

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
CITY OF WASHINGTON, FRANKLIN COUNTY, MISSOURI
MONDAY, OCTOBER 4, 2021**

INTRODUCTORY ITEMS:

The Regular Meeting of the City of Washington, Missouri, City Council was held on Monday, October 4, 2021, at 7:00 p.m. in the Council Chamber. Mayor Sandy Lucy opened the meeting with roll call and Pledge of Allegiance.

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

Also Present:	City Attorney	Mark Piontek
	City Administrator	Darren Lamb
	City Clerk	Sherri Klekamp
	Emergency Management Director	Mark Skornia
	Economic Development Director	Sal Maniaci
	Parks Director	Wayne Dunker
	Police Chief	Ed Menefee
	Public Works Director	John Nilges
	Finance Director	Mary Sprung

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

Approval of Minutes:

- * Approval of the Minutes from the September 20, 2021 Council Meeting

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

Approval and Adjustment of Agenda including Consent Agenda:

- * Collector's Report Summary – June 2021
- * Investment Report Summary – June 2021
- * Change Order No. 1 – 2021 Fourth Street & Fair Street Overlay Project
- * Final Payment Request – Heritage Park Sidewalk Project
- * Final Payment Request – Public Works Facility Roof Project

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

PRIORITY ITEMS:

Mayor's Presentations, Appointments & Re-Appointments:

* None

PUBLIC HEARINGS

* Rezoning of 86 properties into the C-3 Downtown Commercial District

September 14, 2021

Mayor & City Council

City of Washington

Washington, MO 63090

Re: Rezoning of 86 properties into the C-3 Downtown Commercial District

Mayor & City Council,

At the regular meeting of the Planning & Zoning Commission held on May 13, 2021 the above mentioned rezoning was approved with an unanimous 9-0 vote in favor.

Sincerely,

Samantha Cerutti Wacker

Co-Chairman

Planning & Zoning Commission

September 27, 2021

Mr. Sal Maniaci

450 Jefferson Street

Washington, MO 63090

Re: C-3 Downtown District

Dear Mr. Maniaci:

Please be advised that I represent Mr. Anthony Bequette and the various entities which he owns. Two of the entities that he owns own real property situated within the proposed "C-3 Downtown District", namely the Tibbe Building and the property where Front Street Cellars is located.

At present, the Tibbe Building is zoned M-1 and the Front Street Cellars building is zoned C-1. My client is totally opposed to the rezoning of either of his properties because of the limitations on uses which would result. My client has been working on plans to utilize these properties in ways which would currently be permissible but would not under C-3. It is our position that rezoning the properties would jeopardize my client's vested rights and would result in a taking by inverse condemnation.

My client will be in attendance at the Council Meeting on October 4, 2021 and I would also request that this letter in opposition be made part of the record. My client and I are more than willing to meet with you and other representatives of the City to explore other possible resolutions and options if the City is interested.

Very truly yours,

Mark S. Vincent

PC: Anthony Bequette

Mayor Sandy Lucy

Mark Piontek, City Attorney

Mayor: Okay, Sal.

Maniaci: All right, Good Evening again. So, this is a little bit of a different request tonight. This is a rezoning that is actually been proposed by City staff and the Planning and Zoning Commission. This is something that has actually been reviewed for four months now. It has been on the past four Planning and Zoning Commission agendas to review, revise, look at different options of how we could achieve this.

Just a little bit of a background here. This is something that has kind of been on our mind for a number of years that in reality for our C-3, and just to refresh our C-3 District as our Central Business District that is designed, written and the intended purpose of that is for our downtown zoning that allows for zero lot line, mixed use of residential and commercial and then no parking regulations. The main reason for that parking regulation is that in an historic district, if you require someone to have off-street parking for their business, and they're at a zero lot line, they're really only option is to buy a property, which is probably another historic structure, tear it down to put it more park, surface parking. So, in our downtown district, we primarily rely on street and public parking anyway so that has been the main reason for requiring that or allowing for no parking requirements.

In reviewing our downtown district, for a long time it has not really been compact and contiguous, has not been orderly with actually having a boundary. We had a core area that was allowed that was zoned C-3 back in 89, think it was 89 when we had our original zoning code and then over the years there has been a couple of requests, either approved or denied for C-3 outside of that, but then they're not contiguous with the existing boundaries.

So, Planning and Zoning Commission, in one of our meetings months ago, asked me to come up with a possible solution to creating an actual growth boundary in downtown district for this. We looked at possibility doing an overlay district on top of that, on top of our existing C-3 or just doing a rezoning. We came down to the conclusion that the easiest way and the cleanest way to do this was to actually define a growth boundary in an area that we consider to be downtown, then rezone any property in that boundary that is not currently C-3 to C-3.

So, why the district revision expansion? I'll kind of go through a checklist here of why we did this and how this came about at the Planning and Zoning Commission like I said about four months ago.

The first main reason was to create an organized and orderly downtown district. Like I said, it was not defined by any boundaries in our code. It was just whatever was existing C-3 that was considered downtown, but didn't actually have a real definition, an orderly district of where downtown began and ended.

We wanted to encompass existing island or spot zoning cases to make them contingent with compatible zoning. Like I mentioned, we have a couple of circumstances where over a decade ago or longer someone requested C-3 zoning, it was approved, but it was kind of an island on its own. It's not contiguous to any other C-3 zoning. Then we would have someone request C-3, they're not contiguous with downtown zoning so we would say, well, that's not an

appropriate use. You're not, you're a block or two removed. Well, we didn't have any leg to stand on because we had done it in the past so this would clean up and say, nope, this is the defined growth boundary of what downtown is.

It would bring properties that are suitable for redevelopment into the correct zoning, removing development hurdles. As you'll see and as I'll show you on some maps here, we definitely have some areas that I think everyone in this room could agree is considered downtown. That was prime for the possibility of redevelopment for a type of zero lot line mixed use development that would fit there, but it's not currently zoned for that. If some were to come in and asked to do same thing that you would see on Lafayette or Jefferson Street or Main on one of these properties, we would tell them no that you'd have to go through rezoning and a variance, and then in that case, you may end up having a property that we think is suitable for redevelopment, but it's not contiguous to existing C-3, so we would be inclined to recommend denial of it just because it's not touching an existing district. That really isn't the best way to handle a redevelopment, especially when we think the proposed development is appropriate, but just because it's not touching a color on a map, we would have to recommend denial of it.

Remove the possibility of future industrial uses that are no longer compatible with our downtown. This is one, I mean, again, with our zoning was created for existing uses, our historic uses. You go up and down Front Street or even up on to Maine, there are some areas that, yeah, there was a concrete plant there at one time. There's some other factory uses that are no longer there, but that zoning still exists. And in reality, that zoning was put into place to make sure those industrial uses that needed to be on the river or in that area for, for that time allowed it, but now, as you've seen how downtown has evolved over the past 20, 30 years, those uses aren't really compatible. But for some reason there are some islands of those zoning that are still there. The uses that are there currently are either grandfathered in or have been vacant and those, if someone wanted to redevelop them and do a downtown type use, a mixed use, they would have to come for a rezoning or you have to ask yourself the question on the other side, some of these vacant properties are still industrial do we really think bringing industrial use back in is still appropriate for how downtown has evolved?

Then lastly, I've mentioned this a couple of times now, designate an actual growth boundary for downtown officially define it in our code. Again, this comes up, if it's not defined in our code, how are you going to stop someone or any property owners say out on the Highway 100 and 47 and saying I want to request C-3 zoning there so I could have apartments above of retail and say, oh, that's for our downtown district. Well, it doesn't actually say anywhere in our code that it needs to be part of our store downtown. It mentions historic nature, but it doesn't actually say anything of a physical area defined by streets of where this district is. So, we thought in discussion with the Planning and Zoning Commission, what would be a way to fix a lot of these address *inaudible* issues with the rezone properties that aren't currently in the downtown district and bring them in, and then actually have a code amendment to the definition of C-3 to define a base area of what we'll call growth boundary so if there's some areas in here that aren't necessarily developed yet, but we see naturally becoming developed over the coming years, decades, definitely defining that in our code book.

So, what does this mean for property owners? I think this is the most important thing to point out and to hone in on, because this, again is something that the Planning and Zoning

Commission is facilitating this rezoning. That is very rare. Typically, we don't rezone any property until it's requested by the property owners. In this case, it is us requesting to rezone property owners. So, we sent 89 letters out a couple of times to property owners, let them know about these meetings, so it's not like we're springing this on anyone, but we have had conversations with them at Planning and Zoning Commission, and these are the main topics that came up and we just wanted to make clear to all of them.

So, what does this mean for them? It does allow for the zero lot line development, so many lots in this area are unusually small. As the lots have developed or been created over the decades a lot of these historic lots are extremely small in nature and they wouldn't even be able to meet natural setbacks that we have in any of our own zoned districts. A lot of them are already non-conforming, they have zero lot lines, even though their current zone district wouldn't allow it. This would make those all conforming and make future development easier on these properties.

It removes requirement for off-street parking and all these properties. So again, because of the lot size, current zoning require them to purchase additional land, possibly tear down adjacent structures for parking. This allows them to not have any requirements for off-street parking and to utilize on street and public parking in the district in lieu of providing their own parking.

A big one here, we wanted to make clear to all these property owners that there is no action required. Because we are rezoning you, that does not require the property owner to change any current use. If they are doing anything that isn't currently used or permitted in C-3, it will automatically become grandfathered. I can only think of two right now, it's the Corncob Pipe Factory and the blacksmiths, the...

Lamb: Bleckman's.

Maniaci: Bleckman's, thank you, sorry. Those are the two industrial uses that would be in C-3, continued to be used there, there's not going to be any change required for that. All uses, current uses, are permitted in C-3 will be grandfathered in. That also goes for when they're wanting to actually sell and redevelop at one at some point that again, tears down some of those hurdles where these now mixed use zero lot line zoning requirements already in place that they can, they can easier to redevelop.

Lastly, it does not change the property taxes. I think that was the biggest question we got up. If it is used residentially right now and they see that C-3 that's central business district, they say, am I going to be assessed commercially now? The answer is a flat out, no. Property taxes are assessed by the county by use, not by zoning. So, just because you are in the C-3 zoning does not mean you are going to be commercially assessed, that happens all over our downtown district. The assessor comes in every other year and assesses property by use and not by the zoning so there's not a concern there either.

So, now to get into actually...

Patke: Hey Sal...

Maniaci: Yeah...

Patke: Can I ask a question? Is there any, is there any scenario where it would be detrimental to a previous land owner to switch to C-3? I mean, is it as far as limitations go or anything like that, like you said, they're going to be grandfathered in, but is there any situation, any scenario where

I'm operating a bed and breakfast or I'm operating my house is there, you know, what's the changes and would it be detrimental in any way?

Maniaci: I mean, not for those examples. No, because C-3 allows a bed and breakfast...

Patke: Right.

Maniaci: And allows additional retail, office, apartments all that mixed into one property. There are, and I'll show the zoning maps, a couple of properties that are zoned industrial, that there are more uses permitted currently in industrial than there are in C-3. But I think that's where you get down to the discussion is that is the, are the industrial uses still suitable for that? So, there are in some circumstances, some properties where you're taking away uses that are currently allowed in light industrial, but on 95% of 98% of these properties, they are already in C-2 Overlay. They're in R1-B, they're in multi-family and bringing them into C-3 actually allows more uses for them.

Lamb: And I think I can elaborate a little bit, Jeff. For example, Sal mentioned two uses that he knows of that would be grandfathered in, Bleckman's and the Corncob Pipe Factory. If Bleckman's wanted to, for example, I'm going to use them because there's not a lot of room down there for the Corncob Pipe Factory, but Bleckman's, we've got a little bit of room, if they were zoned C-3 and they wanted to do an expansion, I don't know if it would require a Special Use Permit or if it would be prohibited under C-3 zoning.

Maniaci: For an expansion of that use?

Lamb: If it was zoned C-3.

Maniaci: If it was zoned C-3, they would be required to get a...

Lamb: Is it allowed by Special Use Permit?

Maniaci: Yes, yes, it is.

Lamb: That's my question.

Maniaci: Yes.

Lamb: Just to answer his. Right now, if it's zoned industrial they could go ahead and do that expansion by, right? If it's under this plan, they would have to come to you for a Special Use Permit.

Maniaci: Correct.

Lamb: So there's your answer to the question. What detriment is it to anybody?

Patke: Right, that's kind of what I'm getting at and that's a good example. I mean, Bleckman's have been here for...

Lamb: Correct.

Maniaci: Right.

Patke: Well over a hundred years and now we're going to make them jump through the loops if they want to add onto their building. I guess that's kind of what I'm asking.

Lamb: If they wanted to do that, that would be correct. I don't know that would...

Maniaci: But it wouldn't be strictly prohibited that they couldn't do it. All right. So, here is the existing non-contiguous C-3 District that I mentioned. So, everything highlighted here is currently in the C-3 zoning is considered downtown. Then the one, I mentioned a couple spot zoning outliers. We have a property here that is on Fifth Street that is zoned C-3. That was actually one that is a good example. They wanted to do an industrial use that wasn't allowed in C-2, it was a tire disposal. They got rezoned to C-3 and then asked for a Special Use Permit so that is how that process happened. But that is what was approved again, an outlier from our

district, and it's not contiguous with an existing district. So, if someone were to come with that request today, staff would most likely recommend denial of that. Rhine River, a good example of a redevelopment that was a part of a redevelopment plan, 353 was a part of that and encouraged, but again, it's separated from the C-3 District, so it kind of creates this disorderly district here in our existing C-3 Downtown.

Again, here is our current zoning code across the board, so you have this starting on this western side. Here's Rhine River currently in the downtown district, but not contiguous with anything. You have this corner here which has C-1 Light Commercial allows for office and general retail, but not technically any residential uses.

This gray here rest the block, Bleckman's, Tibbe Power and the Corncob Pipe Factory are all still in this industrial zoning. This yellow you have here is single-family residential. This here, this dark blue is all considered C-2 Overlay which allows for single-family to family and then commercial uses, but doesn't allow for multi-family above two-family and still has parking requirements and setbacks. Then here, this teal color is all multi-family when in reality, you don't have a lot, you have some single-family to family, three-family, it's not all multi-family here, so a lot of these homes here that you see in this darker blue are actually grandfathered in because for some reason that whole area was considered multi-family when zoning was created.

Again, I couldn't tell you why we have an island here of C-1 Light commercial. When you have some residential, you have commercial already mixed in there. And so the proposed district boundaries that we're creating here would bring in all of those areas that are crossing into different zone districts that have similar uses, who would actually create a contiguous downtown zone district and all in that C-3.

So again, here's the proposed boundary of the new downtown district. See it does encompass Rhine River. It does go down behind there on Olive Street. This is down Olive to Fourth, I'm sorry, this is the Second Street...

Holtmeier: Cedar.

Maniaci: Down to Cedar, and then it cuts across Cedar and Fourth here and goes down Elm and encompasses properties on Elm. That was a large discussion at Planning and Zoning Commission to leave Cedar Street out of this. Cedar Street is completely built out. It is a historic, single-family homes, and there was no reason to include that for potential redevelopment and that's already zoned single-family as you can see here. Cedar Street is zoned single-family residential, but when you go one block over Elm Street is already zoned C-2 Overlay, which already allows for single-family to family and commercial and we're having it in multiple zoned districts in this area where in a lot of the uses are already permitted and so this would be just a way to clean it up a lot easier. So it comes...

Pettet: Sal, did you say you went over on Fourth, so you went up Cedar to Fourth, is that, did I hear that correctly?

Maniaci: Yes.

Pettet: So you have one block of Cedar that would be part of it? Is that...

Maniaci: Correct. Right in front of Borgia Grade School.

Menefee: That's Third Street.

Lamb: Third is what he meant.

Maniaci: I'm sorry, Third Street.

Mayor: Because Fourth is up.

Maniaci: This is Fourth Street, my apologies.

Patke: That's not on there.

Maniaci: Yeah, my apologies.

Pettet: Third to...

Maniaci: Once you hit Third and Cedar where it becomes residential, none of that is included.

Pettet: Okay, thank you.

Maniaci: And then it crosses Fifth Street here and does go down to Sixth for this block. This was a portion we discussed, went back and forth with Planning and Zoning for multiple months. The reason that is included, there was a discussion early on to include both sides of Fifth Street, and the reason being if you actually went back and looked at historic photos of Fifth Street in this area when it was first built, a lot of those structures were zero lot line right up to Fifth Street just like you see with the coffee shop here, that's an original structure. If someone were to come in and want to redevelop Fifth Street back to what it was historically, that is not something that we want to discourage with the current zoning code that wouldn't allow that, and so that was how Fifth Street originally got added. The reason you see it stretching down to Sixth is because St. Peter's and Immanuel Lutheran owned the whole block. When you have a zoning district that follows a property line or zoning districts do follow the property line, that is why it continues south down to Sixth Street in these areas.

So, it goes across Sixth Street here, over to Market and then stays clean along Market Street all the way back to the river, so any property that has access to Market Street is now included in this district meaning that Market Street would now be considered the eastern boundary of downtown.

So again, here, this is highlighting that area overlaying that zoning map. So you can see here are all the zonings that now all the properties and all the different zoning districts that now we'll be brought into that C-3. You have some single-family here, properties here, none of that is actually used single-family, that's Borgia Church. There's a parking lot and then their athletic field, this is the Jesuit hall. You have Bleckman's, Corncob Pipe Factory, Tibbe in this industrial area. Then you have the law firm and the wine bar here that is in C-1 Light Commercial. All those will be brought into C-3, all those uses would be allowed to continue. Then again, it goes down to the south side of Sixth Street here or Fifth Street here, encompasses Immanuel Lutheran and St. Peter's and then going north on Market Street. Again, it includes any property that has frontage on Market Street.

So, these are just highlighting the properties that would actually be rezoned. We have sent them letters letting them know of each Planning and Zoning Meeting and the meeting here tonight. Again, most of the comments we received were about the property taxes, any changes that are going to be required of them. We let them know that no that is not a requirement.

Lastly, here is the proposed downtown district. For the recommendation, staff has recommended approval of this rezoning for all of those properties to bring them into the C-3 business district, again, to make that orderly and compact as much as we can. It was unanimous vote at Planning and Zoning. It was reviewed and edited at four consecutive meetings.

Two points I want to bring up that it'll be at a future meeting. It has to go to P and Z one more time for the language and then at your next meeting, after that. They voted to have a Special Use Permit requirement downtown for any zero lot lines at four way intersections, so whenever a building is built right at a four way intersection, and they would like to have a zero lot line, they do have to request a Special Use Permit to be reviewed to make sure that sight distance, everything is still going to be suitable there. A great example of that was at Main and Market where all that construction was just completed. The current code does not require a Special Use Permit for that. Once all four sides of that corner of that intersection was built up, it didn't diminish the site distance. When you're turning that turn a little bit and required a four way intersection, but that was reactive of us to go in and put a stop sign after it was built. This would require if someone wanted to build that submit plans upfront, we could then determine if a stop sign or some type of traffic calming is required at that point, and they'll have to apply for that special use permit. So, that has a change that is going along with this to make this safer for these intersections and for future development.

Lastly, we will have in that code update definitely actually defining the growth boundary in the C-3 intent and purposes section.

In your packet tonight, there has been one letter submitted, an opposition that was the only opposition that we received. There was some comments on Elm Street, but once those property owners realized they're already in a commercial district, I think they realized that we weren't actually making any major changes to them. Tony Bequette has, and we have, did put that in your packet and he is here tonight. He has requested that the Tibbe Power Building be removed from this because of the reasoning that they have more industrial uses that are permitted in there. I will point out that there are parking requirements there right now. If they wanted to get an Occupancy Permit, they would be required to provide off-street parking. They wouldn't be given a credit for the public parking across the street because it is in an industrial district. If you rezoned it to C-3, what staff thinks is any feasible use that will go on there, it's compatible with downtown would not have to provide its own parking because it has the credit across the street. Right now that's not available to them in the current zoning. That request is in there tonight, and I'm sure he can speak on his behalf, Tony's here.

That is all I have. I'd be happy to answer any questions, and the ordinance does follow this Public Hearing.

Patke: Well, according to the letter, it says his properties because the limitations on usage, which would result, is how it states. So, what limitations would this lead to that Tibbe Building? Just like, as you said, I mean, you couldn't add on...

Maniaci: There are not...

Patke: A Special Use Permit?

Maniaci: There are not industrial, right now that is permitted for light industrial. So there's manufacturing uses that can go in there today. However, they would still have to provide parking...

Patke: Right.

Maniaci: To get occupants.

Lamb: If it's left M-1.

Maniaci: If it's left M-1. If we rezoned to C-3, any mixed use, any commercial use that is permitted in the downtown district, but not any manufacturing uses, not any, but very little manufacturing is permitted in C-3. So...

Wessels: Could that not be grandfathered to others with an industrial use?

Maniaci: There's not a current use their now.

Lamb: But there's not a current use.

Wessels: Oh.

Lamb: Is the building to, I mean, I checked, I don't know what information Tony can provide you, but I think I asked Sal today, I think there is, I don't think there's been an occupancy of any use that would be grandfathered at this time.

Wessels: But I assume, well, we'll wait to hear from him. I assume he's thinking there might be.

Lamb: I think if the building is for sale, and I think that's part of their argument is that they wanted to keep all of those options open.

Wessels: Okay, all right.

Maniaci: So, it is a possibility to remove that parcel from this list on the zoning. I wouldn't say that it would kind of defeat the purpose of keeping it packed and contiguous with the zoning, but that is a possibility to remove that. If they wanted to come in and request the C-3 zoning later, if they have a buyer who says, yep, I want to do a wine bar or a brewery, that's permitted in C-3, then they could get it rezoned to C-3 later, and then they wouldn't have to worry about parking right now. Anything that is not zoned C-3 is supposed to provide their own off-street parking.

Lamb: Off-street parking, depending upon use.

Wessels: Good. I'll wait until we hear.

Maniaci: Okay.

Mayor: Okay, are there any other questions by Councilmembers? Any concerns? Okay.

Maniaci: Okay, thank you.

Mayor: Thank you, Sal. Okay so, it's a Public Hearing. Would anyone like to address the Council on this item? Tony? Come on up.

Tony Bequette: Good evening, I guess...

Mayor: State your name and address.

Tony Bequette: Oh, I'm sorry, I'm Tony Bequette and the address of the property question would be 426 Front Street.

Mayor: Okay.

Tony Bequette: Better known as a Tibbe Power Company. Right now, I don't have a use for it, like Darren said, but I guess my concern is, if I have a tenant that comes to me next month and wants to do a use that's M-1 and if I go ahead and agree to the C-3, then I would have to come back to this Council and ask for a Special Use Permit. So, that would be my concern, something I can do now that I won't be able to do once it's C-3. I understand fully the City is trying to alleviate the parking requirements especially like Sal said and the historical downtown district. So, I do understand that I'm just, my concern would be, I just don't know what, where to go with it.

My thought would be, if I left it M-1, I have options that I have now. If I have a tenant or a use for it, that really C-3 works, well then at that point, I guess, would that be the proper time to come back and ask for C-3?

Lamb: Can I, if I could, Tony, what would you do though if you had a proposed use and without having the parking table and the uses that correspond to it, and it required 10 off-street parking spaces, what would you do at that point?

Tony Bequette: I have some off-street parking.

Lamb: Okay, how many spaces?

Tony Bequette: I'm not sure.

Lamb: Okay.

Tony Bequette: And again, I'm not, I don't know, I just don't have a plan yet.

Mayor: Is there some space next to your building, like between your, that building and then...

Tony Bequette: *Inaudible*

Mayor: Wine Cellar

Tony Bequette: *Inaudible*

Mayor: Is there some space in there?

Lamb: I know there's some in the back, right? Is that correct?

Tony Bequette: Yeah, you'd go to the west side of the building.

Mayor: It's on the west side of the building.

Tony Bequette: And it opens up in the back. So, those would be my concerns. I'm not necessarily completely opposed to it. I think that I'm just worried that if I get a tenant or I have a use that I can do now and I can't do it then, and I haven't researched all of it yet. I mean I like the fact that there's no parking requirement. I guess that's really where I'm at with it. I just don't know what to do.

Mayor: You don't know what to do.

Wessels: Tony, if I understand right though, you're saying that, okay, if you got someone, a renter come in and you were not included in this new overlay and someone came in, but their business would be helped by it, you could come back and ask for that.

Tony Bequette: Yeah, that would be my thought.

Wessels: Well, what is the difference between that and coming back and asking for a special use on light industrial?

Tony Bequette: Because I know I probably wouldn't be granted that.

Wessels: Oh.

Tony Bequette: Elijah's is the best argument. Okay. Every point the Sal just made about no parking requirements helps the downtown historical district, Elijah's fits everything Sal just mentioned, but Elijah's wasn't included in this. Elijah's is the only parcel on Front Street, commercial parcel, that's not included in this. Elijah's is the only downtown business that's not included in this so I don't know. Sal talked about spot zoning and islands, once you guys approve this, Elijah's will still be an island.

Sal talked about another property that was zoned C-2, you guys let it be C-3 and then he came back for a conditional use. You know, I'm only two blocks removed from this district. So again, I don't know why Elijah's wasn't included. Is there any questions from the Board? Again, I'm not opposed to the Tibbe I just don't, I just don't know yet. I guess if that's fair, I would think that maybe I could come back later and ask for C-3.

Wessels: You think you would get that more than you would get the other one?

Tony Bequette: I would think so because you guys are asking for it now, why wouldn't you grant it to me later?

Mayor: Okay, all right. Any questions by Councilmembers?

Tony Bequette: Nope.

Mayor: Anyone? Anyone else?

Patke: Thank you.

Mayor: Okay, thank you.

Tony Bequette: Thank you.

Mayor: Is there anyone else who would like to address the Council on this item? Okay, so at this point we'll accept the Public Hearing...

Holtmeier: I'll make a motion...

Patke: Did Sal say it's going back to Planning and Zoning?

Lamb: No.

Patke: For language?

Maniaci: No, so...

Lamb: You have an ordinance later.

Patke: I thought he said it was going back for language?

Lamb: It's an additional thing.

Maniaci: There is an additional change, not in zoning. So, this is actually a rezoning bringing properties into C-3. There's actual language change that we're proposing in C-3 that we'll be at Planning and Zoning next week. Then we'll bring it back to Council. That is the Special Use Permit for zero lot lines at four way intersections and then changing the definition.

Patke: All right, okay.

Mayor: Okay. So Joe, did you accept this into the minute?

Holtmeier: Yes.

Mayor: Somebody seconded it?

Reed: Well, I mean, to get back to what Tony's saying, if he wants out, so he doesn't want C-3 correct? At this moment?

Maniaci: Tibbe, correct.

Reed: Okay. Why can't we leave him out of it for right now?

Lamb: You can.

Mayor: You can.

Reed: That's what we're going to do?

Lamb: You can.

Mayor: You can't somebody has to make a motion to do that. I mean...

Lamb: That's up to you guys.

Mayor: *Inaudible*

Maniaci: The ordinance tonight is listed by parcel number. We could an address, we could remove any one of those on there. We were just trying to make it as compact as you can, but...

Reed: I understand.

Maniaci: *Inaudible*

Reed: *Inaudible*...he wants to do if he wants out of it, leave him out of it.

Maniaci: Yes, and then he is correct. He can come back for a request to bring it to C-3 later and my recommendation would be the same to bring it into C-3.

Reed: So we're going to vote on this tonight?

Lamb: It's the...

Mayor: It's the next item...

Lamb: Item on the agenda.

Mayor: It's the next item on the agenda.

Wessels: Another point of clarity. He mentioned Elijah's, did Elijah's not want C-3?

Lamb: No, they do.

Maniaci: They do. So, they...

Wessels: That's what they requested?

Maniaci: Yes.

Wessels: But they didn't get it?

Reed: And how come they can't have it?

Maniaci: So, they requested C-3 a year ago, maybe. The determination at that point, the recommendation from staff or even at P and Z too was that they were removed from the downtown district by a block and a half and by approving that to C-3 would be create there's two items. One, you would be creating an island. You'd be spot zoning it on its own when there's, it's not contiguous. Same way. There was one property on Market six months ago that asked for it and we recommend denial of that one as well because it wasn't contiguous with the existing district.

The second being, that has been at a property that has parking concerns with the surrounding properties and bringing into C-3 and allowing it to not have parking.

Reed: You've got parking concerns all over town.

Maniaci: No, and I understand and that was brought up. It could be, we could extend this past to Elijah's, Planning and Zoning Commission voted not to do that.

Reed: Yeah, well, I don't understand that.

Tony Bequette: *Inaudible*

Piontek: Hold on.

Mayor: Tony, you have to come up please.

Tony Bequette: I just want to make sure that we all understand. I did ask Planning and Zoning to include Elijah's in the C-3 overlay and they refused.

Reed: And I don't understand.

Tony Bequette: Siding, siding, parking.

Lamb: I think what Tony just said, I think that's the key issue is...

Tony Bequette: But we're trying to alleviate the parking restrictions requirements in the downtown, but yet we will burden Elijah's with it. That's the only property on Front Street gentlemen.

Holtmeier: Yeah, but do you...

Tony Bequette: And it's the only property downtown.

Holtmeier: Yeah, but your parking overflows into the citizens, every street...

Reed: Every event we have downtown overflows.

Holtmeier: But it doesn't flow in the resident...

Reed: All over.

Holtmeier: It doesn't flow into residential.

Reed: Sure it does, up and down Cedar Street.

Holtmeier: You don't understand.

Reed: Every time...

Holtmeier: You have to understand what's going on over there. I know what's going on over there.

Reed: I know, but I mean, you got a million dollar building now with a guy trying to do something and he can't get anything done. Every time Borgia has a festival we're parking in a residential area. Every time he has an event and an overflow, yeah you might get into parking in a residential area. But I mean, as far as the way it used to run, whenever it was a restaurant, they had adequate parking. Correct? When they were a restaurant, they had adequate parking, correct?

Mayor: Yes.

Reed: But now they don't?

Lamb: There's been uses that were proposed to change. For example, they have a tent that they put up for special occasions. I think it's up most of the time of the year, they approached staff and wanted to go ahead and put a permanent pavilion. Correct?

Nilges: Correct.

Lamb: And once it, I think our building code said basically, once you got over one day over six months...

Nilges: Correct.

Lamb: Then it became a permanent structure. Permanent structure then kicked in new parking requirements, and so that is probably the key. They have got, I think based upon the last use are the parking that was submitted to us on their plan. They meet that code by, I think by maybe one parking space. If I'm correct, Tony shaking his head, Sal's shaking his head.

Tony Bequette: *Inaudible*

Lamb: Okay, or something very close. They were right at it, and the issue is if that was something permanent, well, then it's going to more parking spaces. And if it does, then you're going to either meet it and build the parking spaces or you can request a variance and go to the Board of Adjustment.

Reed: Well, I just think it's strange that we can't squeeze him into downtown because it's been there forever. It's a beautiful building. Man spent a lot of money and is going to continue to spend a lot of money and we can't accommodate him at all.

Lamb: I think the question would be before the Board of Adjustment, for example, now that if he wanted to make that a permanent structure is, is there adequate room on the lot for additional parking?

Tony Bequette: But C-3 would solve that...*inaudible*

Lamb: *Inaudible*

Tony Bequette: And the same requirement that you're going to do from everybody downtown everybody, except for Elijah's.

Lamb: I think the question you got to ask is, do you want to require the developer to go ahead and put in additional parking on the front of that lot? Or do you want to rezone them to C-3 and let it go? That's the question.

Reed: Right.

Wessels: I also see a piece and I see the Elijah one is very different from this one. I thought also another piece was you have an apartment complex between there and downtown, so it's not contiguous. Okay.

Lamb: You have the senior housing.

Tony Bequette: But you could make a motion to include that so it is all contiguous. I would include that.

Mayor: Let's let me, let's let Mark finish.

Wessels: Well, okay. So it, their businesses, I mean, how far are you going to go? There'll be another fine business on Fifth Street somewhere say, Hey, I want that, you gave it to them and they weren't contiguous to your downtown area.

Reed: Well, it's downtown. I mean, it's been downtown. It's been on Front Street for over a hundred years. I mean, he's close. I mean...

Wessels: Not by definition.

Piontek: Duane, the concern I would have about adding the Elijah's at this point is, it's never been a part of the public hearing process related to this.

Lamb: Yeah.

Piontek: And the property owners who were adjacent to that, don't know anything about a proposal to add that to C-3. If you want to add that to C-3, in my view, you should act on this first or table the whole thing, send it all back to Planning and Zoning and then come back with the new map after the neighbors have been given an opportunity to speak about adding the Elijah's because based on what we have seen in the past, I think they're going to come out of the woodwork complaining about the parking problem.

Holtmeier: I know they will.

Piontek: Well, Joe...

Holtmeier: I know they will.

Piontek: They're Joe's neighbors so, but at this point, I don't think it's appropriate to add this because the neighbors have not had an opportunity to be heard. You're essentially sliding something in. It's easier in my opinion, to take something out because we know that that's always a possibility once it was originally included, but not to throw something in that's never been discussed at any of the public hearings.

Reed: I don't know all the ins and outs. I think it's a shame that he can't be included.

Piontek: Well, if that's something that you want to consider, my view is you take what's here tonight and vote it up or down, and then if you want to come back and add him then come back and do that as a separate proposal.

Mayor: Or table this.

Piontek: Or table the whole thing, send it all back to Planning and Zoning...

Mayor: And then go through your hearing process.

Piontek: The whole process again...*inaudible*

Lamb: Because it's basically the notification list is based upon whatever the area is and 185 feet beyond that so new notification would have to be sent out.

Mayor: Which we can do, but you don't have to start over.

Reed: Well, I'm one of eight. I don't know how anybody else feels, but...

Pettet: I'm not particularly opposed to it. I think for me though, there's no parking. You can park on Front Street until you get to that block, and you can park on Stafford Street except on that block, and there's no City parking lots convenient too. So that to me, is like the only difference I see is if we go zero parking requirements for that property, it has to go into residential neighborhoods were there's no other option as opposed to everything else that's covered there. There's at least street parking in front of them.

Reed: I agree.

Pettet: So, that's the only thing for me. I'm like, it feels like it only pushes them on to Main Street and...

Reed: Every time we have a downtown event, I don't care if you're at Borgia, you're at the Farmers' Market or whatever, it can, if it's a large crowd, it bleeds back into the community on Second Street, Third Street, Cedar, Elm, all of it.

Holtmeier: Yeah, but you don't have that every weekend and every night.

Reed: Well, I don't think he's there every weekend, every night either.

Holtmeier: Yes.

Pettet: It's a wedding venue, I mean...

Lamb: If it's a wedding event, I'm sure he'd like to have...

Tony Bequette: *Inaudible*

Lamb: I'm sure he wants his business that good, right Tony? I would think?

Tony Bequette: *Inaudible*

Holtmeier: I've had a lot of trouble. A lot of trouble.

Sullentrup: Tony, let me ask you a question.

Tony Bequette: Yes.

Sullentrup: If we did table this and brought it back, do you think, I know Joe is going to say hell yeah, but do you think that this place would be filled with residents, people living over there?

Tony Bequette: Oh sure. But I've been developing and building for a long time. It's the same tired old argument from all the neighbors, parking, traffic, it's the same tired argument. Somebody developed the piece that they live in. Elijah's when everybody's around their bought their house, I can promise Elijah's, most of them have not been there as long as Elijah's has been a commercial property.

Holtmeier: Yeah, but when Elijah's was a restaurant, the gate was closed off to the main street and Johnson Street.

Tony Bequette: The gate was there. The fire department required the gates.

Holtmeier: Yes, they put the gate there solely keep the parking.

Tony Bequette: Well, we can close...

Holtmeier: *Inaudible*

Tony Bequette: I don't think the Fire Department is going to...

Holtmeier: The Fire Department...

Tony Bequette: Right.

Holtmeier: Had access to that, so when it was a restaurant nobody came into the residential area and there was plenty of parking for a restaurant, not a wedding event.

Tony Bequette: I wouldn't be opposed to closing the gate if it solves the problem.

Holtmeier: Do it right now.

Wessels: You know...

Tony Bequette: I can't, I can't.

Patke: Sorry Mark, I was just going in the middle...

Tony Bequette: It's the Fire Department.

Patke: I was going to ask that question too. Is the gate still the issue? If they close the gate with zero parking requirements there, the parking overflows on to Front Street or wherever else...

Tony Bequette: They can go to Stafford, they can go to Front but...

Patke: *Inaudible*... Joe, my question to you is...

Tony Bequette: Again, I cannot close the gate.

Patke: *Inaudible*... does this solve the issue of the, it does right?

Holtmeier: Well, yeah.

Patke: But the Fire Department... *inaudible*

Tony Bequette: I'd be happy to close the gate if the Fire Department will let me close it.

Patke: But we've also had, we've also got lock boxes in other parts of town to fix that fire department gate.

Holtmeier: Yes.

Reed: Sure.

Patke: There's a no parking spot in front, a lockbox goes on it. I mean, that's...

Tony Bequette: That would be a simple solution.

Patke: An option.

Skornia: This also has a noise *inaudible* too.

Patke: I understand that, but there's also, and that goes back to what Tony is saying, it was commercial when they bought their house next to it, is part of that too. I don't know where we stood on the gate.

Wessels: To me, what Sal has brought before us and excuse me, but it doesn't even include Elijah's. What he has brought before us from what I think we need to act on is what Sal brought to us.

Patke: Right.

Wessels: If somebody wants to go back and bring up Elijah's and bring it back up again to it, that's fine. But I think right now we should look at this plan and yes or no, and yes or no with Mr. Bequette's request for exception. If there's an exception to be made, I think would be it but, I think we need to stay with this.

Reed: No, I agree with you.

Wessels: Elijah's is a separate issue.

Maniaci: If I could just add to that. I mean just from my recommendation, I would prefer not to tie the two together because if we are going to send out another letter, it could muddy the waters between this request for what we're trying to do and not what we're accomplishing here to tie in this entire district development tied to a parking conversation on one side of it. So, I would, I mean, if it's possible to maybe still vote on this yes or no tonight, and then have addition to later.

Wessels: For Elijah's you mean?

Maniaci: For Elijah's and the apartments because we want to keep it. And, I will just point out, I know there are property owners who are wanting to make investments in this new district

because there are uses that are now allowed that weren't allowed. They've been put off by Planning and Zoning tabling this twice already. I would like to at least move this portion forward, if possible.

Patke: Sal, what are your thoughts if we move this forward with an exemption of the Tibbe Building that address?

Maniaci: I mean...

Patke: As Tony requests...

Maniaci: It doesn't, it obviously still has an island in there, but it's still a step in the right direction. I mean, it's still cleaning it up 90%, 99% of it still accomplishing what we're wanting to do. Then if he has a user that needs to be C-3 later, I will stand up here and recommend approval of that all day long. Cause it does need to be...

Patke: My personal opinion, I think that's a very good, very good possibility.

Maniaci: Yeah.

Patke: It's just a matter of that without taking away an option.

Maniaci: Yeah.

Pettet: Can I clarify? It's not just the Tibbe Building you're asking for Front Street Cellars also?

Tony Bequette: No.

Pettet: Oh, okay. Sorry. I was looking at the letter and I thought it included that.

Tony Bequette: I think my attorney inadvertently included that.

Pettet: Okay, thank you.

Tony Bequette: Because I own both...*inaudible*

Wessels: Which one is that on your list Sal? Aren't they numbered or no? Well we could just say Tibbe.

Maniaci: Do it by address.

Patke: It's 426 Front Street, right?

Maniaci: Yes, because I don't know the parcel number by heart. If you make the motion by address, we can make that amendment in the ordinance.

Wessels: All right.

Tony Bequette: I guess I just like to add one more thing and then if it was already any more questions, but I still believe that Elijah's should have been included when this was originally done. Again, it's the only business on Front Street that was excluded. It's the only business downtown that was excluded. It should have been brought in when all this was done. So, that's all I have. Thank you.

Mayor: Thank you.

Sullentrup: Tony, where would you park the people, if you didn't put that gate in?

Tony Bequette: We'd park where we parked now. They'd probably go to Stafford Street. There's all kinds of parking there, I can use the lots that the City has in front of Sugarfire and 514, so there's parking all through there.

Holtmeier: You could shuttle them from the pool parking lot.

Tony Bequette: What's that?

Holtmeier: The pool parking lot.

Tony Bequette: We could even use that in shuttle people we've done that before too.

Holtmeier: That was suggested.

Tony Bequette: And again, I just think it's important that the whole point here and *inaudible* you mentioned about was to alleviate the parking *inaudible* downtown, but yet we have no problem hamstringing Elijah's with it when I have the largest parcel downtown with the most parking, it makes no sense.

Mayor: Okay, thank you.

Tony Bequette: All right, thank you.

Mayor: So, if I understand you correctly, we're going to vote on what's presented. Well, first we're going to accept this into the minutes.

Lamb: Inaudible...

Mayor: Well, is there anyone else who wants to address the Council on this item? Okay. All right.

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. 21-12450, Ordinance No. 21-13402, an ordinance rezoning the Certain Real Property to C-3, General Commercial Zoning District in the City of Washington, Franklin County, Missouri.

The ordinance was introduced by Councilmember Holtmeier.

A motion to amend the ordinance excluding 426 West Front Street made by Patke, seconded by Holtmeier, passed without dissent. With no further discussion, the ordinance was read a second time and approved on the following vote; Sullentrup-aye, Holtmeier-aye, Skornia-aye, Pettet-aye, Reed-aye, Hidritch-aye, Patke-aye, Wessels-aye.

After discussion, a motion to rezone the Washington Senior Citizens Housing Development Corporation and Elijah McLean's into the C-3 Downtown Commercial District and forward onto the Planning and Zoning Commission for the November Planning and Zoning Meeting made by Reed, seconded by Patke and passed 5-3 on the following roll call vote; Sullentrup-aye, Holtmeier-aye, Skornia-aye, Pettet-aye, Reed-aye, Hidritch-aye, Patke-aye, Wessels-aye.

CITIZENS COMMENTS

* None

UNFINISHED BUSINESS

* None

REPORT OF DEPARTMENT HEADS

* None

ORDINANCES/RESOLUTIONS

Bill No. 21-12451, Ordinance No. 21-13403, an ordinance authorizing and directing the execution of a Service Agreement MOU – Mobility Device Sharing Services by and between the City of Washington, Missouri and Neutron Holdings, Inc.

The ordinance was introduced by Councilmember Holtmeier.

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

A motion to have the Lime Scooters stay in the proposed new Downtown District made by Hidritch, died for lack of second motion.

Bill No. 21-12452, Ordinance No. 21-13404, an ordinance authorizing and directing the execution of an Easement (Electric Line Overhang) by and between the City of Washington, Missouri and Union Electric Company d/b/a Ameren 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; Sullentrup-aye, Holtmeier-aye, Skornia-aye, Pettet-aye, Reed-aye, Hidritch-aye, Patke-aye, Wessels-aye.

Bill No. 21-12453, Ordinance No. 21-13405, an ordinance accepting the bid from Landscape Structures and to approve the purchase of a playground at Phoenix Park by the City of Washington, Missouri.

The ordinance was introduced by Councilmember Hidritch.

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

Bill No. 21-12454, Ordinance No. 21-13406, an ordinance amending the 2022 Budget for the period of October 1, 2021 through September 30, 2022, for 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; Sullentrup-aye, Holtmeier-aye, Skornia-aye, Pettet-aye, Reed-aye, Hidritch-aye, Patke-aye, Wessels-aye.

Bill No. 21-12455, Ordinance No. 21-13407, an ordinance approving a boundary adjustment for Hausmann's Subdivision, Plat 3, in the City of Washington, Franklin County, Missouri.

The ordinance was introduced by Councilmember Holtmeier.

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

Bill No. 21-12456, Ordinance No. 21-13408, an ordinance establishing the salary for the City Administrator of the City of Washington, Missouri.

The ordinance was introduced by Councilmember Holtmeier.

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

COMMISSION, COMMITTEE AND BOARD REPORTS

Bill No. 21-12457, Ordinance No. 21-13409, an ordinance approving the final plat of The Overlook at Weber Farms, Plat 6, in the City of Washington, Franklin County, Missouri.

The ordinance was introduced by Councilmember Holtmeier.

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

MAYOR'S REPORT

- * Congratulations to Councilmember Wessels for receiving the WINGS Hall of Honor Educator Award.
- * Congratulations to Councilmember Holtmeier for receiving recognition from the Archdiocese of St. Louis. He received the Cardinal Rigali Service Award.
- * September 17, 2021 was National POW/MIA Recognition Day. The City of Washington received a Proclamation for being designated as a POW/MIA City.
- * Congratulations to the 2021-2022 St. Francis Borgia Regional High School Varsity Cheerleading Squad along with Head Coach Sandi Gildehaus for being inducted into the Missouri Sports Hall of Fame.

CITY ADMINISTRATOR'S REPORT

- * Discussion on Street Closure Policy for special events.

COUNCIL COMMENTS

- * Congratulations to *The Missourian* for receiving a record number of national awards.

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 8:44 p.m. on the following roll call vote; Sullentrup-aye, Holtmeier-aye, Skornia-aye, Pettet-aye, Reed-aye, Hidritch-aye, Patke-aye, Wessels-aye.

The regular session reconvened at 9:24 p.m.

ADJOURNMENT

With no further business to discuss, a motion to adjourn made at 9:24 p.m. by Councilmember Pettet, seconded by Councilmember Holtmeier passed without dissent.

Adopted: _____

Attest: _____
City Clerk

President of City Council

Passed: _____

Attest: _____
City Clerk

Mayor of Washington, Missouri