

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
CITY OF WASHINGTON, FRANKLIN COUNTY, MISSOURI
MONDAY, SEPTEMBER 21, 2020**

INTRODUCTORY ITEMS:

The Regular Meeting of the City of Washington, Missouri, City Council was held on Monday, September 21, 2020, 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	
	Nick Obermark	Present	
	Ward II	Mark Wessels	Present
	Mark Hidritch	Present	
Ward III	Jeff Patke	Present	
Ward IV	Greg Skornia	Present	
	Gretchen Pettet	Present	
	Joe Holtmeier	Present	
 Also Present:	City Attorney	Mark Piontek	
	City Administrator	Darren Lamb	
	City Clerk	Mary Trentmann	
	Police Chief	Ed Menefee	
	Economic Development Director	Sal Maniaci	
	Public Works Director	John Nilges	
	Finance Director	Mary Sprung	
	Water/Wastewater Superintendent	Kevin Quaethem	
	Parks Director	Wayne Dunker	
	Emergency Management Director	Mark Skornia	
	Airport Manager	Kevin Hellmann	

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 September 8, 2020 Council Meeting
A motion to accept the minutes as presented made by Councilmember Sullentrup, seconded by Councilmember Holtmeier, passed without dissent.

Approval and Adjustment of Agenda including Consent Agenda:

- * Collector’s Report Summary – June 2020
- * Investment Report Summary – June 2020
- * Liquor License Application – Undergrounds Coffee, LLC, 120 W. Front Street

- * Liquor License Application – Old Bridge Brewing, Inc. dba Old Bridgeview Brewing, 16 E Front Street
- * Change Order #7 – Westport Pools – Pool Complex Renovation & Renovation
A motion to accept and approve the agenda including the consent agenda accordingly made by Councilmember Holtmeier, seconded by Councilmember Sullentrup, passed without dissent.

PRIORITY ITEMS:

Mayor’s Presentations, Appointments & Re-Appointments:

- * None

PUBLIC HEARINGS

- * Fiscal Year 2020-2021 Budget of the City of Washington, Missouri

NOTICE OF PUBLIC HEARING – BUDGET

The City Council of the City of Washington, Missouri, will formally consider the adoption the proposed budget for the fiscal period October 1, 2020 to September 30, 2021. The public hearing will be in the City Council Chambers at City Hall, 405 Jefferson Street, Washington, MO, at 7:00 P.M. C.D.T on September 21, 2020, or as soon thereafter as the public may be heard.

The proposed budget includes:

REVENUES:

<i>Estimated Revenues</i>	<i>\$31,126,980</i>
<i>Other Financing Sources</i>	<i>5,168,370</i>
<i>Projected Reserves-All Funds</i>	<i>34,826,850</i>
<i>TOTAL</i>	<i><u><u>\$71,122,200</u></u></i>

EXPENDITURES/EXPENSES:

<i>General Fund</i>	<i>\$10,563,575</i>
<i>Library Fund</i>	<i>766,405</i>
<i>Volunteer Fire Fund</i>	<i>955,120</i>
<i>Vehicle & Equipment Replacement Fund</i>	<i>1,295,165</i>
<i>Storm Water Improvement Fund</i>	<i>390,080</i>
<i>Capital Improvement Sales Tax Fund</i>	<i>8,329,000</i>
<i>Transportation Sales Tax Fund</i>	<i>3,346,000</i>
<i>Water Fund</i>	<i>2,808,600</i>
<i>Sewage Treatment Fund</i>	<i>4,453,535</i>
<i>Solid Waste Fund</i>	<i>3,690,960</i>
<i>Debt Service Funds</i>	<i>3,965,200</i>
<i>Other Financing Uses</i>	<i>5,158,370</i>
<i>TOTAL</i>	<i><u><u>\$45,722,010</u></u></i>

Total Projected Fund Balances, 9/30/2021 \$25,400,190

The proposed budget is available for public inspection at the Finance Director's Office located at City Hall at 405 Jefferson Street between the hours of 8:00 A.M. and 5:00 P.M. C.D.T. Public comments and questions, both written and oral, will be heard and considered at the hearing aforementioned.

CITY OF WASHINGTON

Mary Trentmann

City Clerk

Publish in the Washington Missourian on September 16, 2020 and the Weekend Washington Missourian on September 19, 2020.

Sprung: Good Evening Council. This is the Public Hearing for the 2020-2021 Budget for the City. The Proposed Budget includes Estimated Revenues and Projected Reserves of \$71,122,200. Expenditures and Expenses including Other Financing Uses are \$45,722,010 which leaves Total Projected Fund Balances as of 9/30/2021 of \$25,400,190.

Included into that total for the General Fund, the General Fund makes up approximately 5.5 million of that, which is roughly 21% of that so that's a very health fund balance.

Mayor: Very good.

Sprung: Just a couple of other quick budget highlights, Total Capital Expenditures are roughly 15 million and we do have one percent sales tax increase...

Lamb: Correct.

Sprung: And one percent cost of living increase.

Lamb: For the employees.

Sprung: For the employees. If anybody has any questions, I'd be happy to answer any questions, otherwise...

Lamb: I know we've discussed...

Sprung: That's our budget.

Lamb: In our previous meetings etc., so like I said without having any...

Sprung: Right.

Lamb: Questions from you via e-mail, we submit this to you tonight.

Mayor: Are there any questions, comments? Okay. Is there anyone else who would like to address the Council on the budget?

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

Bill No. 20-12224, Ordinance No. 20-13173, an ordinance approving the Budget of the City of Washington, Franklin County, Missouri for Fiscal Year 2020-2021.

The ordinance was introduced by Councilmember Patke.

With no further discussion, the ordinance was read a second time and approved on the following vote; Pettet-aye, Holtmeier-aye, Patke-aye, Wessels-aye, Hidritch-aye, Obermark-aye, Sullentrup-aye, Skornia-aye.

* Rezone Property on West 2nd between Stafford and Olive Streets from R-2 O, Two-family Overlay to PD-R, Planned Residential
September 15, 2020

*Mayor & City Council
City of Washington
Washington, MO 63090*

RE: File No. 20-The applicant is requesting a rezoning from R-2, Two Family Overlay to PD-R, Planned Residential and approval of a development plan for property located at Second Street between Stafford and Olive Streets

Mayor & City Council,

At the regular meeting of the Planning & Zoning Commission held on Monday, September 14, 2020 the above mentioned rezoning was approved with a unanimous 8-0 vote in favor.

The Development Plan was tabled to review at a later date.

Sincerely,

Thomas R. Holdmeier

Planning & Zoning Commission

Maniaci: Good Evening Council. I'm going to go through this presentation but beforehand, there's more slides on here, more details than what you're actually going to be voting on tonight. Originally last week, so the applicant submitted an application for the September Planning & Zoning Agenda for a rezoning from R-2 Two-Family Overlay, which is one these three parcels here. So, this is Second Street, here's Olive and Stafford. This is just west of Downtown. This is the Rhine River Development.

They submitted an application to rezone this to PD-R Planned Residential. As you all know, when you go to a planned district you have to submit a Preliminary Development Plan with it that gets approved with a Resolution and then a Final Development Plan which is approved by ordinance. They did submit a Preliminary Development Plan with this at the same time. Both items they're rezoning and the plan went to Planning & Zoning last week. Planning & Zoning voted unanimously to pass the rezoning to PD-R but they also voted unanimously to table the plan.

So, the plan, there was some changes that was kind of done, can't call it on the fly, the week of. By the time we got to the Public Hearing at P&Z, one unit had already been removed, so was the stormwater, detention areas had been changed and the retaining walls were moved around. That was enough to trigger the need to table that. They are going to come back in October with a new plan. P&Z felt comfortable enough and staff recommended approval of the rezoning as well to rezone to the PD-R to at least set the stage for this site to say yes this is an appropriate are for this zoning. If it were to approve tonight, it starts the two-year clock for them to bring in a plan to be approved by P&Z and Council.

This property here is R-2 Overlay, this is everything in gold on this side of town pretty much is the R-2 Overlay District. That overlay means it can be in single and two-family. When I say two-family, it's not so much these duplex styles you see across the street on Second Street. Those actually would not be permitted in R-2 Overlay anymore. Those were grandfathered. When we say R-2 in this district, that's separate from a duplex. This is more so when it's a traditional home with an A and a B. A unit downstairs and a unit up. There is not a shared wall down the property line, there's a shared wall typically on a ceiling and that's what I mean by two units.

Again, this property has been vacant for quite some time. This is the old Stumpe Property, as I've learned it's known to be. It does have some flooding issues that will have to be addressed and again, the plan to be approved at a future date would have to obviously address all of those before we give any building permits.

This shows the floodplain of that area. There is, I guess you can call it a creek, it's a USGS Blue Line Stream. On a USGS Map, if it has a blue line on the map that means it's under jurisdiction of the Army Corps of Engineers and is considered a Blue Line Stream. This area is technically a Blue Line Stream which is why this area is in the floodplain.

Now you can see here it actually narrows down along Second Street, it's because there is a culvert and a pipe here that actually that creek goes underground when it gets to this portion of Downtown. It is only above ground and more traditional basin and creek here at this property. They would have to address that. They have some preliminary plans of how they would address that. They would have to get approval from the Army Corps of Engineers as well as FEMA and send that to us in order for us to give any building permit on this site.

So, again, I'm going to show you the plan so you can kind of see exactly what P&Z got to look at. I'm sure you'll hear some comments tonight. I just want to reiterate; I'm going to go into too much detail because of the fact that this plan is preliminary, will have to be adjusted and will be back at this time, it should be back next month at your second meeting in October is what the applicant is hoping to do.

It is townhome style, two phases. You have a phase here to the east, I'm sorry, a phase to the west and second phase to the east. Driveway and alley all of the way through, and the alley would connect to Stafford. This is just zooming in. Again, I just don't want to open a box of questions and comments on this whenever it does get brought back to you.

You can there are 11 units on the first and it goes up to 18 units, 12 through 18 in the second phase so 18 total. The applicant already said they're going to remove a unit for additional stormwater area.

So, this is the rendering that was submitted. When you go through a Planned District, you have to submit some type of description or rendering of the architectural style so that way it can be attached to an ordinance or if conditions of what type of materials will be used. With a Planned District, you can't use this type of siding, you have to use whatever, or it has to be 75%, that kind of thing.

The applicant did say that it would actually be two-stories instead of three. Again, early on, this is normal for this process when you go through a Planned District. The property is under contract; they prefer the applicant the developer often wants to make sure the plan will be gets the zoning approved and that it's feasible and Council the City it will approve it to a certain point and then they'll go by the really expensive plans. With a Planned District, you have to submit that in before you get final approval, but this preliminary plan allows them to get an idea and gets Council and P&Z an idea up front.

Sullentrup: Is that facing north?

Maniaci: This is facing north, yes. So, this would be the front of all them on Second Street. There is no plan to develop this property does go down to Third Street, there is no plan to develop anything on Third Street even though it's included in the rezoning, they cannot ask for a building permit. They cannot do anything on this area unless they were to submit a development

plan and show something on that. That was the big question last week, say okay they finished the 18 units, will they come back with three more on Third Street? No, not with them submitting a new plan, going to P&Z, going to Council and us sending more letters to the neighbors.

So, we did again recommend approval of the rezoning that P&Z went through. This area, this corridor of Second Street does have a large variety of different residential densities and uses. As you can see you got traditional duplexes right across the street, you have traditional multi-family R-3 right across the street up the hill, the newer townhomes that kind of reflect more similar as to what is being built here, and then as you down to Second Street you have single-family, two-family and then you barely can see on the corner here the Show Factory, which is a new multifamily development under construction.

So we are recommending approval of that planned residential for two reasons. We think it's not out of character of the area to have some type of mixed density, higher density in this area. Under the condition that a plan is approved later. Second reason being, going to a Planned District actually provides more protection for the neighborhood because before anything can be built, they have to submit a plan that is reviewed by Planning & Zoning. It has reviewed by City Council, and it has a chance for the public to comment on it. Under its current zoning, they could actually subdivide you know, I'm no engineer, so I'm not going to give it an exact amount, but they could subdivide and put in, you know, two-family units, a unit down, a unit up for rentals and they could do that all the way down Second Street. They could do that under the current zoning.

So, when you go to the PD-R, it actually gives the neighborhood, it gives Council, it gives P&Z a chance to review it and say, okay, yes, this fits in with the community. This is the architectural style we want under its current zoning. There's actually no architectural control. There's no site plan control. I'm sorry. There's no design control other than our normal zoning code.

So, again, second what P&Z said, we recommended of the rezoning tonight, and then to come back with a plan at a later date. I will just mention, before I sit down and open up to comment, the developer is not in the room. They are outside and wanted to let wanted me to let you know that they're available for questions, but we prefer not to come in with a mask.

Sullentrup: I have quick question.

Maniaci: Yes.

Sullentrup: If we rezone this tonight and the PD-Rs not, doesn't it come back through and a guy decides he doesn't want to do something. The next person that wants to buy the property wants to do something different do we have to rezone it again?

Maniaci: No. So, a PDR has a time limit on it. So, say you approve it tonight and the applicant decides, you know, they don't want to close on it, they don't want to go through with it. A new person could buy it and come in with a similar plan. You would also have to approve it and review and approve it or after two years. So, as soon as it gets rezoned, there's two years' top submit a plan or else it reverts back to its original zoning. So, if it were to fall through and the plan were to never be approved, whether because the applicant walked away or say the Army Corps of Engineers doesn't approve the stormwater and the floodplain change, it would, and it takes two years to get that approval, it would expire and revert back. In order to extend that rezoning, they would have to come back to Council and request an extension.

Sullentrup: But my question is, what if it, somebody if we approve the zoning tonight, somebody doesn't go through with it and they want to do something immediately do they have to wait two years before they can have...

Lamb: No.

Maniaci: Oh no, they can request a new plan. So, the PD-R, even though, Willming Construction is the applicant. If they were to walk away from a project and someone else wanted to do townhomes say, Unerstall Construction right here, they wanted to do townhomes there, they wouldn't have to get it rezoned again, they would just have to come in with a new plan.

Sullentrup: Okay.

Wessels: Sal, what's the why would the developer, want PD-R? What is the advantage to that?

Maniaci: Yes. In this because of the layout of the proposed layout with shared walls down the side, and these, it allows the opportunity to have individual properties. So actual taxable parcel IDs up and down, we do not allow shared walls. We are only allowed shared wall units, townhome style in our Downtown District and C-3 and in PD-R. The applicant sat down with us early and said, hey, this is the style of home I'm wanting to build. What do you recommend? We actually recommend it to them that they go PD-R because of the fact that it's not adjacent to existing Downtown District. We try to discourage people requesting C-3 Downtown Zoning, unless they are adjacent to existing C-3. So, in this case that PD-R, the way it's written, the whole intent of that code is to allow for more unique housing opportunities that wouldn't be permitted in the underlying district.

Lamb: R1-D is also shared walls though correct?

Maniaci: But only on one side.

Lamb: Correct.

Maniaci: And it's R1-C, yeah.

Lamb: R1-C.

Maniaci: R1-C allows allows shared walls, but only on one side, like a traditional duplex. That's why they couldn't ask for that because they want to share walls on both sides.

Sullentrup: Are these are going to be for sale?

Skornia: Is this developer buying all three tracks?

Maniaci: Yes.

Skornia: Just not developing anything on Third?

Maniaci: Correct. I believe that question was asked at P&Z. Again, I'm just speaking on behalf of the applicant of what they said at the last meeting. Their first option is to their preferred option is to be able to rent these units. I believe they said 17 to 1800 if anyone was there rent prices. However, the whole reason to go PD-R is to actually subdivide them. So, if they wanted to sell, if someone coming in interested the rent, they don't have to come back and get it subdivided. It will be ready to sell and available to sell. If they didn't want to sell long-term and want it to be strictly rental, they could just ask for R-3 Multi-family and it would be considered an apartment building, but it's what we're, what's designed here and what has been proposed is technically Single-Family Residential. They just have shared walls.

Mayor: Any other questions by Councilmembers?

Maniaci: Alright.

Patke: What was the outcome in Planning & Zoning? Was it approved or it was not?

Maniaci: It was voted unanimously to approve the rezoning.

Patke: Okay.

Maniaci: It was voted unanimously to table the plan until they had more information. There was a lot that came up at the meeting and said hey, we're going to remove a unit. We're going to adjust the stormwater and there were some retaining walls that weren't shown on this plan that they have to add along this alley. We wanted some new topographical data what the end result is going to look like. There's going to be a new stormwater basin in this area, stuff like that that was significant enough and said we need more information.

Skornia: Okay.

Maniaci: I agree with that. That was news to me when I was sitting here. I said we're going to need to get more information.

Patke: I received word it was rejected, but that's not the case.

Maniaci: No.

Lamb: No.

Patke: Thank you.

Maniaci: Just a table for one month and if...

Skornia: I know that the design is not part of it tonight, but are they looking at slab buildings there and no basements?

Maniaci: Correct.

Skornia: *Inaudible*

Maniaci: Yeah, I think it'd be very difficult to get basements in there, but yeah, that's what we were told. It would be slab.

Mayor: Any other questions?

Maniaci: Alright, thank you. I'm going to leave the laser pointer up here if anyone wants to point at it.

Mayor: Okay, so this is a Public Hearing. Is there anyone here tonight who would like to address the Council? Please come forward. Give us your name and your address.

Art Winters: Yes. Art Winters from 516 West Third Street. We're adjacent to the property being considered. I want to speak against the zoning. I was shocked that the picture that Sal just presented to you is not the way the development's going to look. The plan was changed from three when we received the notice about the planning to two story. And so I don't know how many other changes that are going to go on. Everything is kind of up in the air and the picture I was told doesn't have to be exact. I think the picture should be exact before the planning goes on.

I also want to state that my cousin Ruth stated in the *Missourian*, that this would be a high quality housing and that her great grandfather, Frank Stumpe is surely smiling to see the use of the brick development. I suspect that my cousin is being duped as there is nothing said that the units would be brick. I am also a descendant of Frank Stumpe, as my mother was a Stumpe. I don't feel he is smiling down at this high density development as my cousin Ruth thinks.

I have looked at the apartments that the proposed developer has built on Sixth and International and they are not brick and they are not high quality housing. Washington used to be called Brick Town and had single family housing with a driveway. This development and zoning are not in keeping with what is best for Washington. I feel that the Council should reject the

zoning proposed tonight as what is proposed is a sham. I urge you to wait on the zoning PD-R and keep the zoning R-2 until a correct proposal is submitted. Thank you.

Mayor: Okay. Thank you, Art.

Sullentrup: Hey, Art, I've got a question for you. Did you express yourself at the Planning and Zoning also?

Art Winters: I attended the meeting.

Sullentrup: Did you get up and express yourself at the meeting?

Art Winters: There were more eloquent people there. Mr. Arms that gave a letter and that letter was a lot better than what I've told you.

Mayor: Okay, alright. Thank you, Art. Okay. Oh, you have something for us? Okay. Art, can I go ahead and call up the next person? Okay. So is there someone else, Petra?

Petra Haynes: Good evening, my name is Petra Haynes. My husband and I live at the corner of Olive and Third street. Our property borders the Stumpe Property on the Third Street side of the property. I also, we attended the P&Z Meeting last week. Being unfamiliar with the zoning process, I found it kind of confusing. I know Sal had kind of run through, as he did earlier through what it meant, the two different types of zoning but still we were a little bit foggier. I was a little foggy on it.

I have had since then some time to kind of reconsider that. While I agree that current R-2 Overlay, I guess it's what it is, is certainly problematic because someone could move in and build as Mrs. Stumpy had mentioned a storage facility or something that would be completely inappropriate for that site.

I also feel that just because that R-2 is a bad choice, doesn't necessarily make the PD a good choice. It's a different choice. I understand, thanks to Councilwoman Pettet, to kind of explain that process a little bit more, that it does give the homeowners in the area more input on what the design would look like, but what we were along that vein presented with at the P&Z Meeting from the applicant was really lacking in many ways.

I think as Art had already pointed out, the image that he presented to represent that his proposed construction was actually not what he was actually planning to do with that had already changed. The fact that the image he showed was a freestanding image was or a freestanding structure was misleading in that we learned that there would actually be seven of those structures connected side-by-side, which would then create a very large structure flanked by two other slightly less large structures. I think there was a five unit one, and maybe it was two, five unit ones, one seven unit one in the center. That is a lot of bulk for a very small area.

It is a very, as you're surely aware of very problematic site, the fact that it's in a flood plain, the fact that it has a wetlands, the fact that it is swampy, there's always tons of water down there. That is, is in itself a problem.

Then building these large structures there and having that additional displacement of water when we have storms that has to then go into a much smaller area of ground, top soil is very problematic for the surrounding properties and our storm sewers. I'm worried about that as we know in that part of town, they're, you know, fairly outdated, they're already barely able to handle, the large storm events we're seeing already.

So, combining the addition of all of those households on top of the what 85 households that are being planned at the Old Shoe Factory, suddenly all tying into that system. I understand

the Shoe Factory. I mean, that's a done deal and that's happening and that's an existing structure. Okay. That's, that's fine. But I think, do we maybe need to kind of think about this a little bit more and slow down this process a little bit more, even with respect to the rezoning, just because it is a really problematic piece of property, the applicant, in my opinion, did not provide sufficient documentation and planning in terms of the engineering. In fact, he had nothing when he came to engineering. I think with those site that problematic with respect to water, you need to have a plan.

So, I have some concerns. Should this move forward that we're, whatever we end up with it will be problematic? It's simply, in my opinion, I know Sal said that because there are some apartments across the street in some multi or two-family structures that would from an aesthetic standpoint, make that construction, in-line with the overall look of that neighborhood. But, I would respectfully disagree with that because on the left side of Second Street, you know what I'm talking about, that whole, all of those blocks there, that's all single-family dwellings. So, that would in fact, really change the look of that area. Um, plus

There is a historic site at the corner. The place with the, that has the smokehouse, it was built in the 1860's. I think it's on the historic register. If I'm not mistaken, it has this giant...*(inaudible)* on it that's like 165 years old or something like that. And which would significantly threatened not only the health potentially of that tree, but just the integrity of that whole corner of that lot.

So, I think there are just multiple arguments to maybe just take a step back and just sort of rethink this approach and not to say that progress is a good thing, and it is definitely the only constant is change. We know this, we just want to make sure that it is changed, that's appropriate, with the integrity of the site, the property, which is clearly problematic, the aesthetics of the surrounding area.

Mayor: Okay.

Petra Haynes: Yeah.

Mayor: Thank you. Any questions of...

Patke: I would just like to make a comment. I mean, I think we're in agreement that the R-2 Overlay, if we leave it in that zone, now, the developer has more options to do things, whatever they want. If we go to this PD-R, we have the capabilities of looking into the stormwater. They won't be able to build in the flood plain. They'll have to deal with those issues through Planning and Zoning through Council again. So again, I just feel that this is a better zoning

Petra Haynes: Yes.

Patke: For you and all of us, because it will, you'll be able to come back and give your opinions again.

Petra Haynes: Yes, and I agree. As I pointed out and at the beginning of my statement, it is a better choice, but it doesn't be just because it's better, doesn't make it a good choice necessarily. You know, it, to me, it came across as well, you know, we'll, we'll go ahead and get this approval for this rezoning and then this project already is a shoe in, you know, that's sort of how it fell to me. So, I'm really concerned about that because I don't feel that the applicant did due diligence with his proposal. So, there are certainly concerns about how that would play out. Should he be approved in the process? When there are budget shortfalls and we start to cut corners and how

are you, you know what I'm saying? There's definitely some concerns. I think that need to be considered.

Patke: With the PD-R, we can stop those and make those concerns come to fruition. That's hopefully that's the plan.

Petra Haynes: Okay.

Mayor: Okay, thank you. Thank you, Petra.

Petra Haynes: Thank you.

Mayor: Anyone else, Jim?

Jim Armistead: I won't read this long letter I sent last week.

Mayor: Okay.

Jim Armistead: Give you the abbreviated version since this is just zoning.

Mayor: Can you pull the microphone closer to you?

Darren: Yeah, there you go.

Mayor: There you go.

Jim Armistead: I won't read the long letter I sent last week since this is the abbreviated version because this is just about zoning. So, comments about the process though. We received our letter on the 8th of September and we're here 13 days later with a P&Z Meeting in between. Mary and I were on a pre-scheduled vacation out of town for a week. So, we think the whole process is unfair. It did not give us adequate time to review things, to talk to the City, to find out what's really going on, maybe even talk to the developer. We weren't allowed that time to do that. So, we think the process was a little rushed. I can tell by some of the comments already tonight, you have people talking tonight that weren't talking last week. You have people saying other things that weren't saying last week, because they've had time to think about it.

So, the P&Z approved the rezoning, but not the development. The proposed plan was misleading and lacking pertinent information changed from three story to two story, 18 units to 17, had no detention discussion, no project boundaries. We don't even know how big acres he's talking about. He did not identify setbacks on, on, on, so this was fly by the seat of your pants on a napkin here, approve it.

So, my request for future rezoning's is more fully explained when we get that letter, explain the process. We don't even know what the process is. This is some, I haven't been through this for 30 years. So, it's been a long time. We don't know what the process is. We don't know the differences between R-2 and PD-R. So, we had to do all this research and get educated. Cause it wasn't in the letter. Just trust me, we're going to approve this and push this through. That's the sense we got.

So, my request is, is to rethink the process, give people longer periods of time to digest this and find information so you don't end up with, I don't know, I heard there was 15 people at the P&Z Meeting. They're probably likely be, as this goes forward. I think there was people tonight that didn't come because of what's going on outside here. They didn't want to go through that gauntlet, so they elected not to come. I think you'll see more of us in the future should this get moved forward.

The current zoning is R-2 Overlay. The Stumpe Property is within the block bounded by Second, Third, Olive and Stafford. It's been zoned R-2 for over 30 years. Most of that block is located within the Stafford Olive Historical Area. Most of the residents on that block have

upgraded their properties. They put a lot of money into it. They've vested in it. We've got young people coming in and putting money into the neighborhood. It's a very bright, vibrant neighborhood right now. The blocks is characterized by single-family housing all the way around it. I think Sal mentioned the, the senior apartments on Hillcrest. It's kinda misleading. That's the driveway off of Second Street goes back 150 or so feet and it's buffered. You can't even see it from Second Street. Most of the year, it's really buffered it fronts mostly on Main and Front Street so it's not really visible. It's not really what I would consider part of that neighborhood. It's not, it's not reflective. In fact, if you stand down on Second Street, you can't hardly even see it.

The Stumpe Property is undeveloped land with a creek running through it. There's no reason that the maximum number of residents allowed under R-2 could not be built there so there's no need to rezone. No reason was given why we need to rezone, just because he wants to put more units in, from what I understand, you can build the maximum number on that lot.

So, I estimated his property that he was going to build on was about an acre and a half, but the whole property is 2.23 acres. That's 97,139 feet, square feet. You divide that by 12,000 for two-family, that gets you eight two-family units. Single-family is 16. He wants to put in 18, just in one section. Okay, so that's the issue. The issue is high density and I think he's just trying to make a buck and the land probably costs a little too much to do as R-2. That's not our fault.

So, the proposed PD-R, when I read the stuff online about the zoning code, it talks about three criteria under the purposes and intense. Two of those are not met, imaginative and innovative design of land development. He's putting maximizing boxes on a drawing down the straight line, down the street. To me, that's not imaginative. It's not innovative. Promote a more desirable community to development. He wants to have rental property, high density, well property in a single-family area. I don't know where you guys live, but I don't believe that contributes to desirable community environment, not in my book. So two of the three things required for PD-R not even met.

So, I'd mentioned the success of density, the PD-R, and this comes out of the code is not intended to allow excessive densities as it relates to the general neighborhood. Again, me, the general neighborhood is the block or so around that the proposed development, which is all single-family. We got duplexes, but I understand they're called single-family attached, but you know, duplexes, single-family, it's not high density, unless you want to count the apartments, which are connected by a driveway. So, I don't believe it fits at all as high density in our neighborhood. The proposed plan is excessive and we don't even know where it's project boundaries were.

In summary, the Stumpe Property is buildable as R-2, the current zoning. Two of the three purposes intents of PD-R is not met. It's an excessive density that's proposed. It's not consistent with the character of the neighborhood. I'd encourage a vote no for rezoning. I think that's all I've got.

Mayor: Okay.

Sullentrup: Sir, where did you say you lived?

Jim Armistead: Oh, sorry. Jim Armistead, 412 West Second. So I'm not, I'm on the other side of Olive.

Mayor: The corner house.

Jim Armistead: East side.

Sullentrup: Okay.

Mayor: Okay. Does anyone have any questions of Jim?

Sullentrup: One question I have, Mark, the two to three requirements he was talking about, is that a legal factor?

Piontek: That's for your determination, whether you think the evidence supports those findings.

Jim Armistead: I mean, what it says right in the code, which I pulled offline. I don't know if it's the latest thing you guys to approve, but it says the purpose of the Planned Development District is to provide a means of achieving greater flexibility. So, it's letting contractors do what they want, right? Share walls and things. That makes sense if you can't get it in into the existing space, there's some things that make sense. In this case, he, if that's what he needed to get 16 units in it's to share walls, I probably wouldn't be standing here. He's trying to get 16, 18 units in when he's the only supposed to get 16 in the whole property. So, he's asking for higher density in essence is what he's asking for. So, to me it doesn't apply.

Then it talks about to encourage a more imaginative and innovative design of land development and to, and these are all ands and to promote a more desirable community environment. So again, high density, I can't, I mean, you know, my own condos and apartments and I have rental property myself, and I can't tell you that you're always going to get the most desirable community environment where those are. You can go around town and can see that. It's a transient type of situation so we all have a vested interest in our neighborhood. We've all spent a lot of money. We, some of us have been here for many years. I've been here 35 years at the same house, and we spent a lot of money maintaining this. When you get people that are just here renting every year, it could be changing. You got 18. How many chances do you have a new neighbors every 18, every year when it comes due and they have no vested interest in the neighborhood? And that's the difference.

Mayor: Okay, alright. Thank you.

Jim Armistead: All right. Oh, one more thing. I'd like to thank Sal even though he knows, I don't agree with him he was very cooperative. I called him while I was on vacation, talked to him a couple of times. He gave me lots of information is very helpful, so I appreciate it.

Mayor: Alright. Well good, thank you. Thank you. Anyone else regarding this item? And you just state your name and address.

Jeff Schmidt: My name is Jeff Schmidt. I live at 600 West Second Street with my wife and three kids. We're basically right across the street from the proposed apartment complex.

Mayor: Okay.

Jeff Schmidt: I've been in construction for about 15 years and I don't know, I might be way off based. I know this is more zoning, orientated towards zoning, but what's going to happen when this guy realizes that he starts building these he's gotta do all this backfilling, all these piers, all this groundwork, he runs out of money and the place is set there, empty? Who's going to pay for that? That's my big concern.

Mayor: Okay.

Jeff Schmidt: And then, like Jim said, having 50 new people every year coming through, coming through, coming through, you know, we've lived there for about 15 years and haven't had any issues. We definitely seen a huge increase in high-speed traffic on Second Street. In fact, last night, thanks to our camera on our front porch, we had people come

on our front porch and steal stuff off our front porch. So, that's the kind of thing I'm worried about. I mean, I understand that we gotta do something with this, you know, the two different zoning options, but is there a third? Why can't this land, since it is wetlands be protected? Nobody builds anything ever that would solve it. You know, as long as it's kept nice, kept clean, they do it along the highways. They do it on Highway 94 with the Grasslands, they do it all over the place. That's a huge option and that eliminates all of our problems.

Mayor: Okay.

Jeff Schmidt: Thank you.

Mayor: Thank you. Any questions of Jeff? Okay. Was there anyone else, Mary?

Mary Armistead: Hi, thank you. I'm Mary Armistead. I live at 412 West Second Street. I appreciate you letting both of us speak. I would like to say that the blocks of Third, Second and Olive and Stafford have been undergoing a tremendous conversion and revival in the last few years with young, new families and people in our age range and group buying these homes and investing a lot of money in them. They are tremendous and the people love it. And it is a neighborhood community. Something different is happening there. Many of these homes are historic or on the verge of being historic homes.

There are very few that are left as originally single-family homes that are being used as rentals. I mean, just a couple. We can tell you that those are our worst neighbors. They're terrible. We have some improvement because we complain, and ask and finally people do a little better, but some of them are not. I think it is a matter of time till these homes are purchased and revitalized like the rest of the neighborhood.

So, I would also like to say that I didn't feel protected at all by this process or by this type of zoning. I think Jim did a good job explaining it, but I was involved in this process years ago when Gene Eckelkamp wanted to build multi-family housing where our Second Street duplexes are now. Through that process, we had a month between the P&Z Meeting and the Council Meeting in which we could plan and organize, have discussions, and we got a much better result. Those are all owner occupied as are, again, I'm saying most of the properties around us now with people who love living there, and very much care about their property.

When I want to mention a couple of things that were said at the P&Z even though we were out of town, the developer did make these comments and they scare me, tremendously, selling is his last resort. He absolutely wants rentals. He claims a high-priced rental, but none of us know that that can be obtained or sustained. We have 85 new ones just two further blocks up. We don't know the impact or what is going to happen. It kind of seems like jump on the bandwagon. We've got a boom, so let's get it in there. Let's sneak it in there. I don't think there's anything at all to support that they're going to be able to get and do what they say.

Again, his other owned properties are not impressive aesthetically. I mean, Downtown is a treasure. People are really recognizing that. Now people walk our neighborhoods all the time that come off the trains, that stay in Art's Bed and Breakfast, that just come for the day. It's a real treasure. I really think this is very shortsighted, very shortsighted. I think you don't know, maybe, don't know how great this neighborhood is becoming.

A couple of things, other things the developer said that was frightening really. He didn't know what green space was. That drawing was a sham. It was an insult really. I hate to get emotional, but it really was. They commented at P&Z about how pretty the green looked in

everything in the green space and he goes the green, what? Okay. We have beautiful yards. Sandy brings people through far Blooms of America and there's nothing it's, it's like, you're going to build all this concrete right up on the sidewalk.

There was no forethought, our vision from this developer in this plan at all. That's what PD-R, whatever I think is supposed to be. I'd like to also say that I might've said this, the duplexes are all owner occupied. They love him. I think this rezoning is a big mistake if you do it. I think that it shows no vision or recognition of the treasure that Downtown is and our neighborhood is being a part of it. Thank you.

Mayor: Okay. Thank you, Mary. Did anyone have any questions of Mary? Okay. Is there anyone else?

Patke: Can I ask Sal a question?

Mayor: Sure, of course. That's what we do.

Patke: They speak of the short side of the timing of their letter. Is that normal that September 8th, then we hear it on the 21st?

Maniaci: It did get sent out over a holiday weekend. So I think there was a couple day lag there. We send out the letters as soon as we get the application and the application deadline was the two Mondays prior. So we got the application in on a Monday, right at the end of the day. I think we got, we looked at the plan, reviewed the plan, sat down with them by Site Plan Thursday because we review everything every Thursday at 2 at our Site Plan Meeting. We wanted to make sure we had everything we needed and sent the letter out before the end of the week so they probably got it on Tuesday instead of Monday. So, there was a little bit of a lag there, but, the applicant did get the application in on time.

Patke: Okay. I just, if there's something change we need to make there, that gives more time. I can respect that.

Maniaci: Yeah.

Patke: I'm not sure if that's the norm or...

Maniaci: So, normally the letters do go out earlier it's because the applicant they'll get the application in earlier. The application came in literally minutes before 5:00 on the deadline day. So it was just, that was how the schedule felt.

Wessels: Sal, what would it entail if we said, if we asked for more time, if we give these people more time since they feel like they were kind of rushed into it before P&Z, and then to go back to P&Z with their objections, is that, can we, I guess I'm asking, can we restart it with, give them a little bit more time?

Maniaci: Yes. I would say that there's two things that, they still have, everyone still has time to comment on the plan, because that has not been approved. However, I will make a recommendation that if, and this is just how this is leaning, if it's instead of denying the rezoning, I would recommend if that is where this is going to recommend a table. Because if you deny any application just by our code, you cannot reapply for six months. I think if, if everyone's asking for more time and you deny it, then that's taking out six months of time of before they can come back in and ask for approval.

Wessels: I would be willing to do that to suggest we table this motion and give them until our next meeting anyway, that's two weeks. Give them time to look at when is P&Z Meeting?

Lamb: Well, you'll have to wait till the second meeting in October Mark though, because it would have to go back to P&Z or whatever before it come back here.

Maniaci: So yeah,

Piontek: Well, not necessarily.

Maniaci: October 12th.

Lamb: Well, you can do the rezoning.

Piontek: Well, yeah, if you're going to do the rezoning you could push that. You could, what you would really do is not really table the rezoning, but continue to vote to continue the public hearing until whatever the next meeting is that you want to hear it. If it's the 21st of October at the 21st of October, you would also then have presumably you would have the, a recommendation on the Development Plan, which would have been through the Planning and Zoning on the 13th, 14th...

Maniaci: the 12th.

Lamb: the 12th, and the Council Meeting is October 19th. Then what you're referring to.

Wessels: That would be fine. I just think to give them more time to visit that and to, actually I'd like more time to look into it too, but to give them some more time also, and maybe to take these concerns back to P&Z.

Piontek: Right. So if you want to do that, you would need a motion to continue the Public Hearing to October...

Lamb: 19th.

Piontek: October the 19th. And at that time, presumably the Development Plan, which has all of the detail about the development would have gone through P&Z. And that would also be in front of you on the 19th. So you could hear more public comment on the 19th on the rezoning, and you could also hear comment on the Development Plan.

Wessels: I would, so moved Mary.

Pettet: Second.

Mayor: Okay, so we have a motion by Wessels...

Lamb: Hold on.

Patke: I just want...

Mayor: Yeah.

Patke: Just please give your definition of R-2 Overlay and PD-R.

Maniaci: So, R-2 Overlay is an Unplanned District that allows for single-family and two-family development and not in a non-traditional duplex and more of a stacked style where the plan, the building permits have to be reviewed by site plan, but the architectural review, and as long as it means setbacks, there's, there's no design review of the site layout. It's basically as long as it meets the minimum standards of our code, they can get building permits.

A Planned District is a PD-R is meant for more unique and flexible residential development that wouldn't typically fit into the underlying district. But because the developer is getting that flexibility to the code, they are required to have a plan approved up front, to then have chance to comment on architectural style, site, layout, density, all of the above. So essentially a Planned District can have less and more restrictions at the same time, less restrictions to increase density, but more restrictions that we could get as strict as the color of the

brick, color windows, what type of landscaping they need. And you could pile those on into individual conditions.

Patke: Again, like I said before, I think that the Planned Development District is more restrictive, more, we have more input to say the neighbors will have more input to say what it looks like as opposed to what R-2 Overlay is currently. And it the developer right now could build houses that the neighbors don't like, and they don't have a choice. It won't come back to Planning and Zoning, it won't come back to the Council because it's already zoned that way, and they can do that. They can, they can rescind their application now and build what they want. Again, I agree with Mark more time. That's fine, but I just want to make sure everybody understands that the PD-R is not a bad thing. It's trying to help out the neighborhood instead of just real high density. We'll have more input that way. And again, that's just, I just want to make that comment again.

Lamb: Just, if I could elaborate. The reason why it's R-2 Overlay was that years ago, we, the City had looked at it. It was at that time just zoned R-2. Okay. We went ahead and tried to track the use of what each lot by lot, and then entire yellow area was all about around the Shoe Factory out there. What we found was, I think at that time that it was about over 70% of it, even though it was zoned for two-family was being used as single-family. So, we'd have a problem back then the City would require if you had a single-family home and you just wanted to put an addition or a deck on the back of that, they would send you to the Planning and Zoning and City Council to get a Special Use Permit. Everybody's like, why are you doing this?

So the City looked at was, again, we looked at the uses around in the neighborhood, figured out that there was a lot more single-family occupancy in that area, even though it was zoned R-2; we came up with the Overlay District. What that did was it just said, you can use this as single-family or two-family either way. Then that way you didn't put that undue burden onto people with regards, if they were a single family homeowner and wanted to do an addition, or they wanted to put in a garage or something like that, they have to go through those additional hoops.

Patke: Alright, thank you Sal.

Mayor: Okay.

With no further discussion, the motion to continue the Public Hearing at the October 19, 2020 Meeting made by Councilmember Wessels, seconded by Councilmember Pettet, passed without dissent.

* Code Amendments:

- a. Allowing the use "Social correctional, treatment, and counseling services" as a Special Use in C-1 and C-2
- b. Changing the maximum height of a cell tower from 100 ft. to 200 ft.
- c. Changing the maximum height in C-2 General Commercial from 3 stories to 4 stories or 50 ft.

September 15, 2020

Re: Code Revisions

Honorable Mayor & City Council

405 Jefferson Street

Washington, MO 63090

Dear Mayor & City Council Members,

The Planning and Zoning Commission held a public hearing to discuss the following code changes on September 14, 2020

1. Allowing Counseling Services as a Special Use in C-1 and C-2 Districts
2. Increasing the maximum height of cell towers from 100 ft. to 200 ft. and specifying that all structures must be setback the height of the tower plus 10ft. (Currently the code only says residential structures must be setback a certain distance)
3. Increasing the maximum height in the C-2 General Commercial Zone District from 3 stories to 4 stories.

Summaries are attached to this letter.

The Commission voted to approve all three changes via an 8-0 vote.

Feel free to reach out with any questions.

Sal Maniaci

Community and Economic Development Director

a. Allowing the use “Social correctional, treatment, and counseling services” as a Special Use in C-1 and C-2

Mayor: Okay, Sal.

Maniaci: Alright. Yeah, so this is just a Public Hearing tonight to discuss these items. There is not an ordinance to vote on anything tonight. We would like to bring back an ordinance to make these changes or something similar to these changes at a meeting in October.

I'm going to go through a quick overview of each of these one by one, and I'll let a chance for comment after each one. Just so everyone is aware, this is, I think once a year we kind of come in with a handful of stuff that's come up throughout the year. The only one that is I consider pressing the second one on the cell tower, we do have an application waiting and the outskirts waiting to be submitted. If this were to be changed, the other two have just been something that we've talked about a little bit and said, if we're going to bundle a Public Hearing and code changes, we'll do this all at one time.

So, the first one I think is pretty simple. If you look in your packet, which was submitted, is a code change allowing a definition of Counseling Services as a Special Use Permit in C-1 and C-2. So in our Zoning Matrix, we have those lists of land uses and in they're the ones that are highlighted list code 9221 Social Correctional Treatment and Counseling Services. For some reason I don't really know why, but whenever as you guys all know, this table of uses is many pages long and there's hundreds of uses. So we didn't, when we hired PGAV to do this, we didn't go over individual uses and track where they were putting them, but we kind of trusted them on that. I had someone call, I don't think they were serious about doing one, but they were just looking at our code and they said, hey if we want to do a Counseling Service as like an office, we have to be in the Industrial Park that says, and it didn't sound right to me, but I looked and they were correct. That didn't necessarily sound right.

I mean, I think a more intense use as there's one, that's actually just two down, a Substance Abuse Agency and Treatment Center. So, almost like a Rehab Center is already a special use in all of our commercial districts. I would argue that this is a less intense use than that and so it really should be a special use.

So, the only change here is adding that S to our table for a special use in C-1 and in C-2.

Mayor: Okay.

Maniaci: I'll step aside.

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

Maniaci: I think I just need a motion to accept it into the minutes...*(inaudible.)*

Piontek: Yes.

Maniaci: Okay.

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

b. Changing the maximum height of a cell tower from 100 ft. to 200 ft.

Maniaci: The second one has, I would probably expect a little bit more discussion. It did have some changes at Planning & Zoning. So Planning & Zoning, I should have mentioned, has reviewed all of these. We actually had, in the past two months, we had a discussion a month where we just discussed it, a Public Hearing last week where they actually made some changes and then they voted on to make an amendment.

So, we had in 2017 completely when we revamped our zoning code with everything, with our Zoning Matrix and everything, we had rewritten our had PGAV our consultant, rewrite our cell tower code because in 2014, the state legislature had voted to really take away restrictions that cities were allowed to do for cell towers. They're more considered at a public utility now and so we actually had our code was too restrictive.

So we had an illegal code in 2017 where there's a lot of things listed in there that cities can no longer ask for. But when we did that beforehand, we just had Special Use Permits required and setbacks. We didn't have specifics on height when it was written. I honestly, I believe they took it from Maplewood was the code that they had. They were looking at, they set a maximum height for cell towers at 100 feet. They could not be any taller than that. It actually didn't even allow since it was a special use, didn't even allow for, variance to go to the Board of Adjustment. I really just had to be in that application or they could not apply. We've only had one cell tower requested since 2017 when we did this, it was the most recent one at Sharp Shooters and because of where that hill that it's on, it actually only needed to be about 88 feet. I believe.

So I didn't fall, you know, it didn't have an issue. We had the same applicant looking to, put another cell tower in town. Actually think it may have been the result we've had a lot of complaints and I'm sure it's no secret that we don't have the best cell coverage throughout the entirety of town. There's parts on the west side of town where we're seeing a lot of new residential development that doesn't have good coverage, same with Downtown. I think you'll see some of these cell tower companies trying to fill in those gaps.

Anyway, long story short with one of these new applications, they realized that one of the proposed towers was going to be over 100 feet and it was not permitted. Reviewing it in house, we realized that we didn't want to restrict cell towers. If you look back at our existing towers that we've already approved, over the years, most of them, I think all but one are over 100 feet already.

So, we wrote this code, we actually made it more restrictive than what we already had. So, we recommended to change it from 100 to 200 feet with it still requiring a special use part because P&Z and Council will then still have the chance to review each one on a case by case, make sure there is setbacks that are meeting the requirements and good for the area and that sort of thing.

P&Z recommended to, yes, let's increase it from 100 to 200 given the fact that we still have to review it. On top of that, when we were reviewing it, it was brought to our attention that in this, in your packet F1 and 2, there was one wireless support structures except disguise support structure shall not be located within 200 feet of any residential structure. That was a code that we had beforehand. We wanted to keep that we wanted to keep no matter the height, whether it was 200 feet or not, whether it was a 100-foot tower or not, it needs to be 200 feet from residential structure

F2 kind of repeated the same thing and said that all wireless sports structures except disguise sports structures, shall be separated from any residential structure at least the distance equal to the height of the tower plus 10 feet. It was kind of a redundant requirement because it already has to be 200 feet plus the height of the tower and the second one, P&Z realized that is only protecting residents restructures and not commercial structures. So they wanted to change that to be any structure, which is what you see highlighted there.

In our discussion last week, it was brought up by someone making a public comment that does make it more restrictive because there's a lot of times, if you look at our existing towers, there's a lot of times that they're going to be closer to commercial structures especially if they are leasing from an already developed piece of property, they're going to be often tucked into their where they're not going to be the height of the tower away.

So, last week it was staff's recommendation to have that language be that they had to be from any residential or commercial structure, the distance of an engineered fall zone. So, whenever they submit documentation that it falls a certain, if there's a Lattice Tower, they're supposed to have engineered plans that it collapses and falls on itself, and it's not actually the height of the tower.

Secondly, if it's a Monopole Tower, they kind of collapse into itself. So, the problem being with that is that the falls zone is not exactly defined, because a different engineer could have a different study of what a fall zone is and in that regard P&Z voted to recommend that it just be any structure.

So, all wireless structures, support structures have to be separated from any structure at least the distance equal to the height of the tower plus 10 feet. That is what Planning & Zoning voted on last week. I'm going to open it up, because I know there are some people here comment on this. I will say, I do have a concern that this does actually, we're fixing one problem with F1, or I'm sorry, by B here by increasing in the height and allowing it, allowing more towers and allowing better coverage in town, but then we're adding another problem by making it more restrictive on the setback. So, we're really not fixing the issue here. I completely understand that there's a concern for protecting the liability of a commercial structure. It could be an office building where people are there during the day but in actually the case the application that we have on the wings ready to go in, it's on a property with a storage unit so there's no one in a

storage unit. The liability is a lot less, there's not people who are there as an office working there, during their hours during the day.

So, that's why I think it could be beneficial to somehow have some language in here where it allows for a Special Use Permit, which already does, but then to be reviewed on the setbacks on a case by case basis, because yes, if it's nuzzled next to a office building, we may want to review those setbacks and say, hey, it needs to be so far away. You have a lot of people. You have a lot of density here. If it's on a property where it's only storage units or a warehouse where there's no people there during office hours or overnight, then maybe we're more inclined to allow for less setbacks from a commercial structure.

So I'll leave it up to that again. This is the opportunity for discussion and there's no ordinance to vote on tonight. I wanted to hear your guys' opinion, and then what we'll do is we'll write an ordinance and come back next month. So I'll open it up, and John, there is a PowerPoint that I dropped.

Mayor: Okay. I believe there's someone here who would like to address the Council. Hi.

Jake Sprague: Hi. Yes, my name's Jake Sprague. My address is 5055 Highway N, Suite 200, St. Charles, Missouri 63304. I'm here with Network Real Estate. I work on behalf of AT&T, what's called a Site Acquisition Agents. Site Acquisition Agent for AT&T and basically when AT&T determines that there's a need for better coverage in their network, they issue what's called a search ring to us to build a new tower. That tower is, as Sal was talking about the one over off of Alberta Lane. This arose out of the City of Washington, the citizens, the residents basically saying that they didn't have good, good coverage.

So if you go to the next slide, please. This tower where we increased the height the setbacks actually make it more restrictive. The most needed areas are basically the Downtown area, which is densely populated and then residential areas. The Phoenix Center where the Target and everything is, there's a bunch of new residences that were residents that were just constructed there and obviously that's all residential zoned residential.

This ordinance, as it was written right now, the setback from any structure, it basically outright prohibits towers that don't meet setback. Even the structures that are rarely occupied, like Sal was saying, storage facility, any accessory use structure like a shed or something along those lines or warehouses where there's not a great safety risk to the citizens. Obviously the setbacks are to protect property from a liability standpoint, but for the bigger and more important thing is safety. This current ordinance, the way it's written, doesn't really give the avenue for the City to even consider applications where there's little risk to public safety and kind of have that case by case basis that Sal was talking about. You can go to the next line.

So, the specific site that we were discussing is located right here on the map, which is just east of town. What it's meant to do is take basically the traffic off of this tower, what the one on East or on Fifth Street and the sector pointing to the east right here, it's supposed to enhance the coverage and provide for some offload of that.

So, the blue right here, the blue is where the coverage is not great. The red is where the coverage is good. As you can see right here, this is mostly the industrial area that we're proposing the tower, and then pretty much all surrounding it is the residential. Then down here, as you see the blue, that's the new residences that are just south of the Phoenix Center.

So if you go to the next slide. So, basically the solution that we have determined to enhance the network and cover these holes is a approximately 70, 175 foot to 200 foot tower to offload that traffic. You can see this is the area that we were pretty much looking at to do that. If you go to the next one, so what this new tower would do as far as the network goes, if you remember from the previous slide that was all blue and same with down here, and this right here was kind of blue. It would allow for the traffic to be offloaded from this tower right here. It will also provide new coverage for right down here.

So, there's basically two reasons that you receive poor service. One of them is that the tower that's serving your location is overloaded with too many people using their phones, people streaming videos, everybody uses their phone and their internet of things for various different reasons. The other reason is that you geographically are outside of the area where a targets meant to cover. So, this new tower will provide the coverage for this area down here, and also will offload the traffic and the stress of this tower right here, that's currently overloaded.

Next slide. So, the challenges for our current tower that we came into is the area all around right here is residential, where towers are prohibited use and a majority of the commercial and manufactured zone properties. They wouldn't meet the setback requirements that are currently proposed of the tower height, plus 10 feet. There's only a handful of properties that could possibly work and meet these setback challenges.

Of those few that you have to have a willing landowner, a landlord, or a property owner who would enter into a lease. Then once you did enter into a lease agreement or work with a landowner that that's willing, a lot of these parcels down here at the Phoenix Center, the only spots that would meet setback, basically fall right in the middle of the parking lot which would essentially is not a desirable option for either the City or for the property owner for future use of the property and the parking requirements for their facilities.

There's also other things to consider like the wetlands. As you know, kind of came up on the previous item, the FAA in Washington Memorial Airports, just to what would be right up here to the northwest comes with height restrictions and limits location possibilities.

Next slide. Okay, so yeah, this is perfect. So, what we're requesting is alternative setback language that will allow for future tower proposals to be set back from non-residential structures, a distance equal to towers falls zone radius. I think one of the main issues and concerns with the Planning and Zoning Commission where the definition of a fall zone. When I try to do it and this slide is kind of provide a little bit more detail on that.

I think that I failed to fully inadequately explain what the fall zone radius was. The fall zone would be the area from the center of the tower, which there's a potential hazard from falling or collapsing material. So, basically the tower, if this was the tower right here it wouldn't fall over like this. It would fall over onto itself, maybe based on a stress ratio point in the tower. The fall zone for each structure is determined by the licensed engineer in accordance with Current Telecommunications Industry Standards ANSI/TIA22 Rev H, that's the structural standard for antennas supporting structures and the antennas. It's what I'm sure the Planning or the Building Department is familiar with.

As far as structural analysis, when they're submitted, they have to follow all of these standards. The applicant would be required to submit the stamp letter from a licensed engineer stating the fall radius based on the tower structural design. Once again, that's based on the

standard right above there and based on how the tower is designed. I think monopole is the only permitted tower type in the City of Washington. So, in this case, it would call out the stress ratio and give it an exact number to where the tower would be basically a fall hazard.

When these towers are designed to this standard, the tower generally can withstand greater strength wind events than which it's designed for. The structural failure would take a catastrophic event. Without getting into specifics, it would be most likely a tornado or something along those lines, what would be so catastrophic that surrounding structures would most likely experienced catastrophic damage.

Some of the example of the language that could be, that is used in one of the letters would be the monopole buckle at the location of the highest combined stress ratio within the monopole shaft. This is likely to result in a portion of the monopole being leaning over and remaining in a permanently deformed condition. So, basically that half point that I was saying, it would buckle there and then become unusable but wouldn't necessarily, it would not tip over just like a pencil.

The acceptance of the fall zone certification from a licensed engineer must be at the City's satisfaction to ensure that it provides a necessary safety to the public. Kind of reiterating this is the, the main concern with the setback, a setback distance, and as previously, it was in the previous zoning ordinances, residential and it's safety.

Next slide.

Lamb: Are there a lot of communities that have that standard where, go back to your previous slide, if you don't mind. From a licensed engineer stating the full radius. I mean, is there a lot of communities that operate with that?

Jake Sprague: Yeah, so we've seen the fall zone with plenty of our zoning jurisdictions that we work with. Mostly we have seen Cities that do the tower height plus 10 from residential structures, but we usually what we don't see is it from any structure and the reason being it severely restricts the location possibilities for towers especially in a City like Washington, where the elevation of the land changes so drastically in some parts. It's tough to get a tower of the top of the height that's needed for the network that would meet setbacks in specific locations.

So, this is just the example that we working on and we kind of discussed this with Sal last week. It basically would change the distance from any structure to, from the base of the support structure to a prescribed area that there is potential hazard from falling debris or collapsing material or fall zone as certified by a licensed engineer. What this language would do is give the Planning and Zoning Committee a chance to consider the case by case basis of each individual tower based on the unique circumstances of each tower. Right now there's, and if the planned ordinance language that's currently put in front of City Council is approved, it wouldn't give any future towers or future locations the ability to be considered from for Planning and Zoning to approve.

The benefits, this like kind of reiterating the, it would give the City a avenue to evaluate all of the future tower applications. There are the unique circumstances surrounding the proposed tower on a case by case basis. This will allow AT&T to deliver improve network as the City continues to grow and then most importantly, it ensures public safety by utilizing that fall zone. Thank you for your time. If you have any questions.

Mayor: Does anyone have any questions?

Patke: John, is this something that would fall on the Building Department where we would have to have, are you familiar with the engineering...

Nilges: Yeah, I mean...

Patke: *Inaudible*

Nilges: Yeah, the Building Department reviews that. I mean, any building permit that's issued by the City doesn't suggest to take over liability for it, I'd be still be on the licensed engineer that they hire or ATT whoever owns it. So yeah, we review it. Typically, the plan state, the fall zone, those things, you check the building code and make sure it does, or the zoning code. If it does you move on.

Patke: There's no way that we would check the stress factor or the fall zone of it?

Nilges: No.

Patke: They have to have that...*(inaudible.)*

Nilges: Yeah.

Patke: *(Inaudible)*

Nilges: We can request it and it typically they provide that, but no we don't re-engineer their design. It's not the City's role here.

Skornia: Sir.

Jake Sprague: Yes.

Skornia: Typically, do you have one or two stress points where it's going to be designed to be broke at?

Jake Sprague: Well, that would depend on the tower height. So an 80-foot tower, not necessarily, they will design, say if it's a little bit taller of a tower, like 175 feet, not being an engineer myself, I can't speak specifically to how the structure, the stress points would be designed, but, I would say yes that would be a possibility, but no, like I said, I'm not an engineer so I can't really speak to that specifically.

Mayor: Are there any other questions? Okay, alright. Thank you.

Jake Sprague: Thank you very much.

Mayor: Thank you for your presentation. Okay, Sal.

Maniaci: *Inaudible*

Mayor: Was there anyone else who wanted to speak regarding cell towers? Okay.

Maniaci: Okay. So again, I'll just kind of reiterate and I'll, you know, between now and unless I hear differently tonight between now and next month, I'd like to work with Mark to draw something up, write an ordinance that does allow for this type of language. Something that he's comfortable with that Council will be. Maybe if the having the definition of falls zone is maybe what we don't want, because it is a, it's not the same for each tower. I would like, I think it'd be a good idea to have the capability for P&Z and Council to approve these on a case by case basis as needed and not have to trigger the need for a request for a variance, or to say that can't be applied at all.

Again, I think there's going to be, I think there's going to be a need for some of these in different areas. If it's right next to an office building we may want some more setbacks, but over a storage unit, it's a little bit of a different scenario.

So, that's where I would like is just to set this in the minutes, but then with some direction to come back with some maybe less restrictive changes. I don't believe it needs to go back to

Planning & Zoning unless Mark disagrees that since we had the Public Hearing we can draft something up next month.

Piontek: Yeah.

Maniaci: Okay, that's I got on this one.

Mayor: So any other questions or anything?

Maniaci: Alright.

Mayor: Okay, so this concludes our Public Hearing. Do we need to accept anything here?

Maniaci: I think you still need to accept this one individually, and then I have one more.

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

c. Changing the maximum height in C-2 General Commercial from 3 stories to 4 stories or 50 ft.

Maniaci: Alright, then lastly this is a change I think we may have seen coming for a while. It's just, we hadn't been proactive about it. Currently in our C-2 General Commercial that is our Non-Downtown Commercial Zone District that is primarily along, most quarters like Fifth Street, Highway 47 and 100. We have a maximum height requirement in that district of either 45 feet or three stories that has been a pretty standard requirement. I even looked at some of other communities that have always had that requirement. Actually, we brought it up at Planning & Zoning John Borgmann, who's on Planning & Zoning, whose also a Fireman had brought up that was probably written, you know, decades ago to match the height of our tallest ladder truck. It was before we had sprinkler requirements and fire ratings on different buildings, and that was kind of the reasoning for that requirement.

We've actually already amended our Downtown allows eight stories or a hundred feet so we already have the capability, obviously with our hospital, the Bank of Washington, other structures, taller than three stories. We already have the capability, the technology to require safety measures for that. We think it's a little antiquated to require commercial structures and C-2 to only be three stories.

I will just be in full transparency. We don't have any applications or anything on the wings for this, but we have had some calls and some requests, just from again, nothing concrete, but from hotel developers, when you see a flagship hotel, anything that's like a Hilton or a Drury or something, they're pretty much have their box that it's a flag, their chain is allowed to build. If they look in the community that does not allow that type of development, they just move on to the next community. They don't take really the time to do it to get a variance or anything, unless they really want to be in that area.

So, we think it increasing as the four stories also opens up the capability of allowing for that type of hotel development. If you remember, we paid for a study about two years ago, it actually said we have the need for another a hundred rooms. This could be a hindrance to filling that demand is because we our actually building code doesn't allow it. P&Z did vote unanimously to approve this one from three to four stories and then it's 15 feet for per story. So, that's why we have up it to 60 feet max.

Mayor: Okay.

Wessels: Sal, isn't the hotel out at South Point and 100 already...

Maniaci: No, that's three stories.

Wessels: That's only three? It looks taller.

Maniaci: Tall ceilings, but yeah, it's only three stories.

Mayor: Okay, any questions from Council Members? Comments? Okay. Is there anyone here tonight who would like to address the Council on this particular item of changing from three stories to four stories?

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

CITIZENS COMMENTS

- * Citizens Comments made during Council Comments.

UNFINISHED BUSINESS

- * None

REPORT OF DEPARTMENT HEADS

- * Emergency Management Director Report – Discussion on restricting rental of City facilities

- * Emergency Management Director, Mark Skornia presented information to the Council regarding COVID-19 cases in the City of Washington, the 5-Day Average, hospitalizations and 14-Day Positivity Rate for Franklin County, and the Harvard Global Health/King County, Washington and US Surgeon General metric models. A brief discussion ensued regarding adopting a policy for renting/utilizing City facilities based on the positivity rates in Franklin County.

- * Dr. Riechers addressed the Council regarding the Harvard Global Health/King County, Washington Model.

- * Mercy Hospital Washington, President Eric Eloff presented information to the Council regarding COVID-19 hospitalizations and hospital capacity.

- * Dr. David Chalk addressed the Council concerning the upcoming flu season.

With no further discussion, a motion to adopt a policy on restricting City facility rentals when 2 or 3 criteria are met per Emergency Management recommendation with an effective date of October 1, 2020 made by Councilmember Wessels, seconded by Councilmember Holtmeier, passed without dissent.

- * After a brief discussion on mass gatherings and the two upcoming Downtown Washington Inc. events, a motion made to allow Downtown Washington Inc. to proceed with Sunset on the Riverfront on September 24, 2020 and the Fall Festival of the Arts & Crafts on September 25 – 27, 2020 as long as they enforce social distancing and mask wearing made by Councilmember Patke, seconded by Councilmember Sullentrop with Councilmember Holtmeier voting nay.

- * Washington Regional Airport Hangar Construction-Funding Update
September 14, 2020
Honorable Mayor and City Council
City of Washington

Washington, MO 63090

RE: Washington Regional Airport – Hangar Construction – Funding Update

Dear Mayor and City Council Members:

At previous meetings, I briefed you on some exciting news that we receive from MoDOT regarding our hanger construction project.

The airport receives approximately \$150,000 per year of Non-Primary Entitlement (NPE) money that can be utilized for capital improvements via a 90% grant. This amount of money can be saved until the amount reaches a maximum \$450,000. Anything over \$450,000 can be forfeited back. The addition of a 12 bay hanger was discussed during our Capital Improvement Sales Tax meetings and \$187,000 of that money is allocated for airport improvements per year (\$1,496,000 over the entire 8 years).

With that, we will have approximately \$514,646 of NPE (includes 10% match). The current estimate to construct is \$1,070,650. This means the City would need to pay an additional \$556,004 out of Capital Improvement Sales Tax to fund this project. We are prepared to do so.

In July, we were notified that due to the closure of the St. Clair airport, MoDOT will cover the funding shortfall for this project. The following is the funding breakdown:

MoDOT NPE Funding: \$479,847.00

City Local Funds NPE Match: \$34,799.00

MoDOT (Due to St. Clair Airport closure): \$556,004.00

The \$556,004 is the amount the City would have had to pay out of Capital Improvement Sale Tax. I will be working with Administration to identify other projects where this money would be best utilized.

I anticipate that you will find this information very welcoming, and we look forward to kicking off the design for this project.

Respectfully submitted,

John Nilges, P.E.

Public Works Director

Public Works Director, John Nilges updated Council on the Hanger Construction Project.

ORDINANCES/RESOLUTIONS

Bill No. 20-12225, Ordinance No. 20-13174, an ordinance authorizing and directing the City of Washington to enter into a sales contract with Don Brown Chevrolet of St. Louis, Missouri for the purchase of a 2020 Chevrolet Silverado Medium Duty Regular Cab Truck with Dump Bed.

The ordinance was introduced by Councilmember Holtmeier.

After a brief discussion, the ordinance was read a second time and approved on the following vote; Pettet-aye, Holtmeier-aye, Patke-aye, Wessels-aye, Hidritch-aye, Obermark-aye, Sullentrup-aye, Skornia-aye.

Bill No. 20-12226, Ordinance No. 20-13175, an ordinance accepting the bid from Heavy Duty Equipment Company and to approve the purchase of an enclosed trailer by the City of Washington, Missouri

The ordinance was introduced by Councilmember Patke.

After a brief discussion, a motion to go with the local vendor for purchase made by Councilmember Hidritch, seconded by Councilmember Hidritch. After an additional discussion, the motion was rescinded by Councilmember Holtmeier. The ordinance was read a second time and approved on the following vote; Pettet-aye, Holtmeier-aye, Patke-aye, Wessels-aye, Hidritch-aye, Obermark-aye, Sullentrup-aye, Skornia-aye.

COMMISSION, COMMITTEE AND BOARD REPORTS

- * None

MAYOR’S REPORT

- * America in Bloom Symposium will be held virtually.
- * Community Relations Board Update.

CITY ADMINISTRATOR’S REPORT

- * None

COUNCIL COMMENTS

- * Councilmember Wessels thanked Dr. Riechers for the Harvard Global Health/King County, Washington Model information. He suggested that the Council discuss and look at the other two suggestions made due to the increase in numbers.
- * Citizens Comments were made at this time. Margie Berger, Sherri Werts, Judy Randazzo, Danielle Eaton, Ryan Eaton, an known person, Carolyn Simmons spoke against a mask mandate. An unknown person commented on the posters in the breakroom.

ADJOURNMENT

With no further business to discuss, a motion to adjourn made at 10:17 p.m. by Councilmember Patke, seconded by Councilmember Hidritch passed without dissent.

Adopted: _____

Attest: _____
City Clerk

President of City Council

Passed: _____

Attest: _____
City Clerk

Mayor of Washington, Missouri