

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL  
CITY OF WASHINGTON, FRANKLIN COUNTY, MISSOURI  
MONDAY, MARCH 20, 2023**

**INTRODUCTORY ITEMS:**

The Regular Meeting of the City of Washington, Missouri, City Council was held on Monday, March 20, 2023, at 7:00 p.m. in the Council Chamber. Mayor Doug Hagedorn opened the meeting with roll call and Pledge of Allegiance.

<b>Mayor:</b>	Doug Hagedorn	Present	
<b>Council Members:</b>	<b>Ward I</b>	Al Behr Duane Reed	Present Present
	<b>Ward II</b>	Mark Hidritch Mark Wessels	Present (7:01 p.m.) Present
	<b>Ward III</b>	Chad Briggs Jeff Patke	Present Present
	<b>Ward IV</b>	Mike Coulter Joe Holtmeier	Present Present

<b>Also Present:</b>	City Attorney	Mark Piontek
	City Administrator	Darren Lamb
	City Clerk	Sherri Klekamp
	Economic Development Director	Sal Maniaci
	Public Works Director	John Nilges
	Street Superintendent	Tony Bonastia
	Public Works Superintendent	Kevin Quaethem
	Parks Director	Wayne Dunker
	Finance Director	Mary Sprung
	Emergency Management Director	Mark Skornia
	Police Chief	Jim Armstrong
	Fire Chief	Tim Frankenberg
	Communications Director	Jennifer Brune

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 March 6, 2023, Council Meeting

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

**Approval and Adjustment of Agenda including Consent Agenda:**

- \* Collector’s Report Summary – October 2022
- \* Investment Report Summary – October 2022
- \* Change Order #1 – 2023 Cast-in-Place Pipe Project
- \* Final Payment Request – Interior & Exterior Painting of Clay Street & Enduro Water Storage Tanks
- \* Final Payment Request – Washington Freight Depot Renovations
- \* Liquor License Approval: TLRR Entertainment LLC d/b/a 1861 Social House Eatery & Bar  
A motion to accept and approve the agenda including the consent agenda accordingly made by Councilmember Patke, seconded by Councilmember Holtmeier, passed without dissent.

**PRIORITY ITEMS:**

**Mayor’s Presentations, Appointments & Reappointments:**

- \* Recognition of Sergeant Joe Kapustka and Lieutenant Joe Renkemeyer for the Police Leadership and Command Preparatory Academy  
Mayor Hagedorn recognized Sergeant Joe Kapustka and Lieutenant Joe Renkemeyer for receiving the Police Leadership and Command Preparatory Academy from Eastern Missouri Police Academy.

- \* City Physician Reappointment

*March 9, 2023*

*To The City Council*

*City of Washington*

*Washington, Missouri*

*Dear Council Members:*

*I herewith submit for your approval the following for reappointment as the City Physician:*

*Ann-Elizabeth Mohart, M.D. – term ending March 2024*

*Respectfully submitted,*

*James D. Hagedorn*

*Mayor*

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

- \* Urban Forestry Council Reappointment

*March 15, 2023*

*City Council*

*City of Washington*

*Washington, Missouri 63090*

*Dear Council Members:*

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

*John Steffens – term ending March 2026*

*Respectfully submitted,*

*James D. Hagedorn*

*Mayor*

A motion to accept and approve the appointment made by Councilmember Wessels, seconded by Councilmember Coulter, passed without dissent.

## **PUBLIC HEARINGS**

### **\* Zoning Code Amendment – Noise Levels**

#### **Section 215.075. Noise Regulations. [R.O. 1992 § 215.075; Ord. No. 04-9607 § 1, 6-21-2004]**

A. It shall be a violation of this Section for any person to make, continue or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, health, peace or safety of others within the limits of the City.

~~B. The following acts, among others, are hereby declared to be loud, disturbing and unnecessary noises in violation of the provisions of this Section:~~

~~1. Horns, Signaling Devices, Etc. The sounding of any horn or signal device on a streetcar, motorbus, motorcycle, automobile or other vehicle while not in motion on a public street or highway, except as a danger signal if another is approaching apparently out of control; or if in motion, the excessive or prolonged sounding except only as a danger signal, after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound and the sounding of such device for an unnecessary or unreasonable period of time.~~

~~2. Loud Speakers, Amplifiers. The use, operation or permitting to be played, used or operated any radio-receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is broadcast from the public streets.~~

~~3. Radios, Music Players, Etc. The playing of any radio, music player such as a boom box, tape cassette, disc player, television, audio system or musical instrument which causes frequent or long-continued noise, in a manner or at a volume which is plainly audible to persons fifty (50) feet or more away from the source of the noise. Nothing herein shall be construed to prohibit an otherwise lawful public concert or public performance.~~

#### **Section 400.195. Performance Standards. [R.O. 1992 § 400.195; Ord. No. 16-11557, 8-15-2016, effective 3-1-2017]**

A. Hazardous Conditions. Every use shall be so operated as to comply with the applicable standards and enforcement provisions contained in the most-current Building Code and Fire Prevention Code as adopted by the City of Washington.

B. Vibration. Every use shall be so operated that the maximum ground vibration generated is not perceptible without instruments at any point on the lot lines of the property on which the use is located.

C. Noise.

~~1. The sound-pressure level, to be measured as described below, shall not exceed the following decibels (dB) in the various octave bands when adjacent to the designated types of use districts:~~

Octave Band (cycles per second)	Sound Level in Decibels (dB)	
	All Dwelling District	All Business Districts
37.5 to 75	58	73
75 to 150	54	69
150 to 300	50	65
300 to 600	46	61
600 to 1,200	40	55
1,200 to 2,400	33	48
2,400 to 4,800	26	41
Over 4,800	20	35

~~2. Method Of Measurement. Measurements are to be made at the property line of the sound source that is adjacent to a dwelling or business property located within a dwelling or business district. The sound levels shall be measured with a sound-level meter and associated octave band filter as prescribed by the American National Standards Institute, Inc. 3. Intermittent Sounds. Intermittent sounds that normally would be objectionable within residential areas (e.g., exterior paging system) shall be controlled so as not to become a nuisance to a residential area.~~

**Maniaci:** Good Evening, Council. Tonight, not for a vote, just for a Public Hearing to satisfy the requirements of our zoning code amendment requirements, we are presenting to you the recommendations to changes to our noise ordinance. In Chapter 400 of the Zoning Code, as I'm sure you are aware, last October is when I think it began, we discussed some possible changes to our noise ordinance. It doesn't happen very often but we did receive some complaints about some possible noise violations from one property. We realized at that time, it was the first time that we actually had complaints since we had our new code adopted in 2017. We did not have the equipment in place to actually review those, review any complaints and realized that when our consultants put together our noise ordinance back in 2017, that it's probably more complicated and difficult to enforce than it needs to be so City staff looked at what some other communities do and we looked at best ways to describe and read what different, what is considered a nuisance and different decibels.

So currently on the screen in front of you and up here, this is what it looks like in our current code. You can see here we have this octave band cycles per second and then it talks about the Dwelling Districts and Business Districts and it changes from so many cycles per second in an octave band up. You would have to have a very expensive piece of equipment to realize what octave band your, the Officer would have to do this in the moment, what octave band there in

and then read the Dwelling District or Business District and come back with that. We realized that it's probably more complicated than it needs to be.

What we are proposing to change, again this is a Public Hearing, we will bring this back as an official zoning ordinance change at your next meeting. But to simplify this, to have a receiving zoning category so, the actual zoning district that the property that the complaint is coming from in a sound limit and straight up decibels (dba) for that receiving zoning category. And this way if there is a complaint whatever that property is zoned, that is the category they will have and an Officer can go out there with a piece of equipment we already have that is calibrated and read that decibel level and determine at that time if it's an actual zoning violation or a noise violation and issue a ticket if it is.

You can see here the lowest is this 65 decibels in residential districts, that's pretty much across the board for residential, the highest you get up is 80. Commercial and industrial is specifically for our downtown and then you can see there is little fluctuations here. For our planned districts, I'm going to be honest with you, we split the middle with 70 here or a little bit higher than 65 because these planned districts are typically in more transition zones where you have it closer to residential and commercial at the same time.

And I just want to show you this was one of the many typical sound levels we used. I believe actually we found this one from a Yale Study...

**Nilges:** Yale Study.

**Maniaci:** A Yale Study. But the one thing that I want to point out and we looked at this at Planning and Zoning, Planning and Zoning did review this at two meetings. This freight train at 100 feet away is 80 decibels and that's actually kind of the max we chose given our, we have a lot of properties that are in proximity to our railway downtown, and we thought if people are willing to live and work within 100 feet of a rail a freight train going by that could be a good system to kind of set the max. And so that's where we came up with a system in setting our max here. And there were other communities that we looked at with very similar ranges. When you got into this more simplified review.

One thing I do want to point out before I open it up to the public is that, to be clear, this is not a change that allows businesses to be louder or requires them to be quieter. This really is just a change to simplify and allow to be more enforceable for us.

And so, we think this is the best way for us to do it and then as complaints come in, if we realize that there is, if there's a Police Officer who can give testimony that no that is louder than it should be or maybe 65 is not the right sweet spot, I think this is something that is amendable in the future. We think this is a good place to start.

**Nilges:** I would just add, we looked at I believe Wentzville's framework is what this is, and we kind of went off of that being a community that has multiple uses, there's industrial, there's residential. We thought that would be a good one to start with so the framework of what you see there is was from Wentzville. If that gives you any kind of feeling. Not that it matters, not that we should do everything Wentzville.

**Maniaci:** Right, well yeah, we looked at other communities as well. The only thing that we really customized was that 80 as our max especially in our C-3. But again, that is, if you're in the receiving districts. So even if you are right outside the Downtown District and you're in a R-1A Zoning District, your neighbor still has to abide by, even if you're neighbor is in the

Downtown District, you still have to abide by this 65. The receiving category is where you would determine how loud the sound can be coming from. I think that it's a pretty safe system to start with.

And Planning and Zoning did vote unanimously to approve this last week.

**Patke:** I thought we discussed early that like 58 was like normal conversation or 65 now? I just looked it up really quick myself and like Chad just said, 80 decibels is what anything over that they suggest...

**Briggs:** At 80 decibels...

**Patke:** Hearing protection...

**Briggs:** You're supposed to have hearing protection on.

**Patke:** But I mean that's also light too. I thought 65 was very low, but maybe it is the right number, Sal.

**Maniaci:** Yeah. I mean and that's where we had, I know that this isn't exactly apples to apples here but there some we currently had lower than that. And so in that octave band, it's still in decibels here. And so that's where we thought it would be a good starting point at 65. And again, it very well, you could have if there's a circumstance where it's over you know, something's over 65 but it's actually not a nuisance, this I think it could be changed.

**Patke:** I guess my only concern is, is that those businesses that are already part of downtown who have had music or whatever for years, are we is this a detriment or is this a change to them that's going to change something, I know some people who live next door would want something to be quitter, I get that, but we also can't just change the way things have been going here for...

**Maniaci:** Yeah, and we did discuss that. Currently, I mean it's hard until you see it in action and actually here that exact case-by-case scenario what it sounds like, but we believe that this, our intention with this is to not limit any existing operations that are going on that we have not received complaints.

One example was, the Landing has music outside most weekends when it's nice weather and we never have gotten complaints that I'm aware of from any of the surrounding properties, especially if they've recently moved in. And so that is actually where you get this 80 because the receiving category, anything close enough to the Landing to be asking is within C-3 and we think that 80, you know if a...

**Lamb:** Plus, you're, the band, you're blocks away from residential zoning too...

**Patke:** Sure, right I understand.

**Lamb:** Just so you understand.

**Maniaci:** The band is louder than a freight train going by and you're you know down the street, I think maybe that is reason to say hey, turn it down.

**Nilges:** I think that's the point though, receiving category. That's, that's the whole point. If you're within C-3 and we're next-door neighbors, you're in that receiving category. It's really on the edges is where you start having the issues.

**Patke:** Right, so if my residence is next to C-3 it's not the residence number, it's the C-3 number?

**Nilges:** No, it's the residence number.

**Patke:** Residence number.

**Lamb:** It is the residence.

**Patke:** *Inaudible...*

**Nilges:** If you're in the middle of C-3, there...

**Patke:** Isn't it, like I said, the Landing outside is not an issue because the parking lot in the back and river on the other side so it's not an issue there, I get that. You know, I guess my thing is if you go to you know above Sugarfire where the patio on top, they have music there, we're building condos across the street right now, is that going to be a detriment there?

**Maniaci:** Those are C-3 as well.

**Patke:** Okay.

**Lamb:** That's what I'm saying, you've got blocks before you get residential zoning.

**Patke:** Okay, that explains a lot, yeah. I get it.

**Maniaci:** And I will be the first to say that there could be a situation coming where we say this isn't working, but the Mayor and I had this conversation this morning, it's hard to come up with these until you're actually on a Friday night listening to it from a neighbor's property to see okay what is the decibel level that it's considered a nuisance. And I think if we have a lot of complaints, I think it's going to take some reporting back from any Officer's that are called there to...

**Wessels:** Sal, I think it's a good starting point.

**Maniaci:** Right, yeah.

**Wessels:** It's a place to start. If they get complaints, they can do some readings, or if they can come back and say we're constantly getting readings over this and this...

**Maniaci:** Our goal is to make sure it's not objective to Officer by Officer, what is determined to be a nuisance.

**Patke:** I agree with that too, yeah.

**Maniaci:** Yep.

**Hagedorn:** Yeah.

**Lamb:** Yeah, the idea would be is that they would all have devices in their cars that they could go ahead and utilize then on the scene.

**Maniaci:** And I want to, it'll be a calibrated device. There was some questions about downloading an app and we've looked that up and that doesn't qualify. Because I think that there were some neighbors downloading apps and that's not something we can submit.

**Holtmeier:** It just gives our Police some teeth to, something to go by.

**Armstrong:** Yes.

**Holtmeier:** There's no confusion then.

**Armstrong:** It's clear.

**Maniaci:** And then the last thing I want to point out, this does not apply to anything that is designated by Council as a Festival District. Because there was some questions that, well are you going to send an Officer to the Fair Board during the fair because there are Single-Family Residential Districts within earshot. Well, it's designated as a Festival District.

**Hagedorn:** Okay, thanks Sal.

**Maniaci:** Thank you.

**Hagedorn:** Anyone would like to comment on the noise ordinance? Yes, please.

**Pat O'Donnell:** I've got one.

**Lamb:** You've got to come up the...

**Hagedorn:** Come up. State your name and your address please.

**Pat O'Donnell:** Pat O'Donnell, Bogey Drive. Did Wentzville have any time that music stops?

**Nilges:** There was, I don't know it specially but there was a time that was actually broke down per zoning district, so it was a little bit different on that but yes. I don't remember what it was though.

**Pat O'Donnell:** Okay. Simple as that being a musician, if they shut down at 11, they shutdown at 12, they shutdown at 1, there's different sounds as far as I'm concerned if I lived anywhere in the area, so that was my question.

**Nilges:** Yep. I just don't recall what it was sitting here.

**Pat O'Donnell:** Thank you.

**Maniaci:** This is as you can see here, this is set between 9 p.m. and 6 a.m. which is what we had previously.

**Patke:** Oh so prior to that it doesn't come into effect?

**Maniaci:** Correct.

**Patke:** Okay.

**Maniaci:** Yeah. I apologize *inaudible*...

**Patke:** 9 to 6?

**Maniaci:** Yeah, that was previously there, we just didn't enforce it because we didn't have the equipment.

**Hagedorn:** Other comments folks?

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

### **CITIZENS COMMENTS**

- \* Vicki Kriete Ward One, addressed Council regarding the proposed 3% Marijuana Tax and inquired what the money was going to be used for.
- \* Harvey Mendez 221 Fair Street, addressed Council regarding allocating time for small children at the All Abilities Park.
- \* Gavin Woolley 1443 Rock Lane, thanked Council for placing the proposed 3% Marijuana Tax on the April Ballot and requested Council to earmark a portion of the tax for the Parks Department.

### **UNFINISHED BUSINESS**

- \* None

### **REPORT OF DEPARTMENT HEADS**

- \* Delinquent Real Estate & Personal Property Taxes as of January 31, 2023  
*March 20, 2023*  
*Honorable Mayor and City Council*  
*City of Washington*  
*405 Jefferson Street*  
*Washington, MO 63090*  
*Honorable Mayor and City Council:*



*Per Section 140.190 of the City Code, Delinquent Tax Lists for Real Estate and Personal Property Taxes are hereby submitted. These reports are provided by Franklin County and shows the Delinquent Taxes owed to the City of Washington and Washington Public Library as of January 31, 2023. The County runs their reports monthly and taxes due this year was extended to January 15, 2023. The County had computer issues that caused the bills to go out late, causing this due date extension. In addition, the County only runs the delinquent reports at the end of the month which is why the list provided was not dated on the due date. Respectfully submitted,*

*Mary J. Sprung, CPA  
Finance Director/City Collector*

*Rhonda Betlach  
Finance Assistant*

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<b>WASHINGTON DELINQUENT TAXES</b> <b>2023 JANUARY TOTALS</b>
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**CITY OF WASHINGTON DELINQUENT TAXES:**

	Real Estate Property	Personal Property
2014	7.42	0.00
2016	44.92	143.00
2017	111.48	950.89
2018	43.81	961.52
2019	53.30	881.37
2020	2,576.31	1,843.46
2021	10,381.55	6,196.46
2022	83,886.93	45,064.61
<b>TOTAL:</b>	<b>\$97,105.72</b>	<b>\$56,041.31</b>
		<b>Total: \$153,147.03</b>

**WASHINGTON LIBRARY DELINQUENT TAXES:**

	Real Estate Property	Personal Property
2016	7.41	21.96
2017	18.44	104.61
2018	7.24	113.65
2019	17.95	219.23
2020	646.45	313.55
2021	2,671.59	1,595.79
2022	15,037.98	8,922.07
<b>TOTAL:</b>	<b>\$18,407.06</b>	<b>\$11,290.86</b>
		<b>Total: \$29,697.92</b>

Handling of Delinquent Taxes per County Collector:

**Delinquent Real Estate Taxes:** The County makes properties available at the tax sale after 3 years of delinquency.

After 3 more years at the tax sale, any property not sold is then owned by the County and put on the conveyed list.

Any time after that, people can make an offer to the County Commission to purchase the property.

Exceptions to the above rules are properties reported in bankruptcy.

**Delinquent Personal Property Taxes:** Can be written off after 3 years of delinquency.

The Collector also has discretion to use a process known as distraint for personal property to pay back taxes.

The Collector can additionally, after 30 days from notification of a delinquent tax bill, contact the Missouri DOR to have driver's license revoked for failure to make a payment.

After a brief discussion it was mentioned that the City of Washington shows up being delinquent because of the Hancock property purchase. From the time the City required it, it became tax exempt. A brief discussion ensued. A motion to have City Attorney Mark Piontek discuss this at tomorrow morning's Franklin County Commission Meeting made by Councilmember Patke, seconded by Councilmember Holtmeier, passed without dissent.

A motion to approve the item made by Councilmember Patke, seconded by Councilmember Holtmeier, passed without dissent.

\* Parks Department – 2023 F-550 Truck Lease Update

*March 20, 2023*

*Honorable Mayor and City Council*

*City of Washington*

*405 Jefferson Street*

*Washington, MO 63090*

*RE: 2023 F-550 Truck Lease Update*

*Honorable Mayor and City Council,*

*Staff and I have been working with Enterprise Fleet Management on replacing most of our fleet vehicles over the last couple years. Due to the fluctuations in the market, it has proven to be difficult at times.*

*Currently, we are working with Enterprise on replacing our 2015 F550 dump truck with a 2023 F550 dump truck with snowplow & spreader combo. In the FY 2022-2023 budget, \$115,000 is budgeted for this replacement. The capitalized price from Enterprise for the truck is \$134,638.75. The upfront down payment the City will pay for the truck is \$31,977.50 and the monthly payment will be \$2,242.48. Due to possible delays, I would like to order this truck now, as Enterprise is not sure on an arrival date. The last dump truck we ordered took approximately a year before we received it. It is likely I could be rebudgeting this truck in the FY24 budget due to delays. No budget amendment is need at this time.*

*As always, if you have any questions, concerns or would like additional information, please feel free to contact me prior to the Council Meeting.*

*Respectfully,*

*Wayne Dunker, MA, CPRP*

*Director of Parks & Recreation*

After discussion, a motion to approve the item made by Councilmember Patke, seconded by Councilmember Holtmeier, passed without dissent.

**ORDINANCES/RESOLUTIONS**

**Bill No. 23-12760, Ordinance No. 23-13724, an ordinance authorizing and directing the City of Washington, Missouri to accept the Managed Services Agreement from NOC Technology for IT Consulting Services.**

The ordinance was introduced by Councilmember Patke.

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

**Bill No. 23-12761, Ordinance No. 23-13725, an ordinance authoring and directing the execution of an Agreement for the Placement of Wireless Antennas by and between the City of Washington, Missouri and Historic Washington, Foundation, Inc.**

The ordinance was introduced by Councilmember Holtmeier.

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

**Bill No. 23-12762, Ordinance No. 23-13726, an ordinance authorizing and directing the execution of a Dispatching Services Agreement by and between the City of Washington, Missouri and the City of Berger, 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; Coulter-aye, Briggs-aye, Wessels-aye, Behr-aye, Holtmeier-aye, Reed-aye, Patke-aye, Hidritch-aye.

**Bill No. 23-12763, Ordinance No. 23-13727, an ordinance authorizing and directing the execution of an Agreement for School Resource Officers by and between the City of Washington, Missouri and the School District of Washington for three (3) School Resource Officers to be assigned to duty for the Washington School District.**

The ordinance was introduced by Councilmember Patke.

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

**Bill No. 23-12764, Ordinance No. 23-13728, An ordinance amending the provisions of Title III Traffic Code, Schedule XIII of the Washington City Code by repealing provisions for a Loading and Unloading Zone at the location described below.**

The ordinance was introduced by Councilmember Holtmeier.

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

**Bill No. 23-12765, Ordinance No. 23-13729, an ordinance authorizing and directing the City of Washington, Missouri to accept the Contractor Agreement from Klekamp Lawn and Landscape LLC for Grounds Maintenance Services.**

The ordinance was introduced by Councilmember Patke.

After discussion, a motion to amend the Contractor Agreement of \$57,420.00 by \$1,800.00 and add Third Parkway to the mowing site made by Councilmember Wessels, seconded by Councilmember Holtmeier with Councilmember Reed voting nay. With no further discussion, the ordinance was read a second time and approved on the following vote; Coulter-aye, Briggs-aye, Wessels-aye, Behr-aye, Holtmeier-aye, Reed-nay, Patke-aye, Hidritch-aye.

**Bill No. 23-12766, Ordinance No. 23-13730, an ordinance authorizing and directing the City of Washington, Missouri to accept the Tank Contract from Caldwell Tanks, Inc. for tank construction for the Southpoint Ground Water Storage Tank.**

The ordinance was introduced by Councilmember Hidritch.

After discussion on the Tank and Sitework Contracts, the ordinance was read a second time and approved on the following vote; Coulter-aye, Briggs-aye, Wessels-aye, Behr-aye, Holtmeier-aye, Reed-aye, Patke-aye, Hidritch-aye.

**Bill No. 23-12767, Ordinance No. 23-13731, an ordinance authorizing and directing the City of Washington, Missouri to accept the Sitework Contract from K.J.U., Inc. d/b/a K.J. Unerstall Construction for sitework for the Southpoint Ground Water Storage Tank.**

The ordinance was introduced by Councilmember Hidritch.

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

**Bill No. 23-12768, Ordinance No. 23-13732, an ordinance authorizing and directing the execution of a General Warranty Deed by and between the City of Washington, Missouri and VMH, LLC.**

The ordinance was introduced by Councilmember Holtmeier.

After discussion on the General Warranty Deed and Temporary Construction Easement, the ordinance was read a second time and approved on the following vote; Coulter-aye, Briggs-aye, Wessels-aye, Behr-aye, Holtmeier-aye, Reed-aye, Patke-aye, Hidritch-aye.

**Bill No. 23-12769, Ordinance No. 23-13733, an ordinance authorizing and directing the execution of a Temporary Construction Easement by and between the City of Washington, Missouri and VMH, LLC.**

The ordinance was introduced by Councilmember Patke.

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

**Bill No. 23-12770, Ordinance No. 23-13734, an ordinance authorizing and directing the execution of a Supplemental Agreement with Cochran for the Earth Crest Extension Improvement Project.**

The ordinance was introduced by Councilmember Patke.

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

**Bill No. 23-12771, Ordinance No. 23-13735, an ordinance authorizing and directing the execution of a Development Agreement by and between the City of Washington, Missouri, Big Elm, LLC, and Terrace in Washington, LLC**

The ordinance was introduced by Councilmember Patke.

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

**Bill No. 23-12772, Ordinance No. 23-13736, an ordinance authorizing and directing the execution of a Subdivision and Special District Participation Form by and between the City of Washington, Missouri, TEVA, Allergan, CVS, Walgreens and Walmart.**

The ordinance was introduced by Councilmember Holtmeier.

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

**Bill No. 23-12773, Ordinance No. 23-13737, an ordinance approving a boundary adjustment for The Meadow at Koch Farm Plat 3 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; Coulter-aye, Briggs-aye, Wessels-aye, Behr-aye, Holtmeier-aye, Reed-aye, Patke-aye, Hidritch-aye.

**COMMISSION, COMMITTEE AND BOARD REPORTS**

\* Preliminary Plat Approval – WW Industrial Park Plat 3

*March 14, 2023*

*Honorable Mayor & City Council*

*405 Jefferson Street*

*Washington, MO 63090*

*RE: File No. 23-0301-Preliminary Plat-WW Industrial Park Plat 3*

*Dear Mayor and City Council Members:*

*At the regular meeting of the Planning & Zoning Commission, held on Monday, March 13, 2023 the Commission reviewed and recommends approval of the above request with a unanimous vote.*

*Sincerely,*

*Thomas R. Holdmeier*

*Chairman*

*Planning & Zoning Commission*

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

\* Pedestrians In and Around Right-of-Way

*March 3, 2023*

*Honorable Mayor and City Council*

*City of Washington*

*Washington, MO 63090*

*Re: New Ordinances Related to Pedestrians in and around Right of Way.*

*Dear Mayor and City Council Members:*

*At the March 3, 2023 Traffic Committee meeting, the committee discussed a couple of model ordinances that other local municipalities have adopted, which restrict pedestrians from being in and around the right of way. Ultimately, the committee agreed not to recommend any of the model ordinances for consideration by City Council. Below are some of the concerns expressed during the meeting related to these ordinances:*

- Mark Piontek expressed concerns in reference to whether these ordinances would hold up to legal challenges in court. Since these ordinances are fairly new concepts, they have not been challenged and litigated. The concern is that they may expose the city to civil liability if they were to be challenged in court.*
- Additionally, the Police Department shared additional concerns with Mark Piontek about how these ordinances could practically be enforced. In general, they tend to be a bit ambiguous from an enforcement standpoint, and options would be limited for the courts on the back end.*
- These ordinances would also impact other activities that have traditionally been allowed, in addition to some activities that are arguably constitutionally protected such as street collections for charity and lawful protest on shoulders and sidewalks.*

*Respectfully submitted,*

*Sgt. Michael Grissom #299*

*Washington Police Department*

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

**MAYOR'S REPORT**

- \* Don Northington passed away, please keep his family in your prayers as well as Officer Adam Sullentrup's family.

**CITY ADMINISTRATOR'S REPORT**

- \* Putting together a recruitment package for the replacement of a Public Works Director.
- \* Will be conducting interviews for Building Inspector.
- \* Comprehensive Plan update.

**COUNCIL COMMENTS**

- \* Councilmember Wessels stated he is really pleased with the work around Phoenix Park.
- \* Councilmember Holtmeier thanked John Nilges for all of the work he has done for the City and wished him good luck on his future.

- \* The Washington Fire Department Auxiliary and Washington Police Department are hosting a Benefit Breakfast with the Easter Bunny on Saturday, April 1 from 7:30 a.m. to 10:30 a.m. at Fire Headquarters. All proceeds to benefit Officer Adam Sullentrup.
- \* Councilmember Patke expressed his condolences to Don Northington’s family as well as to Officer Griffith’s family.
- \* Annual Chamber Banquet is this Saturday.

**ADJOURNMENT**

With no further business to discuss, a motion to adjourn made at 8:48 p.m. by Councilmember Behr, seconded by Councilmember Patke passed without dissent.

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Adopted: \_\_\_\_\_

Attest: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President of City Council

Passed: \_\_\_\_\_

Attest: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor of Washington, Missouri