordinance was read a second time and passed on the following roll call vote; Mohesky-aye, Skornia-aye, Watermann-aye, Hidritch-aye, Patke-aye, Pettet-aye, Holtmeier-aye, Sullentrup-aye.

Bill No. 18-11909, Ordinance No. 18-11947, an ordinance authorizing and directing the execution of a contract with SCS Engineers for the Semi-Annual Groundwater Monitoring Program at the Struckhoff Sanitary Landfill in the City of Washington, Franklin County, Missouri.

The ordinance was introduced by Councilmember Holtmeier.

After a brief discussion, the ordinance was read a second time and passed on the following roll call vote; Mohesky-aye, Skornia-aye, Watermann-aye, Hidritch-aye, Patke-aye, Pettet-aye, Holtmeier-aye, Sullentrup-aye.

COMMISSION, COMMITTEE AND BOARD REPORTS

* **Preliminary Plat – Stone Crest Re-subdivision, Lot 77**

November 14, 2018

Mayor & City Council

City of Washington

Washington, MO 63090

RE: File No. 18-1101-Preliminary Plat-Stonecrest Resubdivision, Lot 77

Mayor & City Council,

At the regular meeting of the Planning & Zoning Commission held on November 13, 2018 the above mentioned was approved with a unanimous 9-0 vote in favor.

Sincerely,

Thomas R. Holdmeier

Chairman

Planning & Zoning Commission

After a brief discussion, a motion to accept this item into the minutes was made by Councilmember Patke, seconded by Councilmember Holtmeier, passed without dissent.

Bill No. 18-11910, Ordinance No. 18-11948, an ordinance approving the Final Plat of Stone Crest Re-subdivision, Lot 77, in the City of Washington, Franklin County, Missouri.

The ordinance was introduced by Councilmember Skornia.

With no further discussion, the ordinance was read a second time and passed on the following roll call vote; Mohesky-aye, Skornia-aye, Watermann-aye, Hidritch-aye, Patke-aye, Pettet-aye, Holtmeier-aye, Sullentrup-aye.

MAYOR'S REPORT

- * Council Workshop Meeting is December 3, 6 p.m. with the Council Meeting at 7 p.m.
- * Employee Thanksgiving Dinner is Tuesday at City Hall.
- * Parade of Lights is Friday with the Olde Fashion Christmas on Sunday.
- * Happy Thanksgiving.

CITY ADMINISTRATOR'S REPORT

- * Parks Director Interview Committee completed their first round of interviews. Second round will be scheduled for the first week of December.
- * Park Fees Committee met with Post 218.
- * Aquatics Complex Committee will meet with Councilman-Hunsaker on Monday at 3 p.m.

COUNCIL COMMENTS

- * Brief discussion on POW/MIA Designation.

CITY ATTORNEY’S REPORT

Public vote on whether or not to hold a closed meeting to discuss personnel, legal and real estate matters pursuant to Section 610.021 RSMo (2000) passed at 7:46 p.m. on the following roll call vote; Mohesky-aye, Skornia-aye, Watermann-aye, Hidritch-aye, Patke-aye, Pettet-aye, Holtmeier-aye, Sullentrup-aye.

The regular session reconvened at 8:40 p.m.

ADJOURNMENT

With no further business to discuss, a motion to adjourn was made at 8:40 p.m. by Councilmember Sullentrup, seconded by Councilmember Mohesky passed without dissent.

Adopted: _____

Attest: _____
City Clerk

President of City Council

Passed: _____

Attest: _____
City Clerk

Mayor of Washington, Missouri