

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
CITY OF WASHINGTON, FRANKLIN COUNTY, MISSOURI
TUESDAY, FEBRUARY 16, 2021**

INTRODUCTORY ITEMS:

The Regular Meeting of the City of Washington, Missouri, City Council was held on February 16, 2021, at 7:00 p.m. in the Council Chamber. Mayor Sandy Lucy opened the meeting with roll call and Pledge of Allegiance.

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| Mayor: | Sandy Lucy | Present |
| Council Members: Ward I | Steve Sullentrup | Present |
| | Nick Obermark | Present |
| Ward II | Mark Wessels | Present |
| | Mark Hidritch | Absent |
| 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 | Sherri Klekamp |
| | Emergency Management Director | Sal Maniaci |
| | Parks Director | Wayne Dunker |
| | Public Works Director | John Nilges |
| | Street Superintendent | Tony Bonastia |
| | Economic Development Director | Sal Maniaci |

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 February 1, 2021 Council Meeting

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

Approval and Adjustment of Agenda including Consent Agenda:

- * Collector's Report Summary – October 2020
- * Investment Report Summary – October 2020
- * Fire Department Record Destruction Request

5 February 2021

Ms. Sherri Klekamp, City Clerk

City of Washington

405 Jefferson Street
Washington, MO 63090

Ms. Klekamp:

Per the City of Washington's Record Retention Policy and Missouri State Statutes referenced in the policy, the Washington Fire Department has removed and discarded/destroyed the following records as directed:

- *All Workers Comp files more than 5 year's old*
- *All Safety Incident reports more than 5 year's old*
- *Personal Protective Equipment Fit Test Records which have been superseded*
- *Insurance policies that are more than 6 year's old*
- *Time and Attendance records that are more than 3 year's old*
- *1099's that are more than 5 year's old*
- *Auto Alarm testing/maintenance reports more than 5 year's old*

As always, if you have any questions, feel free to contact me.

Yours in service,

Tim Frankenberg, CT, CFPS

Fire Chief

TPF/lfs

A motion to accept and approve the agenda including the consent agenda accordingly made by Councilmember Holtmeier, seconded by Councilmember Patke, passed without dissent.

PRIORITY ITEMS:

- * Police Department Employee of the Year – 2020; Officer Charlie Scheer
Chief Menefee presented Officer Charlie Scheer the Police Department Employee of the Year Award.
- * Ed Menefee Drug Awareness Award, Elks Lodge 1559-2020; Officer Daniel Day
Eric Dobelmann of the Elks Lodge presented Officer Daniel Day with the Ed Menefee Drug Awareness Award.

Mayor's Presentations, Appointments & Re-Appointments:

- * Proclamation – Supermarket Employee Day
Supermarket Employee Day
February 22, 2021
Whereas, there are nearly six million supermarket employees in the United States; and
Whereas, in the Washington area, there are 603 food retail jobs that generate approximately \$92.3 million in economic activity; and
Whereas, supermarket employees provide all Americans with access to safe, healthy and affordable food; and
Whereas, supermarket employees work to enhance the health and well-being of each customer; and
Whereas, supermarket employees face unprecedented challenges keeping grocery shelves stocked during the COVID-19 Pandemic; and

Whereas, supermarket employees have and continue to meet and exceed these challenges, while displaying courage, compassion, dedication and leadership, as well as exemplifying customer service and community outreach; and

Whereas, the need for supermarket employees is greater than ever because of current and growing consumer demands as well as their reputation for excellence.

Now Therefore, I, Sandy Lucy, Mayor of the City of Washington do hereby proclaim February 22, 2021 as Supermarket Employee Day and ask all citizens to join in honoring our Supermarket Heroes.

In Witness Whereof I have hereunto set my hand and caused to be affixed the Seal of the City of Washington, Missouri, this 16th day of February, 2021.

Sandy Lucy

* Urban Forestry Council Reappointments

February 4, 2021

City Council

City of Washington

Washington, Missouri 63090

Dear Council Members:

I herewith submit for your approval for reappointment to the Urban Forestry Council:

Dave Wehmeyer – Term ending March 2024

Franz Mayer – Term ending March 2024

William Davit – Term ending March 2024

Respectfully Submitted,

Sandy Lucy

Mayor

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

PUBLIC HEARINGS

* Voluntary Annexation of 7.95 acres to be rezoned R-1D, Single Family Residential

February 8, 2021

Mayor & City Council

City of Washington

Washington, MO 63090

RE: File No. 21-0106-The applicant is requesting approval of the Voluntary Annexation of 7.95 acres to be zoned R-1D, Single Family Residential

At their February 8, 2021 meeting the Planning and Zoning Commission voted to recommend approval of the above voluntary annexation with an unanimous vote.

Sincerely,

Thomas R. Holdmeier

Commission Chairman

Mayor: Sal.

Maniaci: So this is one of three applications you're going to be reviewing tonight, all pertaining to the same area. This is the final phase of The Overlook at Weber Farms. If you remember, I think this subdivision started in late 16, early 17, and this is going to be Plat 6, but the first step of it is to annex in the final piece of the farm that has not been annexed. So, let me click through here. So, there's a rezoning and an annexation.

This first Public Hearing is for the annexation. The 7.95 acres, just to the southern piece of the Weber Farm and Malvern Hill is directly to the east that we'll be connecting this. They are requestig to bring this in as R-1D Single Family Residential with a minimum lot size of 7,500 square feet. This matches the existing zoning to the east and the west on each side of it actually.

So, we recommended approval of this. This did go to Planning and Zoning last week, they voted unanimously to accept it under the proposed zoning. Then what happens with these annexations is we will have the Public Hearing tonight accept it into the minutes, and then we have to wait two weeks for comments to be submitted publicly. Then at that point, we'll put an ordinance back on a future meeting.

Mayor: Okay, are there any questions or comments regarding this item?

Sullentrup: Is this is the final phase, Phase 6 you said?

Maniaci: I believe so. This is the final phase, yes.

Sullentrup: Can you tell me how many lots there are?

Maniaci: I think it's 80, 88. Is that correct? How many lots total?

Vic Hoerstkamp: *Inaudible*...88 to 100.

Maniaci: Yeah. You know what, actually, let me see...

Nilges: *Inaudible*

Maniaci: What's the highest number John, if you could see it? It breaks 100 it looks like.

Sullentrup: 96.

Maniaci: 110, so 110 total.

Sullentrup: I'm just curious because there's great cheap houses going in our community...*inaudible*.

Mayor: Oh, it's exciting.

Sullentrup: *Inaudible*...track of it.

Maniaci: Yeah, absolutely.

Mayor: It's exciting. Any comments or questions otherwise? Oh, it was the Public Hearing. So anyway, is there anyone in the audience who would like to address this item? Okay.

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

- * Rezoning of approximately two acres from R-1A, Single Family Residential to R-1D, Single Family Residential to match existing zoning in Malvern Hill and south side of The Overlook
February 8, 2021
Mayor & City Council
City of Washington
Washington, MO 63090

RE: File No. 21-0105-The applicant is requesting approval of a rezoning of approximately two acres from R-1A, Single Family Residential to R-1D, Single Family Residential to match existing zoning in Malvern Hill and south side of The Overlook

At their February 8, 2021 meeting the Planning and Zoning Commission voted to recommend approval of the above rezoning with an unanimous vote.

Sincerely,

Thomas R. Holdmeier

Commission Chairman

Maniaci: Alright, so application number two is a rezoning that is joined with the annexation that was just reviewed. This piece to the north here that kind of curves around was annexed previously with the northern piece that came in as R-1A. That R-1A does have 10,000 square foot minimum lots. The developer at the original, when it first came in, phased this, the sizing in so that it matched the R-1A at Lake Washington. Then as you got south, the lots got a little bit smaller as it matched the existing Malvern Hill. So, this two acre piece here needed to be rezoned to the R-1D 7,500 square foot to match the proposed plat. We obviously have no issue with this. It matches the surrounding zoning. It's all still single-family. It doesn't increase the density to a point that is detrimental to the surrounding homes, existing homes. So this is the actual exhibit. You can kind of see this as the area that will be rezoned from A to D in our zoning code.

Mayor: Okay, any questions or comments regarding this?

Skornia: Does this connect to Bieker Road now?

Maniaci: No, this is further north of that. So this plat, the final application is the plat. That's on your agenda later tonight, but this is the general layout of where it's connecting. So, Statten Drive, Graham Road and Mason Close will all connect. There's nothing to Bieker yet.

Lamb: But Rabbit Trail has the potential.

Maniaci: Yes. So, in Malvern Hill over here, Rabbit Trail could, there's a stub here that could go further south to Bieker. Our Master Plan does show that as a proposed or required connection if that were to ever be annexed.

Wessels: Sal, what's that, that strip down the, I guess that's the east side, that narrow strip that runs down the side there? If you go back, go back.

Maniaci: This here?

Wessels: No.

Piontek: One more, there you go.

Lamb: There it is.

Maniaci: Yeah. So, when it was annexed, that was an original, that was how it was annexed in as the exhibit. You're not rezoning all that tonight. This zoning map, it follows the parcel ID. This is actually R-1D but it had not been platted yet. So, when it's platted here, it'll this full area will take up. So, the full plat takes up that area that you're seeing here. That's how the County had the maps together since the platting wasn't done, it's kind of a remnant parcel.

Patke: Is this a Public Hearing also?

Mayor: Okay, any other questions from Councilmembers?

Holtmeier: I'll make a motion to send it on.

Mayor: We need a Public Hearing. So, is there anyone here tonight who would like to address the Council on this item?

With no further discussion, a motion to accept this item into the minutes made by Councilmember Holtmeier, seconded by Councilmember Patke, passed without dissent.

Bill No. 21-12298, Ordinance No. 21-13251, an ordinance rezoning approximately two acres from R-1A, Single Family Residential to R-1D Single Family Residential to match the existing zoning in Malvern Hill and south side of The Overlook in the City of Washington, Franklin County, Missouri.

The ordinance was introduced by Councilmember Patke.

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

* Special Use Permit to add up to four RV parking spots

February 8, 2021

Mayor & City Council

City of Washington

Washington, MO 63090

RE: File No. 21-0102-The applicant is requesting approval of a Special Use Permit to add up to four RV parking spots

At their February 8, 2021 meeting the Planning and Zoning Commission voted to recommend approval of the Special Use Permit with an unanimous vote.

Sincerely,

Thomas R. Holdmeier

Commission Chairman

Maniaci: Alright. This is a request from the Elks Lodge for a Special Use Permit in order for them to be able to...***Due to technical difficulties, a portion of the audio and video file were not recorded on this Pubic Hearing Item, 3d.***

Lamb: *Inaudible*...the City if it needs a Special Use Permit.

Sullentrup: So, it could continue on through town if a person wants to do it. Are we going to be able to give somebody a Special Use Permit if they come in here next month for four or six or eight? I mean...

Maniaci: When we reviewed it yeah. I mean its case by case it is a Special Use Permit. So, anyone who can, anyone can request a Special Use Permit on anything really that the code allows.

So, this is an old aerial...*inaudible*...they have torn down that house and had an apartment left a few years ago and so, you see the zoning here. There is residential duplexes to the east, but there is a natural buffer in between there with the creek and there is a little valley area here. So, this is a newer aerial. In this area in red is where they are proposing to place the four RV parking spots. You can see where they added the parking lot down lower. There's a new shed there that does have water and electrical service.

Here is the four parking spaces that they want to add. You can see, they plan to have electrical service and water sewer. There you go. Water service to extend from the Elk's garage

and then to each unit. They are not going to hooking up to sewer. We do have a public dump station on North Park Drive that anyone with an RV can utilize now, and so, that's where they're proposing to utilize for sewer.

This did go to Planning and Zoning last week. They voted unanimously to approve this. They are removing eight parking spots to be able to fit this; however, they are over parked because of this new addition that they put on two years ago. That was additional parking that they didn't have before and above and beyond the requirements of the code. We did not see any issues with this and we did recommend approval and Planning and Zoning did pass it. So, I'll take any questions.

Sullentrup: Didn't I see somewhere where it is for members only?

Lamb: Is it for member's only?

Maniaci: I believe I said that in the application, someone from the Elks is here, but yeah, I believe...

Mayor: Other Elk members.

Unknown: *Inaudible*

Maniaci: Yeah.

Holtmeier: Is there any way that anybody, if they could reach that creek and dump sewage in that creek, is that a possibility?

Maniaci: I mean, I guess it technically is always a possibility that can happen. I mean any RV in town I guess could dump, but...

Holtmeier: I'm just saying.

Maniaci: Yeah, I mean, technically that is a possibility.

Holtmeier: That's a concern.

Patke: Well, I'm not positive Joe, but I think the hillside is actually higher before you get to the creek. You would have to pump it there. You know what I mean? Where your sewer would be in your RV, it would be higher in order to get there. So, I think we're safe from that, I mean you wouldn't be able to throw it over to crevice...

Holtmeier: Devils advocate.

Patke: No, I hear you.

Pettet: Special use, did you notify the surrounding area or is it because they're outside of...

Maniaci: No, yeah, we sent a letter to everyone within 185 feet.

Pettet: Any resistance, anybody show up at the meeting?

Maniaci: So, there was no public comment at Planning and Zoning. I did hear from a couple of neighbors who called Washington Engineering to say they had no opposition. We did not hear any formal opposition at Planning and Zoning.

Pettet: Okay. I've been contacted, so there is some opposition. They might not have attended...

Maniaci: Okay.

Pettet: The meeting.

Lamb: And to follow up on your question Steve. The property zoned C-1 I do not know, I can't speak for all of the commercial districts that they would all require Special Use Permits.

Maniaci: RV and campground is Special Use Permit in all zone districts. So, no matter where you want it, you have to get a Special Use Permit.

Lamb: You'd have a Public Hearing in front of you regardless.

Pettet: Is there anybody in town, is there any parcel in town that is already has a Special Use Permit for RVs?

Maniaci: No. So, we actually added that after we did our code. We realized we didn't have any way for someone even to apply for an RV park or campground. We had so many inquiring and we realized we didn't have that written to our code. So, we changed our code to just require that special use across the board where it has to be reviewed no matter what, but this would be the first application since we've changed the code.

Pettet: Hasn't there been some discussion about an RV park, the City actually putting, making a campground available?

Lamb: There has. There has been, but nothing that's come to the point where they were ready to bring it up. I think they've looked at some funding that they're going to have to go ahead and go through and talked about just operations of that. I mean, it may come to you at a later date, but that's the Chamber was the one that was kind of looking at doing something like that. They were the leader on that and we just provided advice for them.

Wessels: The requests have been coming for years for a place, somebody traveling through for a place to stop, wanting to stop in our town. I know at one point the Chamber used to have to send them to the one out in Villa Ridge. That was the closest one we had. I think it's an excellent idea. It looks to be, you know, it's not going to stand out like a sore thumb or anything like that. It looks to be like an ideal location to put a few spots. I'm glad to see them, people looking at it because I know the requests have been there for a long, long time.

Mayor: And again, it would only be Elks members coming through.

Maniaci: According to their application, the...

Mayor: According to their application.

Maniaci: The...

Lamb: It's not written into the ordinance.

Maniaci: Into the ordinance, right. I think that would be kind of hard for us to enforce.

Lamb: It would be very difficult for us to enforce.

Mayor: But that's their intention.

Maniaci: And the application stated no one will be able to be permitted to stay longer than a week, and then if there's any transactions between, if they are charging guests, it's just like any other lodging, they will have to sign up for the bed tax.

Pettet: So if we can't enforce the member requirement, can we enforce the week rental?

Maniaci: Going enforced, I'm sorry...

Pettet: The application said that nobody would be allowed to stay longer than a week.

Maniaci: I think that'd be a question for Piontek. I don't know if at some point we have to, if it's long-term then it's, our code does have anything longer than 30 days is considered long-term occupancy.

Piontek: It becomes an enforcement issue. How do you know when they arrived? How do you know how long they've been staying there unless there is somebody who's extremely vigilant about when they showed up and when they left?

Sullentrup: I guess it can move from spot one to spot four.

Pettet: I wondered that. If you leave at the end of the week and just change spots does that...

Piontek: No, that doesn't work that way.

Holtmeier: I think the Elks is a reputable organization. I think they'll pretty much keep hold on that I believe.

Nilges: I would quickly add Joe, real quick. With your concern for the sewer, the Elks is the owner. So, if there's an issue with sewer and those types of things, there's multitude of ordinances. That's a violation on multiple levels of raw sewage in a creek and the owner of said property would be the one that the City would enforce those on, not the transient guests there. That should provide a level of security for that to alleviate that concern.

Holtmeier: Good. Thank you.

Pettet: This is a public hearing. Is that right?

Maniaci: Yes.

Mayor: Did you have something else?

Pettet: Well, I mean, I like the idea of it. I'm concerned. Steve asked the question, I'm a little concerned about precedent. I would like to see us have more of a strategic plan as opposed to, hey, let's put four RV spots here and wait for the next applicant to ask for four more on their lot. If you're going to choose something, it is kind of hidden, it's they have a big enough lot. I mean, a lot in the Elks is a great organization. So, on one hand there are a lot of things that are attractive about it, but when I think about long-term and our strategy and how we zone property in town...

Lamb: We can certainly take a look at this and see if there's something that we could go ahead and bring back to Planning and Zoning, and then work its way back to here. If there was a Public Hearing, like I said, if it's across the board, I could see that you may have some concerns with regards to compatibility with some, in this case it's zone C-1. So, that also, I would say lends itself to allow that to happen, but certainly people would have a lot more concerns if it was in R-1A and it was right adjacent in the middle of a subdivision. Obviously, there's other things that come into play that would prevent it, like deed restrictions and our covenant, our subdivision covenants and stuff. But, we can certainly go ahead and take a look at it and see if there's, we need to look strategically at those zoning districts and say, some of these are prohibited. You cannot locate here.

Maniaci: I do think that's the benefit of requiring as a Special Use Permit in every zone district, because every single one is reviewed on a case by basis. Is it compatible with the surrounding area? Is it going to detriment the neighbors, that kind of thing. I do agree, I think long-term, we would love to have an actual RV park that tourists can come and stay at. I think if we saw another person coming with a request for just one on a residential lot, because they can request it, I think we could make a pretty strong argument that it doesn't meet the requirements of the Special Use Permit.

Pettet: Is this typical? I mean, do a lot of other communities our size allow parking lot RV spots?

Maniaci: Couldn't tell you, I don't know if other Elks have that.

Lamb: I wouldn't say that it's typical.

Nilges: I know the City of Hermann, a bunch of their lots are actually a parking lot and they operate in and that's a City run organization. They take the fees and all those things, but the setup is essentially the same where it's a parking lot utilized as RV spots for X amount of time.

Pettet: Thank you.

Mayor: Anyone else? Okay, as this is a Public Hearing, is there anyone here tonight who would like to address the Council on this item?

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

Bill No. 21-12299, Ordinance No. 21-13252, an ordinance granting a Special Use Permit to add up to four RV parking spots at the Elks Lodge located at 1459 West Fifth Street 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 approved on the following vote; Skornia-aye, Sullentrup-aye, Patke-aye, Pettet-nay, Obermark-aye, Holtmeier-aye, Wessels-aye, Hidritch-absent.

* Special Use Permit for a AT&T Cell Tower located at 602 Alberta Lane

February 9, 2021

Mayor & City Council

City of Washington, MO 63090

Re: File No. 21-0104-The applicant is requesting approval of a Special Use Permit for a AT&T cell tower located at 602 Alberta Lane

At their February 8, 2021 meeting the Planning and Zoning Commission voted to recommend approval of the Special Use Permit with a 5 to 1 vote in favor.

Sincerely,

Thomas R. Holdmeier

Commission Chairman

Maniaci: Alright, our second Special Use permit request tonight is for a new telecommunications tower located on the southern portion of Alberta Lane, just right above the termination of that, and right next to the old bowling alley. It is currently zoned M-1 Light Industrial. That entire area there is actually still zoned industrial from when it was first developed as a lot of it was Light Industrial-Light Manufacturing at the time. There is some storage units, self-storage units directly to the south that are on different parcels, but they are actually owned by the same party. Technically the applicant AT&T or in this case, their client on their behalf is the applicant, but the owner who owns these storage buildings did sign the application as owner of the property to give them permission to request this.

To the east, there is a C-1, piece of property that does have two storage buildings on it, and then there is some residential not adjacent to but within the 185 feet that we noticed. This is the Southbend Meadows, the western portion of the Southbend Meadows Subdivision.

They are proposing 175-foot monopole tower. If you remember, I think it was in November of 2020, I believe, or trying to think of the last, the last six months we did a code amendment to address our telecommunications code. That was re-written as part of our full when we re-did our code back in 2017. I think at the time our consultant kind of wrote our cell tower code to match another town of our size. That was much flatter, so they had a max of 100 feet and some distance issues that when you get to a town as hilly as us, and some areas that are as dense as they are, it became clear that we were making it very difficult to have any new towers, approved. It was going to be, and it wasn't even a possibility for a variance. They just, if

they didn't fit the situation, then they couldn't even apply. So, we amended it to allow up to 200 feet for a cell tower. Then this application came in early 2021 for 175-foot tower at this location.

They are proposing to enclose at the base of it and all the equipment with this faux stone fence that is required to have some type of screening and or landscaping per our section of this Special Use Permit Code, and this does meet that requirement.

The setbacks that they are proposing. So, they are proposing to put the cell tower pretty much dead center on the property. These distances you see here are to the actual property line of the subject property, not to any structure, but it's 37 feet from the northern property line, 76 from the east, 43 from the south, and then 83 from the west, and where the access will be is off Alberta lane here.

They did submit a letter and it is in your packet. What they called a fall protection zone and a letter sealed by an engineer that stated if this tower were to fail during high winds, during a tornado or a storm, that it wouldn't break like a toothpick at the bottom. It's designed to collapse at a certain break point so that it doesn't have a distance of 175 feet of where it would fall. The way they signed that off in there said that most likely in the case of high winds, that if it were to fail, it would have a fall radius of 114 feet, and that's what you see here. I wanted to point that out is because when we amended our code a couple of months ago, we did write in there basically that all towers have to be 200 feet from any residential structure, which this is, and then we allowed towers to be within the height of the tower to a commercial structure on basically a case by case basis. It has to be approved by a Special Use Permit, read by Planning and Zoning and then by Council.

So, in this case, there is one structure that is within that 114 feet. So, you can see where this red circle is. This highlighted circle, everything within that shaded area is within 114 feet. I know it was kind of a lot going on there there's some labels, but the only thing that is actually a structure is this self-storage building to the south that is owned by the same person proposing the tower.

There is not there's that right-away. Let's go back to this, off Sandra Lane here that is not an improved road, but it is actually City right-away that we have maintained as part of our right-away that we own. So, that is kind of where you get that buffer, that it does not actually, this building to the north is not within the fall zone. If the fall zone does reach over into that property to the east a little bit, but it's not within any of the structures. So, when we're reviewing this and when we re-wrote our code a couple months ago, we kind of mentioned that if a tower is going to be within the fall zone of a commercial or industrial structure, we would approve it on a case by case basis. I would argue that if we're going to designate come up with a scenario that, that we would approve it in such case, this does pose a pretty good argument because the only building within the distance is a self-storage unit that does not have an occupancy. He does not have at any point where someone is residing there or working there full-time. The fact that it is owned by the same person proposing the tower, I think poses a pretty good argument for this specific case for this tower.

This did go to Planning and Zoning and it passed via vote of six to one last week. There was, I believe we'll have some more comments tonight, some comments from the public of opposition and then the representative of AT&T is here as well to answer any questions you may have.

Sullentrup: Sal, you did say maybe I didn't hear it right, but our ordinance says you're not allowed to have a building inside the fall zone.

Maniaci: Not a residential structure. A commercial structure can be, we just have to approve it on a case-by-case basis with a Special Use Permit.

Sullentrup: So if a person's renting that garage, is that what that's for?

Maniaci: To the south?

Sullentrup: The one that's inside the circle.

Maniaci: Yeah, it's a self-storage unit that is owned by the same person that is going to lease the tower.

Sullentrup: But does he rent it out?

Maniaci: It's a self-storage unit. Yes, it's...

Sullentrup: So it could be possible that somebody is in that building when it fails?

Lamb: Right, I think the idea is that they reside there and they're an occupant.

Maniaci: Correct.

Lamb: So it's not there for situations where you've got somebody going in and out.

Maniaci: Right, and I think the situation that you look at that falls zone when these fail, it would have to be a high wind, a tornado of a big storm. It's not likely that someone's going to be rummaging through their storage unit during the day.

Wessels: Didn't we also say in that code though something about a certain distance from the edge of the ladder? I don't know what it was.

Sullentrup: Well, it's the height of the tower.

Wessels: Yeah well, but for some reason I got my mind 100 feet some way that we said, if it falls, there can't be anything at all with it, it has to fall on the lot. No that wasn't in there?

Maniaci: No.

Wessels: And my other question is my concern is, where they talk about it saying most likely, what does most likely mean?

Maniaci: Are you talking about the language in the letter?

Wessels: Yes.

Maniaci: I mean that sure that they could, the applicant could...*inaudible*

Unknown: ...ask them.

Mayor: Any other questions from Councilmembers? Comments?

Maniaci: The only last thing I'll mention is that there were some discussions of co-location in RF studies of making the company, making the applicants supply that information on why it's needed. If there's holes in the service in that area that it's going to fix, or if they could go within another tower, I think Mark will point that out that in 2014, that was an amendment to the state law, that we cannot require that information any longer, it's protected. Basically the towers are protected by state law that we cannot force them to have any of that information submitted beforehand.

Sullentrup: Sal, I'm sorry, what did you tell me what the vote was at Planning and Zoning?

Maniaci: Six to one in favor.

Sullentrup: Where there a lot of people there?

Maniaci: I think like five people spoke total for and against.

Pettet: Sal, just for clarity. The letter, it says five to one is that?

Maniaci: I thought there were seven people there total. Do you remember Mayor?

Maniaci: Maybe it was five to one.

Mayor: You know what, was Tony there? Maybe...

Maniaci: Tony voted no and everyone else voted in favor. I thought there was seven people in total.

Mayor: Maybe Carolyn wasn't there.

Patke: Carolyn was not. Sandy, Mark, John...

Maniaci: You know when I was counting up top, I may have counted Mark so, that could be right. That it was five to one there. One no vote, the rest in favor.

Mayor: Okay, anything else from Councilmembers?

Maniaci: Thank you.

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

Jake Sprague: Hi, Good Evening. My name is Jake Sprague, I'm with Network Real Estate and my address is 5055 Highway N, Suite 200...

Sullentrup: Do you mind taking that mask off...*inaudible*.

Jake Sprague: Absolutely, sorry. I'm also joined here by Jomo Castro, he's with AT&T and he's here to speak a little bit more. If at any point during my presentation, you have any questions, feel free to interrupt me. I know there's probably plenty of questions that'll be asked.

Basically my job with Network Real Estate is AT&T, they discover a need for a new target area for a facility. Due to their network demands or future growth prospects, they hire my company Network Real Estate, who is the turf vendor that deals with all new sites and all modifications to existing sites. We go out and find a location that's suitable for AT&T from an engineering standpoint and from their current network standpoint. We lease the land from a property owner and go through the regulatory aspects of things as well as the zoning, like you see here tonight.

If you wouldn't mind going to the next slide, sorry. Basically the new sites are driven by, there's tools and various computer software that's a little bit above my head that the Radio Frequency Engineers use to identify holes in the network and demand that we'll be continuing to grow for the network. This primary, this can also include drive tests where they're actually in the field and are getting hard data from that, but it's also really driven from customer complaints and people saying, you know, we don't have coverage here, and that really informs where they are choosing to enhance their network.

One of the unfortunate realities is with everybody using their phones at home and the increase of working from home that a lot of these demand areas are in residential areas. So, once they identify one of these areas that we go out and we kind of identify from a geographic standpoint, where would be an ideal location for a site that would work with AT&T's network. They really strive to give the communities the most service with the least amount of impact, that's where the efficient placement of sites come into play. Obviously they don't want any more sites than what they need and they're their first option is always to co-locate on an existing tower, if that's possible. It's just cheaper from their standpoint to do that. Network demands really determine that that's not an option and they have to go out and look to build a new site, so we

pinpoint areas that meet all the regulatory requirements and that's...*inaudible*, FAA, FEMA FCC, there's a multitude of different regulatory approvals that need to take place in order for it to be approved and ultimately go on air.

The other thing is from a zoning standpoint. We have to work with the local zoning authority to make sure that we're in a location that is suitable for the City. Sorry, go ahead.

Sullentrup: Just real quick, before I forget to ask. Are you going to be subleasing some of this tower out to other companies?

Jake Sprague: It was going to be built for the potential future, I mean, yes. So, basically it's currently being built for AT&T, but ultimately that will be available for future co-locators as well. I'm going to turn it over to Jomo here to talk a little bit...

Sullentrup: I'm guessing the weights and everything are figured into where your geographics and everything?

Jake Sprague: I'm sorry what?

Sullentrup: The weights, if you do sublease it out, is it going to make the tower even more heavier?

Jake Sprague: We run a structural analysis every time anything gets changed on the tower, or if a new tower tenant is added, so that would be something that would be taken into account.

Sullentrup: Okay.

Jake Sprague: Correct.

Sullentrup: Thank you.

Jomo Castro: Hey, Good Evening. My name is Jomo Castro with AT&T, 15 South Rock Hill Road, St. Louis, Missouri 63119. I am our Regional Director for External Affairs for AT&T. I manage legislative and community affairs in Franklin County, Jefferson County, and Southeast Missouri. Thank you Mayor and City Council for having us here tonight and hearing our case.

In Missouri AT&T has invested more than \$1.9 billion of wireless and wireline infrastructure into our networks between 2017 and 2019. We're able to do that by working jointly with cities throughout the state. The investments increased reliability coverage and overall performance for residents and businesses, and first responders, especially. Our investments in these new macro towers have been significant with more than 50 new on-air towers deployed since December of 2019. We've actually boosted coverage in Franklin County specifically. We went live with two new sites in Union and Pacific in December of 2019.

In 2021, we actually had, we have two sites scheduled for Sullivan in addition to the site we're talking about today. We also have an additional site forecast for 22 here in Washington as well. So, these improved sites provide a wireless 4G LTE coverage so improved cell phone coverage, and all of these sites also come equipped with Ban 14. Ban 14 is a special kind of spectrum, that is reserved exclusively for emergency communications. So, in deploying these networks, whenever in each City that we deploy these, we make the surrounding areas safer. AT&T is continuously working to provide the best service and the most responsible and cost-effective way as Jake alluded to, that's a priority. We also rigorously comply with all local and federal laws and ordinances. I won't get into the benefits of wireless coverage. I think we're all well aware of that, but you know, many of us have felt the frustration of having a fully charged and fully loaded smartphone sitting in our pocket that we're not able to fully use. Part of this structure will help alleviate that for residents businesses and first responders here in Washington.

Jake is going to now go through a little bit of specific information for how this site is going to impact the area. Turn it back to Jay.

Jake Sprague: Thank you Jomo. I'm going to go through a couple of the site-specific factors. I apologize if there's redundancies any from Sal's presentation. I'll try to keep things brief. So, basically the site that we're looking at is right here and its main purpose is the site that AT&T is currently on, on Fifth Street. It's pretty much overloaded and you're seeing these blue and green right here, that's poor coverage. I know these maps can be a little esoteric and I apologize or some a little bit over my head in some respects too, but these are the propagation maps where it shows the coverage. This site right here is mostly to offload a lot of the traffic that's overloading this Fifth Street tower, as well as to cover a lot of the residential and the shopping area right there near the Phoenix Center. A little bit further on, I'll give you guys what it's projected to look like after the new tower goes in.

If you wouldn't mind next slide, sorry. So, what we're proposing is the 175 foot monopole tower within an 60 by 80 lease area. I'll show you an example of the we saw a slide of what the fencing material looks like in the previous presentation. I'll show you another one that kind of shows within what shows what the fencing material looks like, kind of more in the actual setting of a tower. The tower has been designed with the fall radius, not to exceed 65%. I heard the questions of, you know the specifics of that. I, unfortunately, I'm not an engineer, so I can't get into, you know, exactly what the line by line of the *inaudible* states. But I knew that I do, I can tell you that all the towers are designed to the specific standards of ANSI/TIA 22G, which is the standard structure, the structural standard for antenna supporting structures and antennas which is the code and what they must abide by.

If you wouldn't mind. So, this is the location right here within the manufacturing district. We chose that because it gave us the most from an aesthetic standpoint, we try to go to an area that is going to be the least impactful as far as driving by ultimately, we think that these kind of, they blend in over time. It's mostly like a utility tower, but nevertheless, we did try to go here because there's some guard from the tree behind trees behind it and it is located within a manufacturing and industrial district.

I'm sorry, so, this is the same slide without the blue that Sal really nicely blue'd out for the fall zone. As you can see the building to the north is outside of the fall zone and really the building to the south of that storage unit is the only thing that would fall within that fall zone letter, and that is owned by the property owner that we are entered into a lease with.

Wessels: What is the, in that fall zone that you have there that you're using, what is the radius of that fall zone?

Jake Sprague: The radius of the fall zone, there is 114 feet. That's 65% of the height of the tower of 175 feet.

Wessels: And so the special use you're asking for a change in our code because our code says the height of the tower plus 10 feet. So you're asking for a reduction of that?

Jake Sprague: Yes, Sir. Correct. So, this is an example of what a monopole tower looks like. I'm sure you guys are all very familiar with it. Over here is the proposed tower that we we're applying for the Special Use Permit for tonight. As you can see, I, you asked about future co-locators or what it's being designed and built for. The top centerline right here is for AT&T, but it's also been designed to accommodate two additional co-locators right there. There's obviously

60 by 80 leased areas. So, there will be plenty of room for the future co-locators, and hopefully it will reduce the overall need for future towers in the area.

This is a picture of the SimTek Fence. It shows, this is actually a shelter that I think is not currently being used anymore. They're using even smaller cabinets so I can't speak to that for certain, but I can say that this is very similar to what the aesthetic of the outside will look like.

So, this right here is what the new facility will, the proposed new facility, tower, will do for the improvement of coverage in the area. This was all blue. Then the next side, we'll kind of give you a good side by side. Yeah. If you wouldn't mind. So, this is currently what is without the tower. As you can see down here, this is all blue, and this is all blue and green. If you go to the next slide, and with this proposed tower, this actually does significant improvement to the network in the area and down to the south too. What is not on the agenda for this evening, but also when we've received approval for another tower on the sharpshooters lot down over here. That is to improve somewhere network coverage up here, but they should, you know, the engineer's projected this should really do significant increased for the network capabilities.

Sullentrup: I don't see the tower that's on the big diesel lot up there, is that not AT&T?

Jake Sprague: No. Yeah. So all the ones up here just show AT&T's current sites, not towers in the area.

Skornia: Will your privacy fence be around the whole lot, or just the base of...

Jake Sprague: It would be aligned, entirely any equipment...*inaudible*. With AT&T being the initial tenant, it'll probably be smaller and should another wireless carrier co-locate on the tower, it'll be expanded to surround any ground equipment.

Skornia: Yeah, I don't think it would be very attractive around that whole lot.

Jake Sprague: It would probably be a little bit overkill to do it around the entire lot. It would just be around the general ground equipment to start or ground equipment, plus a little bit of a buffer space for a text to get in and out of. But, you know, I agree with you. Yeah.

Skornia: Thank you.

Jake Sprague: Any other questions?

Mayor: Any other questions?

Jake Sprague: Thank you very much for your time.

Mayor: Okay, thank you. Okay, is there anyone else who would like to address the Council on this item? Thank you Mark.

Keegan Shea: Okay if I take my mask off?

Mayor: Might be easier for us to understand.

Keegan Shea: Good Evening Council. My name is Keegan Shea, and I'm an attorney at the Stinson Law Firm in St. Louis and we represent SBA. SBA owns and operates a 157 foot cell tower located at 85 Cecilia Drive here in Washington. SBA's tower was built in 2004 and it currently serves Sprint as it's a one and only carrier tenant on the tower. Now SBA's tower is a third of a mile .33 miles to the southeast of AT&T's proposed tower. I'm here tonight to respectfully object to AT&T's Special Use Permit Application.

The first issue I have with this Special Use Permit Application is that there is no evidence at all, that it was signed by the landowner. Section 400.215 of the Washington Zoning Code government requirements of written SUP applications, and it states quote, "The application must be signed by the owner of the parcel for which the special use permit is sought."

So, there was a version of the application that was submitted to and discussed at the Planning and Zoning Commission Meeting last Wednesday. I have a copy of it here. If you would like me to pass around a couple, I can, but I can tell you, there is no signature at all on this Special Use Permit Application. On the signature line, *inaudible*...as you can see on the signature line, it's just the typed in name of Jake Sprague who just spoke to you. There is no evidence at all of the landowner's signature. My colleague Ben Woodard attended last Monday's Planning and Zoning Commission Meeting, and he raised this issue ensigned to the code and said, "Hey, this is supposed to have a landowner signature" because the land owner is a Scott Lankford, the owner of Anytime Storage, but again, the signature is not on this. Someone from the City told us that they have a copy of the signed application in their records but that was inadvertently left out of the packet that was circulated and used that night at the Planning and Zoning Commission Meeting.

So, the very next day on Tuesday we submitted a Sunshine Record Request to the City asking for any and all documents that the applicant has given to the City relating to the Special Use Permit Application. This morning we received 78 pages of documents from the City. We only received one version of the application, this version that stated January 12th, 2021, and that does not have the landowner signature. So, for this reason alone, Council, the Special Use Permit Application should be denied because it does not follow the express language of the zoning code ordinance.

And, the other concern I have with this application is that it's being rushed through the process. So, notice that this Special Use Permit Application would be discussed at this meeting here tonight was published in a local newspaper on January 31, 2021, of the *Missourian* ten or about eight days before last Monday's Planning and Zoning Commission Meeting. I mean, normally this notice is not published until after the application is heard by the Planning and Zoning Commission which suggests that this whole application process is being rushed.

So, one of my colleagues representing SBA spoke with Ronald Linnenbrink last Friday. I'm not sure if Ronald's here today, but, Ronald lives less than 185 feet east of the property where the AT&T towers proposed to be built. Mr. Linnenbrink advised that he never received any notice about the Special Use Permit Application.

Now, when I reviewed the zoning code ordinance, I didn't see any specific notice by regular mail. The only notice requirement I saw was the Publication Notice. I just don't know if the Publication Notice is the best means to give all the property owners within 185 feet, the right to object to this. I would just ask the Council, consider that, and consider the aspect that, Hey, maybe this application is kind of getting rushed through this process here, or maybe we need to delay it to another meeting so that we can make sure everyone has the proper notice. Everyone can object if they want to.

I also want to chat about something you brought up Mr. Councilman Wessels about how on October 19, 2020, the City passes a zoning amendment establishing a setback requirement for cell towers. It said the setback requirement is the height of the tower plus 10 feet. So, AT&T is arguing for an exception to that ordinance. I just want to reiterate that setback rules are put into place to protect citizens and property owners.

As you've already been explained, AT&T's engineers found that AT&T's tower would have 114 foot fall radius if this tower were to fall over. So, if we look up there this fall radius extends well over each of the four adjoining property lines, extends entirely over the building to the south, extends nearly all the way across Alberta Lane to the west, so anyone walking or driving on Alberta Lane is in the fall zone. An innocent bystander on the road is in the fall zone.

There is a mobile home park to the south of this location. There's a high likelihood that there's children playing in the area, children playing in this 114 foot fall zone. There has been no justification presented to avoid the setback requirement. It just creates unnecessary risks.

One of the final items I want to mention here is AT&T just put on this presentation about how this tower is going to increase cell coverage. There is one point a couple of points I want to make about that. They brought it to your attention. The first is Mr. Sprague did mention and correct me if I'm wrong, but what I heard was he said, the first thing AT&T does is they try to see if they can co-locate onto an existing tower. Well, I already told you, we have an existing tower .33 miles to the southeast of this proposed location.

Couple more documents I would like to share with you, just bear with me for a second. So on, on February 3rd, 2021, uh, upon learning about AT&T's application, SBA Site Marketing Manager for SBA's existing tower, the one on 85 Cecilia Drive, reached out to AT&T by an email advising that, Hey, we have capacity to put you on our tower. We never received a response to that email. If you like, I do have some copies I can pass around. It's just a short email explaining that we do have the space...*inaudible*. So, we reached out to AT&T and said look, this whole tower is unnecessary. You can just co-locate onto ours. I just want to reiterate what Mr. Sprague said, which was the first thing they do is they decide if they can co-locate.

Which brings me to the, one of the final points I want to make here. So, our Site Marketing Manager also wrote a letter to the City, the Department of Planning and Engineering Services dated February 4, 2021, confirming that we do have capacity for AT&T and that the City can avoid construction of an unnecessary tower if AT&T co-located onto SBA's current 157 foot tower. I've also spoken with SBA and they said they would be willing to discuss adding an extension onto their current tower to make it...

Piontek: You have to stay by the microphone.

Mayor: You have to stay down there.

Keegan Shea: I'm sorry.

Mayor: Just keep going.

Keegan Shea: For these reasons, I would suggest or recommend that the City Council deny the application. I just want to circle back to my final, my first point, which was the zoning ordinance requires the land owner's signature to be on the application. The application dated January 12, 2021 is not signed by the landowner. It does not comply with the zoning ordinance and that alone is grounds to deny the application. Thank you.

Mayor: Thank you. Sal, do you have any comments regarding his comments?

Maniaci: Thank you. I can address a few of those. I do have a signed application that was re-submitted. So, the original application that was emailed to us, that gentleman pulled up did not have the original signature it did have AT&T as the applicant. We did, and it got brought up at Planning and Zoning request that a new one be submitted. We thought maybe there was, there was a hard copy mailed to us, and then a version emailed. So, we thought maybe that the hard

copy had the correct signature and the email one blank from when it was scanned in. It turned out we didn't have either and so they, Scott Lankford turned in a new application on February 10th, with the correct signature. So, we did have that corrected to make sure we had permission from that.

As far as the process, we did the same as we do for any Public Hearing Rezoning and Special Use Permit. We send the letters to everyone within 185 feet, and we measure that with a mapping system from property line. So, it's not just 185 feet from where the tower is. It's 185 feet from the highlighted parcel, so we measure it from all four corners. I believe a couple of these homes were within that 185 feet. I know someone spoke at Planning and Zoning, said they did receive that letter. It goes out as soon as we get the application and then the Public Hearing it's letting him know there is a meeting at Planning and Zoning, but the notice is for this meeting tonight, and so that's why the distance between when the letter is, and when Planning and Zoning is that's always a shorter time period because we notice for the Public Hearing at Council. Other than that, everything was pretty standard on the process and timing of all of this.

Patke: Sal, let me ask our Counsel. I'm trying to recall, it's been a few months ago. The owner at 85 Celia Drive on that tower requested from us to change the aesthetics of that tower to handle more coverage. Now, I'm hearing that they have enough coverage to handle it on that tower. Is that contrary to what...*inaudible*.

Maniaci: Yeah, so I think it was, it was over a year ago. The owners of the SBA tower on Cecilia Drive requested to take down the flag and put up, cause right now they have the cylinder...

Patke: Right.

Maniaci: Antennas and they wanted to put the more traditional that you would see on here with these antennas. In order to do that, they had to take down the flag and that would require it to lose its stealth or right now it's disguised tower it's in our code. If you would disguise a tower as a flagpole, you actually don't have to get a Special Use Permit as long as it meets setback requirements, and that was denied by Council back, I guess it was over a year ago at this point, so I don't know if their capacity is with more cylinder.

Patke: At that time, they said their capacity was it warranted more that they needed more capacity or they had to build another tower is what I was under the impression of then.

Maniaci: Yeah, that is what I remember as well.

Patke: So, now they're saying they have room for AT&T to be on there so that that's contrary to what I heard a year ago.

Maniaci: Yep.

Patke: Okay.

Mayor: Any other questions?

Maniaci: And I will say the letter that was submitted saying that they have the capacity at the tower, I'll just remind you that, you know, we cannot make comments on requiring businesses to co-locate together.

Sullentrup: Sal, tell me again, on the Planning and Zoning letters are sent out for 185 feet, or more or less, you said that one of the individuals did not get the letter.

Maniaci: No, they said, so there was a neighbor here who had they received it, so they must've been one of the homes here that was in there. Again, we just, we do, we run that through a

mapping system. It pulls up everyone's address within that 185 feet. So, I couldn't tell you which ones by name, but someone did mention on record at Planning and Zoning that they received a letter and they lived off of Commodore Drive.

Patke: Can you tell a timeframe of when you do send that letter out?

Maniaci: So, the application, I mean, we have to have applications in three weeks before the Public Hearing for deadline. So, whenever they get it in, we send all the letters in as we get them. So, it's typically two weeks depending on when the application is typically, two weeks from Planning and Zoning three plus from Council. Again, we don't send all the letters at the same time. We do it as applications come in.

Piontek: It might be helpful to know too, that there is no requirement in either of the City code, our state law, that we send out notices to anybody at all, regardless of how far they are from an application for a Special Use Permit. That's only required in the event of a rezoning application, which this is not, we send those letters out as a courtesy, but it's not required by either our code or by state law. So, if we miss somebody it's unfortunate, but we're not, we don't have to send any, we can just put an ad in the paper, Notice a Public Hearing and that meets all of our requirements.

Patke: Do you have a concern with the application Mark or the, as long as there's...

Piontek: No.

Patke: A signed application with Sal we're okay?

Piontek: No, I think that's been cured to the extent that there was a defect, which I'm not even sure there was, that's been cured now that we have a signed application.

Wessels: I'm still, okay, since we re-did that code and I'm still talking about that rate, that fall zone. When we re-did that, if I remember right, this is the first application we've had.

Maniaci: Since we've re-done the code, correct.

Wessels: Yes, and our first application we're making an exception to that fall zone. So, I'm just wondering how P and Z address why I'm not sure why you would do that. You know, we had a fall zone and then they say, no, it's okay.

Maniaci: Yeah, so I would argue that it's not necessarily an exception, so we didn't have that distance in there beforehand. We only, our previous code only addressed the setbacks from residential. It didn't even mention what it had to be from commercial industrial. That was just earlier this year; it said it couldn't be more than a 100 feet and that was the issue. Planning and Zoning recommended at that point to also make it the height of the tower, plus 10 feet from any structure, no matter residential or commercial. Then we staff's recommendation after they had that change, when we brought it before you that was actually too restrictive. We do obviously have some telecommunications issues and that we wouldn't, we would have the possibility of not being able to provide that service by being too restrictive. So, our recommendation for that final edit of that code amendment was to have that final sentence in that section to say, unless approved by City Council on a case by case basis.

So, it's not necessarily a variance. It's just saying, Hey, if you are not within the height of the tower, plus 10 feet, you have to submit documentation and address why that setback is not going to be met. That's going to say it's on a case by case basis where in my eyes, my argument, I guess, in my opinion with my recommendation is that if you're going to design a scenario where you are approving the lesson setback, this is a pretty good scenario for that case because

of the fact that it is on the same with property, by the same owner, and it is not something that is fully occupied, but you're correct.

Lamb: There's not a residence within the fall.

Maniaci: And we wouldn't allow that anyway. Anything, any residents within 200 feet, you cannot, that is pretty clear in the code. You can't get that amended, any struck, any commercial, industrial structure within the height of the tower, plus 10 feet. If they don't meet that setback, then it just has to be addressed in the the ordinance as to why they can't meet that. Then it can be voted on. I think in this case, it's, that's because we can't require them, we don't require them to submit a fall zone letter, but that's their prerogative to say, Hey, look, we're not meeting that setback, this is why here's our fall zone letter. That in their eyes helps the argument.

Mayor: Are you good, Mark?

Wessels: I guess, yeah, it's okay. I got to think it's all right. You're good, you explained it.

Maniaci: Okay.

Mayor: Okay, any other questions for Councilmembers at this point?

Maniaci: I'm sure there's some other people in the audience that would like to speak. Thank you.

Lamb: I do want to share before you open up the floor; we did receive just this afternoon, a petition by one property owner. I think these are copies of just their objections and I will go ahead and pass those around for all of you. Take one and pass it around.

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

Unknown: *Inaudible*

Mayor: Well, let's have someone new.

Katie Linnenbrink: My name is Katie Linnenbrink, I live at 609 Commodore Drive. As a neighboring resident to the proposed 175-foot cell tower by AT&T, I am opposed. The radio frequency waves that the tower puts off is a valid public health and environmental concern. The data that SBA has provided is evidence that a new tower will not increase service. In addition, AT&T does have the option of co-locating on SBA's current tower, which is not far from their proposed location. A new 175-foot tower will not increase service. If there is not any increase in service, this proposed tower cannot be justified. The fall ratio calculations are an estimate. A mathematical error could be hazardous to those in close proximity. A yes vote for the tower would clearly disregard the neighboring citizens, public health concerns, the environmental impact and the property values affected by the proposed tower. Today, we are asking each of you to support your residents and decline the proposed tower. Thank you.

Mayor: Thank you. Someone else?

Amy Howell: My name is Amy Howell, and I live at...

Mayor: You can pull that down. There you go.

Amy Howell: I'm pretty short.

Mayor: Okay.

Amy Howell: My name is Amy Howell, and I live at 614 Commodore Drive right across the street from Mrs. Linnenbrink. I just want to probably get emotional here, but, I've lived there for 21 years. When I moved there, I was one of the older folks, younger folks so I saw all these little kids growing up. Then I had kids and they saw my kids all grow up. Now we're having like a surge in the neighborhood where young families are coming back to our neighborhood and so

now we get to see their little kids grow up, which is fun. It's a true neighborhood. I just think something like this ruins the aesthetic of our neighborhood because I understand scientifically and business wise everything they talked about, but what they're not talking about is right on the other side of that property, there's a hill which leads right down to our cul-de-sac in a neighborhood. We still borrow eggs and milk from each other. We're just still a really tight knit neighborhood, and this is the kind of thing in my opinion, that takes away from that. That's all I wanted to say. Thank you.

Mayor: Thank you.

Ron Linnenbrink: My name is Ron Linnenbrink. It was my wife Katie who was just up here. I'm interested in knowing what's going to happen with the property value later? What if this tower would fall and just, let's just stay at, hit the brick wall around it or whatever they got going up, hit the concrete, that pole shatters and sends a piece 20, a 20 foot piece down the road 100 foot? Maybe through my ceiling, or might have a roof or through Dance Craze where the kids are over there dancing. What happens then who's responsible for that?

Let me ask any one of you, I don't care who it is. Mayor Sandy, what if we did this thing off come to light within two weeks of knowing the tower was coming in in your backyard and they were putting this tower in and you knew nothing about what he could do to the people that, all you know is what you read about the radio frequencies and the different stuff that goes through the air from it. What would you want that to do to your, your backyard? How would you like that? Would you like that in your backyard or any of yours? I mean, I don't care who it is. Any of you. When you got a tower just a couple of 100 foot away that AT&T can take and use supposedly for what they want. Why can't they just move down to that tower instead of putting another one in that could maybe fall on my neighbors, his business, or any of them kids that are dancing up there? Or, one of them kids that are walking up from the trailer playing in the backwoods and the storm comes along and the tower blows down and falls on him? What about that?

Why didn't we get some kind of notice prior to four days or five days before the first zoning and whatever committee you guys got going on? We should have known about this last year when it was brought up in March and they were up there drilling. Why didn't we know then? Now, we get two weeks or three weeks to come in here and try to fight it. I think it's a bunch of crap too be honest with you.

Mayor: Okay.

Ron Linnenbrink: I never did hear answer from anybody. What is your take on that, having them put that in your backyard? I see four or five you guys up there that I know and I can't even get an answer out of nobody.

Mayor: Well, I think that we were, you know, this is why you're here to address the Council and this is how we're making our decisions. So, otherwise...

Ron Linnenbrink: You guys aren't allowed to get personal opinions up there or nothing? You just let the City do what they want to come in and say, well, we don't care what they really say, we're going to sneak this in here and let AT&T spend another billion dollars? They spent a billion dollars on that tower, I guarantee you they made 2 billion somewhere else.

Mayor: Okay.

Patke: I'll answer you.

Ron Linnenbrink: Pardon me?

Patke: I'll answer you, no problem, but I haven't heard from you. I didn't know. If you knew about this call me and then...

Ron Linnenbrink: I would have called you. If I didn't wait until I got the four day before the last day...

Patke: And I respect that.

Ron Linnenbrink: I called my Council once, this guy over here, Sullentrup.

Patke: I just don't want you to think I wasn't going to talk to you. That's all.

Ron Linnenbrink: No, I just, I was looking for an answer who wants a 175-foot cell tower in there backyard.

Sullentrup: I wouldn't want it in my backyard though.

Ron Linnenbrink: Huh?

Sullentrup: I wouldn't want it in my backyard.

Ron Linnenbrink: I got one person to answer out of seven or eight. It's kind of a crappy thing in a way to try to run the City, trying to sneak crap in there.

Mayor: Thank you, anyone else? Rick?

Rick Muench: I'm Rick Muench, I own the property on 2011 Sandra Lane, which is right next to this tower. I wrote a letter to the Council. Did you all receive that?

Lamb: That's what we just passed around that we received today.

Rick Muench: Okay.

Lamb: We just passed that around.

Mayor: We just got it.

Rick Muench: Would the Council be able to address each item on this for me? Number one, I think has already been addressed. We the property owners only had a couple of weeks to say anything about it. So, there may be a lot of opposition, which has not yet been brought to light.

Item number two. This would definitely decrease the value of my property. If I wanted to sell it for residential, I think nobody wants a 175-foot cell tower in there driveway. Any comment on that?

Wessels: Where is your property that you're talking about on that map?

Mayor: It was on the...

Rick Muench: Make it bigger if you...

Nilges: I'm sorry, yeah, I'm just trying to help you out here as much as I can, if you can...

Rick Muench: Okay. Well the map don't show...

Nilges: Hold on, sorry about that.

Mayor: It was, your office is Sandra Lane, right?

Rick Muench: Yes. Sandra Lane is a designated street, it was never built...

Mayor: Right. So, if you can...*inaudible*.

Rick Muench: It runs and runs right along. It's probably, I'd say 30 feet from where you want to put the tower.

Nilges: Here, let me look, hold on one second. Let me try this out.

Mayor: There we go.

Nilges: There we go.

Rick Muench: Okay, there you see Sandra Lane. You see that big white building, that's the dance studio and the one to the right, I think is mine right there.

Unknown: Right here?

Rick Muench: Yeah. Now they say there is a difference between tower height requirements for residential and commercial. Is that correct?

Lamb: I think when they were talking about the fall zone...

Rick Muench: Fall zone yeah.

Lamb: That stuff that they take into consideration.

Rick Muench: Fall zone.

Lamb: *Inaudible*...residential or commercial.

Rick Muench: See my, I'm in the security business, we are a 24/7 business. That buildings occupied like a residence for that reason. So, it's not a storage shed, like it has been said before.

Patke: So, you actually have a business out of that building, Sir, is that right?

Rick Muench: Yes, 24/7. We're like, we're a security company and we monitor alarm systems 24 hours a day. So, there's people in that building, if that, if this occupancy of the building is an issue, that's what I'm trying to bring up. It is occupied, it's not a storage shed. There's a barn to the right of it, that this storage, but the main building there, it's closest to Sandra Lane right there. Yeah.

Mayor: And that one's occupied 24/7?

Rick Muench: That's an occupied building, yes. Like a residence. It has full facilities for staying. We got shower, kitchen, the whole nine yards people have to be there all the time.

Okay, then in the property value. So, this is a nice piece of property. It's two acres in the middle of town. Sandra Lane is the only driveway going in, there's no streets around it or anything. If I want to sell that sometime, somebody want to build a house there, the cell tower is probably a permanent structure. I doubt that anyone would say, well, I want to put a half a million-dollar house, a nice little, two-acre property with a 100 year old trees and such. We've got this nice cell tower in our driveway. So, it's probably a devaluation in my case, and I was offered no compensation for that. It seems like it's a money game. AT&T is going to make a million dollars; the City may make money from taxation on it. The property owner that the tower sitting on gets a lease on that, and I get devalued property because of it. That's my argument on that point.

Number three was the adverse effects of 5G radiation have not been fully studied. Nobody really knows what it's going to do or not do to somebody. Right next to me, there is a dance studio. It's got little kids in and out there all the time, which is also a concern for the 5G radiation, plus the fall radius. Those kids play on Sandra Lane and across from it, which is a, I keep all that mowed real nice. When some kids are apparently in the dance studio, the younger ones will come and play on that property all the time. So, they're definitely within the fall zone of the tower. So, I think that's a danger for them.

Then the daycare center right down the street, as far as 5G radiation, they're outside of the fall zone, but those are still within the radiation thing. I don't know. Nobody knows what the radiation would do.

Okay, for my experience, also 170-foot lightning tower is a lightning magnet. You put some piece of steel that high in the air; lightning is going to hit it. I guarantee you. When

lightning hits, it's not one strike. If you've watched lightning, it's got tendrils coming off. Those tendrils could hit my property. The dance studio start fires, blowholes in the roof, all kinds of different things. So, the part of a lightning magnet, it's something that I don't care for.

My other point is number six. Who of you would want a 175-foot tower right next to your house? So it, to me, it comes down to money, big money versus what the City residents of Washington want and don't want.

There's obviously some opposition to this tower here tonight, but there hasn't been time to really organize opposition to would have happened if we had a month or two to, to consider it. We had basically two weeks. The people at the dance studio might object. The parents that bring their kids there might object if they know my kids playing over here and lightning hits the tower or wind, wind hits the tower, it would fall over and fall right on one of my children.

So, it looks to me like it's a money versus safety issue. I think safety is more important than money.

Sullentrup: Rick, did you express your concerns to the Planning and Zoning last week?

Rick Muench: Did I what?

Sullentrup: Did you express your concerns to the Planning and Zoning last week?

Rick Muench: I did. They said nothing. Nobody commented on anything I had to say or anything like that.

Mayor: Rick, did you...

Rick Muench: *Inaudible*

Mayor: Go on...

Unknown: *Inaudible*

Mayor: Did you talk to the folks at the dance studio?

Rick Muench: I did not. There was a nurse that was here that lives in the proximity of this tower and she was going to talk to him. She's far more familiar with the medical problems with maybe radiation, she's not here at night, I don't think. But, we were going to talk to the dance studio and the people that come there. See this, they probably have no idea about this thing, but you see their kids are playing there all the time. This tower has a possibility of falling over. Now they may not happen very often, but must happen often enough that they already plotted it out, the fall radius. A lot of times a tower like this wall can stand a good wind, but it's like a chain link fence, sometimes a piece of a tarp or something blows up in a strong wind and catches it.

Now it increases, a great increases. You would know, great increases, the fact that it's going to take it down and that's what strong winds do. They pick up stuff that's laying around. My priority seems as a wind blows that way, when they were remodeling the bowling alley, all the plastic and stuff they were using over there, blew over against my trees on the property. Big pieces of it and stuff like that can catch on these towers and create a resistance enough. They could push the tower over, even beyond 140 foot, 14-foot fall radius. I'm not at tower expert, but it's just common sense. It was sink.

Mayor: Okay.

Rick Muench: So, I think the Council, would like the Council to consider either giving us property owners around here, the dance studio, the daycare center, more time to gather people up that may have been opposed to passing it before everybody had their say in it.

Mayor: Okay.

Rick Muench: Is there any questions about anything on my letter or anything like that? Okay. Well thank you for your time.

Mayor: Thank you, Rick. Is there anyone else? Okay, do you want to come forward?

Jessica Ponder: Thank you. My name is Jessica Ponder and I own the property at 613 Commodore Drive directly adjacent to the property that was discussed already. I really appreciate this opportunity and I appreciate this dialogue because a lot of this dialogue did not exist last week when we were here. So, I really appreciate your attention and especially the attention to detail that's going on here.

There were a few questions that were raised last week that were really not addressed in any way, shape or form. They were heard and accepted and not really addressed. So, several of those have been brought up tonight. I don't have a good order because several people have spoken in front of me. We were admonished that we are not allowed, that you are not allowed to make decisions based on co-location that there is express law forbidding you from making that sort of making any judgment call based on co-location and yet AT&T came up and talked about how they intend to co-locate and they intend to reduce the amount of towers in the future by making available space to co-locate.

If it's already illegal for you to make decisions about new towers, based on co-location on the tower that exists, then it's probably going to be illegal for you to make future decisions based on co-location on AT&T's tower. So, none of that is going to help reduce the amount of towers and by building a new tower and not being allowed to discuss co-location, then every new company that wants to make a profit can bring in their own towers.

Something that was not brought up, and I was a little upset to see. When AT&T showed you this, I think he used the word esoteric figures is that that's AT&T service. That's not service in our neighborhood. I don't have any issues with service in that neighborhood. I do work from home and I do have children there and I intend to bring another one into the world and in another six weeks or so. So, you know, this is really important to me in terms of what we're discussing here. There is service in that neighborhood and I work from home and I don't have any fidelity issues whatsoever. I don't happen to use AT&T so I'm not one of their customers. So, they're not really concerned about me or what I have on what my needs are.

The figures that they were showing you are specifically about AT&T's customer base and who that they can make money off of and who they can't make money off of. So, when they say that they have people complaining and that they're here for the residents and they're here to help everyone, like, let's be honest with ourselves that they are here on behalf of themselves and the customers that they want to make money off of. They're not here on behalf of the customers that have plenty of service in the neighborhood, and they're not going to improve service for those of us who already have service in the neighborhood.

So, I understand that co-location is not a lot part of this discussion and there's rules about that. I respect that, but let's be honest about what AT&T's motive is here because it's not my family and it's not taking care of me and my ability to work from home. So, I was a little upset to see that they displayed those maps without actually mentioning that that's specific to AT&T coverage, and doesn't represent any other cell phone service, which we don't have an issue with.

I won't talk about the signature, that's come up several times. We've resolved that. There was one other unresolved thing that never got brought up again, that they were requesting in addition to requesting the setback expectation of the height of the tower, plus 10 feet be excused in this case, they were also requesting a landscaping requirement waiver, and there has been no discussion about that. So I'm curious what the situation is there.

But more importantly, this is a 60 by 80 foot lot. That is a parcel of a greater sized property. So, there's been a lot of discussion tonight about the 60 by 80 foot lot housing a 175 foot tower. So let's do these numbers. You've got 30, so I'm told there's 37 feet to the north and 43 feet to the south before you get out of this leased lot. So, they are wanting to put up 175 foot tower on an area that is 60 foot by 80 foot, and so in no direction, does that area come close to, let's say the height of the fall zone, the estimated falls zone, which is now 114 feet plus 10 feet. So if we were good, give them that allowance that takes you to 124 feet.

Now, I was also told that we're not concerned about the people storing things in that building because the property owner who is selling the land also owns the building that's housing people's stuff. So, my question that has not been represented here, is why we're not expecting that property owner to take those buildings down and sell at AT&T a parcel that gives them more setback so that they don't have to be an estimated 10 feet from a dance studio so that they don't have to be up on this gentleman's property with their fall zone, and God forbid any additional hazards that could come.

Like we mentioned that we've, I was born and raised in Missouri. I know that things don't just fall over in a storm and that's not what you're dealing with. So, if we're talking about high winds like, it's probably not going to politely fall down. It's only 114 foot radius and then have no other business elsewhere with anybody else's property. I know you've all seen storms. I know you've all had situations where you called your neighbors to figure out where the trampoline went. You know, we know that that's the situation.

So if AT&T needs this property to make more money off of the customers in this area, that they're not making enough money off of, there's really no argument for why they can't buy the whole property from Mr. Scott Lankford and move the tower further south so that they can actually accommodate a setback that's reasonable. Because we're talking about 175 foot tower on a 60 by 80 foot plot. So, that's all I have. Thank you.

Mayor: Thank you. Was there anyone else?

Keegan Shea: *Inaudible*

Mayor: 30 seconds, we'll turn the clock on.

Keegan Shea: Okay, Council regarding the second application that was mentioned tonight with landowners signature, I would just request a continuance of today's hearing so that I can review that application. I requested it pursuant to a Sunshine Records Request and I didn't receive it. I'm not saying that it's not an authentic signature. I would just ask for some time so I can review it.

The second item I want to address with respect to that is, as he stated, it was a second application that was submitted. The zoning code states no more than one application for a Special Use Permit for the same use shall be submitted by any applicant or owner within a six month period. What he just said that I was a second application was submitted. If they messed

up on the first one, they need to wait six months to file the second one, that would give all the other property owners time to better voice their objections. Thank you.

Mayor: Okay, thank you.

Piontek: At that six-month period he's referring to is only applicable if the Special Use Permit is denied and then they can't come back with the same application for six months.

Mayor: So, do you have any advice?

Piontek: Yes, a couple of things. There were, and I'll try to remember them all. There were some comments made about, you know, we haven't studied the effect of 5G or the radio frequency emissions on the health and safety of the neighbors. Federal law specifically prohibits us from viewing our, from making a decision, whether to grant or deny a permit on that basis. We're not even allowed to take that into consideration as long as they meet the federal law federal regulations. So, that it much as that may be a concern to some that is not a factor that you should or are permitted to consider.

Secondly, there were some questions or comments made about, you know, we should require them to co-locate with another tower that's in the area. We used to have a provision in our code that had that sort of requirement that we made them go out and talk to other nearby tower owners and made them go out and try to work out a deal with them. We removed that from the code, whenever we re-did our code, our total code a number of years ago. So, that is not a valid reason to deny the permit because they haven't co located with another tower. We can't force them to.

Finally at least I think this is finally, the comment was made that this is a business issue for AT&T and maybe they could co-locate somewhere else and they don't need to put up another tower here, and maybe they don't, maybe there isn't an absence of wireless service in this area, that is also not a reason for us to deny the permit. That's not a factor that you're allowed to consider whether this is a good business decision or a bad one. So, I think I hit the high points.

Mayor: And those things are because Missouri Legislators...

Piontek: Well, it's a combination of things. It's a combination of federal law and what your codes provide as well as some state law.

Lamb: So, I believe, like Mark and I just need for clarification, like you said, there was a time when we required where the applicant came in. They had to go ahead, the City could require them to provide a study to determine...

Piontek: Right.

Lamb: Towers within the area to see if it was feasible for them to co-locate based on it. That was a party that was hired by the City, unrelated to the applicant. The applicant had to pay for that study.

Piontek: Right, and if you were, and some of you may remember this, cause I think you were around here at the time. There was an application, it may have even been AT&T to put a tower out on Sheltered Workshops property at West Main and whatever that is, I forget.

Lamb: It's Empac.

Piontek: But, and at that time, the code allowed us to do that. So, we required them to have a study to show whereas the other towers in the area, are there other towers in the area that you could co-located on. We did all of that, and that was at their expense, but we haven't had that

provision in our code for a number of years anymore. We're not allowed to consider that a requirement.

Lamb: And that's what I wanted to go ahead hit on Mark.

Piontek: Right.

Lamb: And Mark was the fact of in 2017, when we had our zoning code revised that portion of that all had to be brought up to the federal and state standards?

Piontek: Right.

Lamb: And so it took a lot of the local control that you had

Piontek: Right.

Lamb: Out of the code, so that we didn't have that authority to make those decisions like Mark said, based on those determinations. So, that's what you're kind of left with today is just height, you know, etcetera. I really, like I said, a lot of those things are taken out of our hands.

I'll give you one other example is Orscheln's. Even before the one that out on Empac...

Piontek: Right.

Lamb: That's behind Orscheln's out there off Highway 100. They had to provide a study to go ahead and show whether or not it would be feasible, or it would be best in interest as far as the coverage for if they went all the way back to the fire station up on 14th Street, co-locate there. Put something up on the...

Piontek: Watertower.

Lamb: Crestview Watertower, even had to go ahead and take a look at some of the billboards possibly the carpenter has placed out there off of 47 at 100. So, that was stuff we could make them go through at that time. You are not allowed even to require them or request them to put that much thought into it, if you want to put it that way.

Mayor: And that's because of regulations beyond the City of Washington.

Lamb: Exactly right.

Piontek: Right.

Lamb: I just want to make sure it's clear. It's not something that we took out of the code for that, it's something that was required because of the state law took that out of the local control.

Mayor: I guess, federal law as well.

Piontek: Yes, in federal law as well.

Patke: So, Mark, correct me if I'm wrong. A yes or no vote is basically only for aesthetic purposes only?

Piontek: Well you could look at, you could look at the safety of the tower and how this, how the height of the tower affects the safety of the neighborhood, that you can look at. You can't look at the fact that there are antennas on the tower that emit radio frequencies. That is not a factor for your consideration, and you can because it's a Special Use Permit. You could look at things like the aesthetics of the fencing and that sort of thing. Some of the aesthetics.

Sullentrup: What about lightning?

Piontek: What's that?

Sullentrup: What about lightning?

Piontek: That's not in your factors.

Gretchen: Are there any concerns about that fencing? I, you know, I think the ordinance cause for landscaping, do we specify?

Lamb: It's been on a case by case basis. I think of the past where we had it, like I said, there was planting of trees. I remember the one at Orscheln's. I don't remember Sal, I don't know, was there anything up there at the one by Empac?

Maniaci: The one by Empac also did fencing. As we've approved them on case by case, they have to put one or the other, landscape screening or fencing.

Piontek: I know when, when the one that our Orscheln's went up, there was some discussion about requiring that to be a disguised flagpole.

Lamb: Right.

Piontek: I remember the neighbors in south or whatever that is, Quail Run came up and said, we don't want a flag there. That's why it's just a galvanized steel pole.

Mayor: Okay, anything else from Councilmembers? I guess we need a motion to accept this into the minutes.

With no further discussion, a motion to accept this item into the minutes made by Councilmember Holtmeier, seconded by Councilmember Skornia, passed without dissent.

Bill No. 21-12300, FAILED, an ordinance granting a Special Use Permit for an AT&T Cell Tower located at 602 Alberta Lane in the City of Washington, Franklin County, Missouri.

The ordinance was read one time and failed on the following roll call vote; Skornia-nay, Sullentrup-nay, Patke-nay, Pettet-nay, Obermark-nay, Holtmeier-aye, Wessels-nay, Hidritch-absent.

CITIZENS COMMENTS

- * Kari Klenke, 1090 Caroline Drive, addressed the Council concerning the mask mandate.

UNFINISHED BUSINESS

- * None

REPORT OF DEPARTMENT HEADS

* Warming Center Update

Emergency Management Director Mark Skornia and Lindsey Jasper from the Franklin County Homeless Task Force discussed overnight accommodations and securing additional funds for the homeless.

- * Eric Eloff President of Mercy Hospital Washington briefly addressed the Council regarding the homeless and thanked them for the mask mandate.

- * Public Works Director John Nilges updated Council on airport hangars, water main breaks at Stafford and Eighth Streets, and trash and recycling pickup.

- * Chief Ed Menefee briefly discussed gun safety and children.

ORDINANCES/RESOLUTIONS

Bill No. 21-12301, Ordinance No. 21-13253, an ordinance accepting the bid from Joe Machens Ford Lincoln, Columbia, Missouri, and to approve the purchase of a 2022 Ford F550 Regular Cab & Chassis, 4x4, with Dump Body, Plow & Spreader by the City of Washington, Missouri.

The ordinance was introduced by Councilmember Holtmeier.

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

Bill No. 21-12302, Ordinance No. 21-13254, an ordinance amending Section 265.110 of the Code of the City of Washington, Missouri.

The ordinance was introduced by Councilmember Sullentrup.

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

Bill No. 21-12303, Ordinance No. 21-13255, an ordinance amending Schedule V, Restricted Parking, Table V-C-No Parking For More Than Two Hours of the Code of the City of Washington, Missouri.

The ordinance was introduced by Councilmember Holtmeier.

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

Bill No. 21-12304, Ordinance No. 21-13256, an ordinance approving a Boundary Adjustment for West Hills Subdivision, Lot 2 in the City of Washington, Franklin County, Missouri.

The ordinance was introduced by Councilmember Patke.

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

Bill No. 21-12305, Ordinance No. 21-13257, an ordinance approving a Boundary Adjustment for Schroeders Second Subdivision, Plat 2 in the City of Washington, Franklin County, Missouri.

The ordinance was introduced by Councilmember Sullentrup.

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

Bill No. 21-12306, Ordinance No. 21-13258, an ordinance repealing Ordinance No. 20-13207 and enacting in lieu thereof an ordinance establishing the requirement to wear a face mask in certain locations in order to prevent or limit the spread of the COVID-19 Disease; authorizing the adoption of further orders for the implementation of the ordinance, and fixing the time when this ordinance shall become effective.

The ordinance was introduced by Councilmember Holtmeier.

After discussion on receiving accurate COVID-19 numbers and using Mercy Hospital numbers for the third metric, the ordinance was read a second time and approved on the

following vote; Skornia-aye, Sullentrup-aye, Patke-aye, Pettet-aye, Obermark-aye, Holtmeier-aye, Wessels-aye, Hidritch-absent.

COMMISSION, COMMITTEE AND BOARD REPORTS

- * Preliminary Plat approval for Plat 6 of The Overlook at Weber Farms to construct 26 more single family homes

February 8, 2021

Mayor & City Council

City of Washington

Washington, MO 63090

RE: File No. 21-0107-The applicant is requesting approval of a Preliminary Plat for Plat 6 of The Overlook at Weber Farms to construct 26 more single family homes

At their February 8, 2021 meeting the Planning and Zoning Commission voted to recommend approval of the above preliminary plat with an unanimous vote.

Sincerely,

Thomas R. Holdmeier

Commission Chairman

After a brief discussion, a motion to accept and approve this item made by Councilmember Sullentrup, seconded by Councilmember Patke, passed without dissent.

MAYOR'S REPORT

- * Thank you to the Street Crews for doing a great job with the snow removal.

CITY ADMINISTRATOR'S REPORT

- * Brief discussion on the Warming Center for the homeless. A motion to contribute \$1,000 to the Franklin County Homeless Taskforce made by Councilmember Holtmeier, seconded by Councilmember Wessels, passed without dissent.

COUNCIL COMMENTS

- * Brief discussion and update on the road to the Landfill.
- * Brief discussion and update on the heat in the Council Chambers.
- * Councilmember Holtmeier thanked the Street Department for doing a good job.

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 10:03 p.m. on the following roll call vote; Skornia-absent, Sullentrup-aye, Patke-aye, Pettet-aye, Obermark-aye, Holtmeier-aye, Wessels-aye, Hidritch-absent.

The regular session reconvened at 10:58 p.m.

ADJOURNMENT

With no further business to discuss, a motion to adjourn made at 10:58 p.m. by Councilmember Patke, seconded by Councilmember Obermark passed without dissent.

Adopted: _____

Attest: _____
City Clerk

President of City Council

Passed: _____

Attest: _____
City Clerk

Mayor of Washington, Missouri