

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
CITY OF WASHINGTON, FRANKLIN COUNTY, MISSOURI
MONDAY, MAY 1, 2023**

INTRODUCTORY ITEMS:

The Regular Meeting of the City of Washington, Missouri, City Council was held on Monday, May 1, 2023, at 7:00 p.m. in the Council Chamber. Mayor Doug Hagedorn opened the meeting with roll call and Pledge of Allegiance.

Mayor:	Doug Hagedorn	Present
Council Members: Ward I	Al Behr	Present
	Duane Reed	Absent
Ward II	Mark Hidritch	Absent
	Mark Wessels	Present
Ward III	Chad Briggs	Present
	Jeff Patke	Present
Ward IV	Mike Coulter	Present
	Joe Holtmeier	Present

Also Present:	City Attorney	Mark Piontek
	City Administrator	Darren Lamb
	City Clerk	Sherri Klekamp
	Parks Director	Wayne Dunker
	Street Superintendent	Tony Bonastia
	Public Works Superintendent	Kevin Quaethem
	Economic Development Director	Sal Maniaci
	Detective Lieutenant	Steve Sitzes

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 April 17, 2023 Council Meetings

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

Approval and Adjustment of Agenda including Consent Agenda:

- * Collector's/Treasurer's Report Summary – December 2022
- * Investment Report – December 2022
- * Liquor License Renewals: *Pulque Mexican Restaurant; Otis Campbell LLC; Marquart's Landing; The Sand Bar*
- * Change Order #1 – Highway 100 Traffic Study
- * Final Payment Request – Caboose Painting

* Final Payment Request – Skate Park Renovation Phase 1

* Payment Request – Rabbit Trail Water Line

* Payment Request – West 5th Street Lift Station

After a brief discussion regarding the Final Payment Request – Caboose Painting, a motion to accept and approve the agenda including the consent agenda accordingly made by Councilmember Patke, seconded by Councilmember Behr, passed without dissent.

PRIORITY ITEMS:

* Election of Board of Health

The Election of Board of Health is back on the agenda due to there being two members of the same Ward being elected at the April 17, 2023, Special Council Meeting. The membership of the Board of Health should consist of the Mayor, one member of the City Council from each Ward and the City Physician. Councilmember Behr nominated Councilmember Holtmeier, Councilmember Patke, Councilmember Wessels and Councilmember Reed, seconded by Councilmember Coulter. With no further nominations the motion to elect Joe Holtmeier, Jeff Patke, Mark Wessels and Duane Reed to the Board of Health passed with Councilmember Patke voting nay.

Mayor’s Presentations, Appointments & Reappointments:

* Proclamation – Historic Preservation Month

Historic Preservation Month

May 2023

WHEREAS, The National Trust for Historic Preservation established May as Historic Preservation Month in 1973 as a way to promote historic places for the purpose of instilling national and community pride, promoting heritage tourism, and showing the social and economic benefits of historic preservation; and

WHEREAS, the historic houses and buildings of Washington help make our City unique and provide links with aspirations and attainment of the City’s pioneers and their descendants, and strengthens the enduring bond between past and present; and

WHEREAS, Historic Preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, Historic Preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, the theme for 2023 “People Saving Places” is a national high-five to everyone doing the great work of saving places, in ways big and small, and inspiring others to do the same.

NOW, THEREFORE, I, James D. Hagedorn, Mayor of Washington, Missouri, do hereby proclaim May 2023 to be Historic Preservation Month in the City of Washington, Missouri,

and call upon the people of Washington to join their fellow citizens across the United States in recognizing and participating in this special observance.

In Witness Whereof I have hereunto set my hand and caused to be affixed the Seal of the City of Washington, Missouri, this 1st day of May 2023.

James D. Hagedorn

Mayor

* Proclamation – National Day of Prayer

DAY OF PRAYER

WHEREAS, Throughout the history, Americans have lifted up fervent prayers to God on behalf of our nation. From the first gatherings of our Founding Fathers, elected officials have prayed and entreated those they serve and represent to join them in prayer, including the authors of our Declaration of Independence, wrote that they, “the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the word...” and carried on to present day in Presidential Proclamations such as last year’s invitation to “join him in asking for God’s continued guidance, mercy, and protection”; and

WHEREAS, A National Day of Prayer has been a part of our heritage since it was declared by the First Continental Congress in 1775 and a Public Law established in the United States Congress in 1952 approved by a Joint Resolution and later amended by Congress and President Reagan with Public Law 100-307 in 1988, affirming that it is essential for us as a nation to pray and directs the President of the United States to set aside and proclaim the first Thursday of May annually as a National Day of Prayer; and

WHEREAS, in our state and across America, the observance of the National Day of Prayer will be held on Thursday, May 4, 2023, with the theme “Pray Fervently in Righteousness and Avail Much”; and

WHEREAS, every first Thursday on the National Day of Prayer we not only express our faith and exercise our freedom in prayer but unite our hearts and voices in personal prayer and public gatherings throughout our City and across our America with fervent praise, repentance, love and humble intercession for our neighbor and nation.

Now Therefore, I, James D. Hagedorn, Mayor of the City of Washington do hereby proclaim May 4, 2023, as a DAY OF PRAYER throughout the City of Washington and I commend this observance to all our citizens.

In Witness Whereof I have hereunto set my hand and caused to be affixed the Seal of the City of Washington, Missouri, this 1st day of May 2023.

James D. Hagedorn

Mayor

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* Proclamation – National Police Week

National Police Week

May 14-20, 2023

Whereas, in 1962 President John F. Kennedy signed a proclamation which designated May 15th as Peace Officers' Memorial Day and the week in which it falls as National Police Week; and

Whereas, the members of the law enforcement agency of the City of Washington play an important role in safeguarding the rights and freedoms of the citizens of our community; and Whereas, it is important that all citizens know and understand the duties, responsibilities, hazards and sacrifices of their police department, and that members of our department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder and by protecting the innocent against deception and the weak against oppression; and

Whereas, the Police Department of the City of Washington has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service; and

Whereas, U.S. flags are to be flown at half-staff on Peace Officer's Memorial Day May 15th in tribute to those peace officers that have made the ultimate sacrifice in the line of duty.

Now Therefore, I, James D. Hagedorn, Mayor of the City of Washington, Missouri call upon all citizens of Washington and upon all patriotic, civic and educational organizations to observe the week of May 14-20, 2023, as National Police Week with appropriate ceremonies and observances in which all our citizens may join in commemorating police officers past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to this community and in doing so have established for themselves a desirable and enduring reputation for preserving the rights and security of all citizens.

I further call upon all citizens of Washington, Missouri to observe May 15, 2023, as Peace Officers' Memorial Day in honor of those peace officers who through their courageous deeds have lost their lives or have become disabled in the performance of duty.

In Witness Whereof I have hereunto set my hand and caused to be affixed the Seal of the City of Washington, Missouri, this 1st day of May 2023.

James D. Hagedorn

Mayor

* 2023 Council Committee Liaison Assignments

A motion to accept and approve the 2023 Council Committee Liaison Assignments made by Councilmember Patke, seconded by Councilmember Behr, passed without dissent.

* Board of Adjustment Appointment

April 20, 2023

To the City Council

Washington, Missouri

Dear Council Members:

I herewith submit for your approval the following for appointment to the Board of Adjustment:

Samantha Cerutti Wacker (alternate) – term expiring May 2028

Respectfully submitted,

James D. Hagedorn

Mayor

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

* Planning & Zoning Appointment

April 20, 2023

To the City Council

City of Washington

Washington, Missouri

Dear Council Members:

I herewith submit for your approval the following for appointment to the Planning and Zoning Commission:

Rocco Gonzalez – term expiring April 2027

Respectfully submitted,

James D. Hagedorn

Mayor

After discussion, a motion to accept and approve the appointment made by Councilmember Holtmeier, seconded by Councilmember Wessels, passed with Councilmember Patke voting nay.

PUBLIC HEARINGS

* Rezoning 1322 East Fifth Street

April 12, 2023

Mayor & City Council

City of Washington

Washington, MO 63090

File No. 23-0401-1322 E. Fifth Street-Rezoning from R-1B, Single Family to C-1, Light Commercial

Dear Mayor & City Council

At the regular meeting of the Planning & Zoning Commission held on April 12, 2023 the above mentioned rezoning was approved with a 5-2 in favor vote.

Sincerely,

Thomas R. Holdmeier

Chairman

Planning & Zoning Commission

Maniaci: Alright, I'll be doing my presentation down here while I run the computer. Our first request tonight is for a rezoning of 1322 East Fifth Street. This is a property located on the southwest corner of Fifth and Penn. You can see here this is a Google image of the home, the previous home that was on there has been vacant for quite some time. I believe this was taken a couple of years ago. It's actually now boarded up.

The request, here's an aerial of it so you can see the location. MacArthur Park is just to the west here and then the vacant lot across the street was zoned R-3, that was part of the apartment, this, these apartments here are on Fifth and Penn. That was zoned for a third apartment building that was never built.

As for the current zoning, you can see here this primarily of this section of Fifth Street is R-1B Single-Family Residential; Fifth Street itself is very mixed use. As you all know as you go up and down the corridor, but this particular area has been primarily residential. There is one structure here, actually this parking lot, this is grandfathered in. It is currently the baseball or soccer little league...

Patke: Little league baseball.

Maniaci: Yeah, little league baseball office and storage there. It has been a real estate office in the past. So, there is a commercial use there, but it is still zoned residential. Then you can see here this across the street was R-3, it was this light blue and then a couple of years ago it did, it was requested to C-1 Light Commercial and that was approved and now the applicant is requesting the same zoning on this as well.

This went to Planning and Zoning last month and it did pass via vote 5 to 2. I do believe the Council should have been sent the letters that were submitted to P&Z that night, as well as a petition that was emailed to you all as well, a petition of opposition from the neighbors. So, just wanted to make sure you all are aware of that. But Planning and Zoning did end up passing it 5 to 2.

Lamb: The only thing I will add to Sal's presentation, as we talked about, we did since we received the petition for adjacent property owners, we need to verify that amount to make sure to see if their a supermajority of Council would be required to go ahead and pass the rezoning. So, the only thing we're going ask for you to hold a Public Hearing tonight...

Maniaci: Yep.

Lamb: But then the ordinance, we would request you to table that until the next meeting on May 15th so we can make sure whether or not a supermajority vote is required.

Maniaci: Correct. So, our codes, thank you Darren. Our code states that if at least 30% of people of property owners within 185 feet sign a petition of opposition and then it requires a supermajority. We did receive a petition via email today. However, I have not been able to verify that. I was looking at cross-referencing the names versus the letters we sent out. There are I think some people may own dual properties, so I need to...

Lamb: We'll talk about that.

Maniaci: Talk with Mark about how we count that.

Hagedorn: Okay. Do we want to comment?

Lamb: No, I say open up the floor for...

Hagedorn: Yeah. Okay. Would anyone in the public like to comment on this rezoning?

Steve Wilmesherr: *Inaudible.*

Hagedorn: Steve, if you'll come up, state your name and address please.

Steve Wilmesherr: My name is Steve Wilmesherr, I live at 1318 East Fifth Street, which is right next to the Hahne house on 1822. I'd just like to get my concerned on this being changed back to commercial. I thought since I'm the oldest one in the neighborhood and the neighbor. I've been in that neighborhood for a long time. I'd voice my opinion. The area hasn't changed a

whole lot. The house I live in is right next door to this house, it was built by my grandfather in 1928 so it's about 95 years old. It's been in the Wilmesherr Family the whole time. That area there has changed. I've seen it change when I was a little boy, adults around the house and do stuff here and play and everything. Then back then we were kids a lot of kids played the neighborhood. A lot of kids then. Then it slowed down to a lot more retired people. Then when my grandfather passed away, then I bought it and we sold the next two lots west of that, two new houses built there. When I raised my kids here, we had a lot of kids in neighborhood. Then it kind of tapered off. Well in the last five years, we've had a resurgence of kids in this neighborhood. Now we've probably got between Fifth Street and Sixth Street in that two-block area there, we probably got almost 20 kids from little ones up to high schoolers and are primarily girls, we only got three boys, so they were really hurten.

My question was, when we were here at the Zoning Board, my question was my concerns were how they come by their decisions and to staff the City staff didn't want. We had several residents here who didn't want to do it, and I was a little upset. I had the property had been rented out for years and years and years and then it stopped being rented out about 10, 15 years ago, I guess it was and we've had several owners since then. And it's been a never not a lot been done to it. They wanted to do stuff and the garage is about to fall down. It's got metal flapping around and that hasn't been repaired. And but I mean, several owners have had it. The last I heard they were going from I don't know how many or what, but I talked to one over he was going to make a bed and breakfast out of it so then so that's where it was.

This last month after the moratorium came on and it was boarded up and then I saw there was a application to have it zoned commercial. And then I got the letter and then we got I came to the Zoning Board and I gave my presentation. You see, I gave a handout there that I wrote up on for that.

There's a, the one thing that upset me at this, I found out that the opinion of the new owner said to nobody, no one should have a raise a family on Fifth Street. And I'd just like to correct that. My grandfather raised a family there. Don Hahne, Mr. Hahne raised a family. Don Hahne, who we all know, the longtime Fire Chief. He grew up, my dad in that property near for a long time. I raised my family there. They're all raised now. I'm raising my grandkids here to there and to say it's not a place to raise, I took offense to that. I've been there, I spent my first 1 1/2 years living upstairs here. Then I was gone, and I've been there probably another 40 years.

And now we do have a little problem within front of the house on Fifth Street, we have a people going from the apartments up to the gas stations and back, and I have the little alcohol containers fall in the yard and stuff. And I've had a few issues that are in there, and I understand it from law enforcement. It's a really tough to deal with that thing. I did law enforcement myself. So, but that's kind of on the front. And the kids are all in the back. And we have our alley behind there and it's full of kids now and saying it's not a safer place to you know, we take long bike rides and take the kids, we leave there, we go all the way down to South Point and then take the trails all the way out to to the park, swimming pool, everything and we come back and we never get on Fifth Street. The kids can take their bikes and go up to BP and get all the junk they want to eat and never get on Fifth Street.

All the buses for schools and stuff come on Sixth Street and they're all taken care of. You know, they're taking care of there. So, I really think, you know, disingenuous to say it's not a safe

place to live. In fact, I think it's probably safer in some respects. My grandson decided one day to do jumping jacks and jungle gym down on the deck and broke his wrist and Penny and I took him to the emergency room, which is two minutes away.

So, it's not as safe if we keep an eye on all the kids and all the families in the neighborhood. And but for that, I feel that, you know, the other thing is, at the zoning meeting, I never really got a good reason why they wanted to do it, to change opinion. But, you know, there's not a commercial zone anymore down there on East Fifth Street. My grandfather and my dad, you know, we had a business on Main and Elm Street for 40 some years down there, and that was commercial then. Well, then it all moved south. Highway 100 moved south, so, and you know, we're talking about the traffic, you know, not being able to raise any. Well, when we raised my kid back then, that was Highway 100, so the traffic was a whole lot more than it was now.

But there's a lot of commercial areas on Fifth Street, yet they're just sitting and being abandoned. You know, I have concern, you know, you got if you go across Fifth, I just feel a little bit you got an *inaudible* out there and then you come back, you got Ms. Gabber's house there by Hardees's is for sale and that's a brick house, it's got parking lot and you go down around the turn Stumpe's, Ms. Stumpe's property is still up for sale and there's right next to on Penn Street is a commercial property there can be used and down further we've got Patke's it's opened now and can be used got a parking lot and then we have the business next to Pizza Hut, didn't last very long but now you got that that building there that's not being used.

Hagedorn: Steve, I'm sorry, can I ask you to wrap it up?

Steve Wilmesherr: *Inaudible.*

Hagedorn: Can I ask you to wrap it up in a few more sentences?

Steve Wilmesherr: Sure. My concerns are, are they want to build a maybe a office or parking lot or something like that. And my concerns are and nothing against the owners that are going to do it, well my concern is what's going to happen a few years from now, is that going to be another vacant spot? When you open it up to commercial, it'll be open to just about anybody and I'll be the one to be directly affected of it. And, you know, Mr. Hahne, is a good neighbor, and if there's a parking lot on or the other thing I, I have a problem with, is going to be the safety *inaudible* of these kids because there is going to be more traffic there getting that parking lot. You know, I don't know a lot about this real estate stuff, but I spent 24 years working Commercial Vehicle Enforcement on St. Louis County so I know traffic it'll be taking going through there.

So those are my main concerns. And I guess the last thing I do, I know my neighbor, Melinda, a new neighbor sent some concerns if they pass at some qualifications and I agree, you know, some of them didn't sound it bad. But my problem with that is are they enforceable to the owner now or would they be enforceable to somebody else that had it down the road? You know, so I you know, the neighborhood, it's all been residential forever. And I don't you know, if we're going, to me, it's just not respecting the integrity of the neighborhood. It's been there almost, Mr. Hahne's house from probably the first one, the other on the other corner, and my house is the third one, and I'd like to see it. I don't I don't see the need to make it commercial. So that's all I have. Thank you.

Hagedorn: Thank you, Steve.

Kim Obermark: My name is Kim Obermark, and I am a realtor with Berkshire Hathaway. The lot that they are speaking of, I sold the lot across the street and my clients, I believe, still have an intention of putting a snow cone shop at one point there. I live at 1418 East Street, 1415 East Fifth Street. So, from that vacant lot, there's two apartment buildings and there's my house. There is a two-family next door and a monastery school next door. So, when they talk about it only being residential, I definitely I have 10 grandchildren and I would never let them go in the front yard. We always let them go in the back. Because I can tell you the police spend a lot of time on 1418 East Fifth Street at the apartments.

So, I don't think that it brings takes away any value to where we live or the City. I think it would only add value being not just having a boarded-up brick house and having with all the new businesses coming into town. I think it would be a great location. You cannot call East Fifth Street all residential because most of it's not. You have the hospital, you have the gas stations, you have all that, that's right there.

Having a commercial building four houses from me does not worry me about the value of my home or the value of anybody else's homes that are around there. So, I am definitely for the commercial being zoned commercial. I think it would benefit our community. Do you have any questions?

Patke: Thank you.

Hagedorn: Thank you.

Kim Obermark: Thank you.

Madeline Slay: Hi there, I'm Madeline Slay. I have written a letter with the signatures. Do you, would you like me to pass around copies of this?

Klekamp: Madeline, can you state your address please?

Madeline Slay: 320 Penn Street. All right. So, I had also written an original letter that Steve Wilmesherr had mentioned that stated asking for conditions to be placed on this property related to the zoning or to be considered prior to granting zoning. I have since been informed that that's not the case. That's not possible. So, I have written this amended letter that I wanted to share with you all today and have attached signatures from the other residents in the area that also are in favor of or that were in favor of the original conditions and oppose the rezoning of the property.

So my name is Madeline Slay and I reside at 320 Penn Street, located diagonally from 1322 East Fifth Street, the property in question. So, if you're looking at the map here, it's diagonally across the other side of Fifth Street and I live right next to the baseball association as well.

I previously spoke at the Planning and Zoning Commission meeting on April 12th and voiced my opposition for the rezoning of this property at that time as well.

While I still oppose the rezoning of the property in an effort to compromise with the rezoning request, I wrote to the City Council asking that conditions be placed on the property to address the concerns that us in the neighborhood have related to this change. I've since learned that such conditions cannot be placed. I did want to state that the concerns that I have that ultimately influenced my decision to oppose the rezoning.

The first is safety and security of the property. The current structure has been vacant for some time since before I purchased my home currently, and there have been some safety concerns in the past with individuals breaking out windows and entering the building. The

windows have since been blocked and boarded up, but no additional security has been added to the property, at least to my knowledge.

The second is property values. I am concerned about the impact that the rezoning will have on the values of the surrounding residential properties, as this would be the only commercial property on that block. Ideally, I would like to see a quality structure that fits in with the residential feel of the area. If the property were to not retain its residential zoning status.

Increased traffic and parking is also a concern. I'm concerned about the increased traffic that would result from the addition of a commercial business in the area. If able, I would hope that the appropriate off-street parking would be added to help reduce the traffic on this already busy stretch of Fifth Street. We know, we know it's busy. We know it's Fifth Street, but we don't need to add to more of that.

I don't really know what the overall intention is for this building. It could be office space. It could be something different in a few years. But hopefully if I'm still here in a few years from now, I would hope that there wouldn't be an addition of more traffic in this area as well.

I have obtained signatures from neighbors and community members that share these concerns and also oppose the rezoning of the 1322 East Fifth Street property, which are attached.

Thank you for your time and if you have any further questions, please let me know. I can also validate who some of those signatures are and the property owners in the surrounding block. The majority of them are from Fifth Street over so kind of directly across from my property and then following up into Third Street as well. I have spoken with Steve Wilmesherr as well, and he did mention that he did not sign this as well, but I do know that he is in favor of the opposition, obviously. Are there any questions for me?

Hagedorn: Madeline, you live catty corner of this property?

Madeline Slay: Yes. So, I live right directly across, yeah, right there, next to that baseball association. So, I purchased my home at the end of '21 and moved in February of '22. I purchased my home because it was a very affordable. Obviously, living on Fifth Street isn't ideal for a young person, a young single person that's wanting to start a family and wants to be in the Washington area. But like I said, I purchased my home because it was affordable, and it was within my means. And because, you know, it's closer to downtown and it's closer to my job and things of that nature. I didn't purchase my home because it was surrounded by commercial properties. I understand that I wasn't living there, and I don't have a say in what the vacant lot is zoned at, but I still wanted to at least voice my concerns as a current resident and as a younger person that plans on staying in the Washington area for a considerable amount of time.

Hagedorn: Thank you.

Madeline Slay: Thank you.

Patke: Ms. Slay, I wanted to ask you this is at the Planning and Zoning Meeting...

Madeline Slay: Yeah.

Patke: As I said, and for the Mayor, I guess when I first read through this, I envisioned this for lack of better terms eyesore it is now to be something nicer and better, and it would actually be a positive for your neighborhood. Heard from Mr. Wilmesherr back at Planning Zoning and again tonight and yourself, is there is it really are you guys really against that again I think it would be an it would be an attraction to the neighborhood if it was a small parking lot, a dentist office, that would be you know, you're not going to notice a difference of cars on Fifth Street. The cars are

going to pull into this, you know, the 10 or 15 cars a day or whatever it may be. So, I guess I just I picture the house next to the parking lot down here. That was dilapidated. And then we almost tore it down and then we fix it up. And it's been a great asset for us, you know, as an apartment complex or our office complex, and I guess I've envisioned the same thing here. Boarded windows, you know, the block building. No one's lived there as long as I can remember when I drove by there as a kid, you know, I thought it would be better. So, but the neighbors, I mean, I know you can't speak for all the neighbors, but yourself personally, wouldn't you want to see it be a historic building, kind of revamped and used for something?

Madeline Slay: Yeah, most definitely. But the concern is that at least from the neighbors that I've spoken with, the ones that directly reside across Penn Street, for me, the ones that are up and share the alley with them, the ones next to them, the ones next to my across the street, neighbors on on Fifth Street there, I think the overall concern is that there are a lot of unknowns related to what the impact on the property will be, like we don't know for sure. I'm not familiar with with Cowboy and what he plans to do with this property. So, I think that there are a lot of unknowns here. I've heard some things about an office building and in reality, that is a lot less offensive than, you know, a fast-food place. But there's still unknowns related to what the property could be, at least in my opinion, and from the surrounding neighbors there. They weren't really aware of anything. They just knew that they weren't in favor of it because they don't want to live by a commercial building. And that's why I made mention in here and in the conditions that I proposed in my in my original letter, which I can forward to you if you would like.

Patke: I actually, Councilmember Behr forwarded your email to me today. So, I was able to *inaudible...*

Madeline Slay: It's it's in the spirit of compromise because while I would like to see the building restored and, you know, just put back up to its original integrity, there's a lot of unknowns and a lot of concerns, especially the fact that the current building has been owned for a number of years and has been in a state of disrepair and there have been security concerns and I want to make sure that the properties that are adjacent for my own property, that I've spent considerable time and funds trying to improve the state.

My house wasn't livable when I first purchased the property. I had to make all of the repairs to get it to that point, and I want to make sure that my investment is secured and that the quality of the buildings surrounding my property maintain that same integrity and I'm not seeing that with the current building, and I could be very wrong. That's just why I want to to voice their concerns. And those I feel are very similar concerns to what my neighbors have. So if there's a way that we can kind of be I don't know, I don't I don't want to speak for everybody, but I know, at least in my mind, if there's a way to validate that the concerns will be met and that the concerns will be addressed and that the integrity of the property that is surrounding my own will be, you know, kept up to a higher standard in the what it currently is, I think that that would be very helpful in not having this reservation because I know that change can be scary and I feel like that that can be a component of what I'm feeling is the fear of change. But when reality is facing me every day and it looks like a dilapidated building, it's really a cause for concern of, oh great, what's going to come from this? Is this going to be a multi-story facility that's going to be an eyesore? Is this something that's going to potentially negatively impact the resale value of my

property? Because I don't know of many people that would like to live surrounded by commercial properties, and I'm going to be surrounded on multiple corners there.

So, I think that at least having the ability to voice these concerns so that they are considered by the greater the greater public here is at least beneficial for me to at least get some peace of mind that they will be heard and that potentially addressed by the property owner.

Patke: Thank you. I know some of your conditions are, you know, I guess your compromises I read today and I can appreciate that. Sal, I asked before the meeting and just we can't include those compromises in a zoning change as either a zoning change or it's not.

So Sal, is there any what are the limitations of when we do? If we would change it to commercial, it's not going to be a mean it's going to be a gas station. They have to get Special Use Permit for that, those kinds of things. So, it's limited by lot size and stuff like that there. Right?

Maniaci: Yeah, so it is C-1 which is our light commercial. So, there are more intensive commercial uses that cannot go there. Gas station is a good example when it comes to like anything with a drive thru, they would Special Use Permit because they'll have to be able to show the parking lot. The amount of uses, I mean you can't read them off just because there's...

Patke: Right.

Maniaci: On in each. But I think the best what we try to do for every commercial what we have to we have to do per code is during site review make sure that they would have, you know, landscape buffers between the residential sites, that kind of thing. Hard surface parking, you know.

Lamb: Required number spaces.

Maniaci: Yeah, right. So, there are there's a review process that we, you know, we do for all commercial structures.

Patke: But I'm just trying to lighten the situation where it's not I just I don't envision it to be harsh against your neighborhood. I think a nice apartment, I mean, office building there would actually be an enhancement to the neighborhood. So that's why I just again, appreciate your compromises. I know it doesn't work out that way, but that's something that, you know, we take into consideration.

Madeline Slay: Yeah. No, and I most definitely just appreciate the time to be able to voice those concerns, especially with speaking with people on the block that obviously aren't here tonight. I felt like it was also a disservice to not go and at least share the concerns that I know that the majority of us have shared and that had I had shown support for when I was talking to the neighbors in the area so that's why I wanted to at least still bring it bring bring the concerns to light, even though the conditions and things like that can't can't be enforced or met or applied in this sort of situation. Perfect. Anything else?

Hagedorn: Thanks Madeline.

Madeline Slay: Thank you.

Angie Holmes: Hi I'm Angie Holmes, Real Estate Broker and Cowboy's Property Manager. I've got some visuals I'm going to hand out here. Take two over from...

Maniaci: And would you say your address for the record?

Angie Holmes: Sorry?

Maniaci: Your address for the record.

Angie Holmes: 113 Skyview, Labadie, Missouri, 63055. I'd like to start just by course, most of you weren't here last month, but when the gentleman asked us what year this building was built and we were like, I don't know, you know, and and I felt really bad for not knowing. And everybody is probably like, how do you not know you own a building? How do you not know when it was built?

To give you an idea, he paid property taxes for 36 tax id's to Franklin County last year, most of which have property. So, it's just not enough room up there to remember the year that all of these buildings were built. So, it's not that this building doesn't mean anything to us. And so, we don't need to know. We know it's old, it's really old, and we really like to preserve old buildings.

And so, some of those examples were passed around. One of the most notorious, I guess, is at Fifth and High was known as being the Washington Tattoo Collective. Before that it was the Hi-Fi Tavern.

So, you can see the before and the after pictures there. That's the quality work that Cowboy does. And I don't think that the quality work that he does is in question here. But as Jeff said, you know, right now it's boarded up building and we don't like that. And I think that anybody knows us, knows that we don't like that. We try to preserve the historical value in all of the older buildings that he owns.

830 West Fifth, the before and after that you have right there is one example, 9 West Third is one of those pictures, 886th Street, the historic Johnny Busch Brewery, of course, just to name a few. And then 117 Front Street in Labadie, which is the building to the left of The Hawthorne if you've ever been there.

As a real estate broker and his property manager, it's my job to determine the highest and best use for his properties. So unfortunately, not everyone agrees with those uses all the time, which is why we're here tonight. A little job security for you all, I guess. Such as it is. But it is always our goal to be a good neighbor and to be able to obey the law and follow the rules and regulations, which again, is why we're here tonight and the code set forth by the City of Washington.

But I like to think that we go way beyond that by bringing properties up to a higher standard with quality workmanship, preserving the historical value in the properties when it applies, and maintaining all the properties by keeping the lawns mowed and the buildings in good repair.

So, this building is mowed weekly. It's boarded up because we had a little overzealous employee. I told him to go board up the basement window that was knocked out so that critters wouldn't come in there and take up residence. Well, he took that as we're going to board up the whole thing up. And maybe he saw other broken windows in there and thought, well, secure the building. His ex-army got to secure the post, right?

Not ideal. Believe me. I don't like that. It's just as much as the neighbors don't like it. We're in the process of getting that fixed. I've already met with a our window guy to get some pricing for some new windows. Windows is probably the last thing that needs to be done.

If you look at the pictures of the interior of this building, you'll see that there's no plumbing. It has the knob-and-tub tube wiring still. The whole septic system needs to be, you know, dug up and redone. It's going to take a lot of work.

It's a two room building with a loft that at the moment has no bathroom and no kitchen. It sits on Fifth Street, which as the previous lady said, it's busy street. It's going to be busy whether

this is commercial or if it's residential. If it's residential, I could move my ten family members in there maybe, and all of us drive. There's ten more cars, but there is room. It's on a double lot. So, there's room to add a parking lot, which would alleviate any parking on Fifth Street or on Penn Street. There's be room for a play yard if it were become a daycare. But to be clear, this was never going to be a nightly rental. Little touchy subject these days.

So its zoning property commercial has historically raised the value of neighboring properties. If done correctly, you can ask Herb, who lives behind the Fifth and High Property there that you have the before and after pictures for. He also gardens part of it because we're his he's were his neighbor and we're neighborly so he does a garden on part of the property that the Cowboy owns.

So, we do consider the neighboring concerns and what we would want for neighboring property is if we were to live there. We're a part of this town and we want to be good neighbors to our to the neighboring properties. So we would not put a business there that would interfere with their quality life, such as a bar or or another touchy subject, a homeless shelter. But it's in our goal and it's in our best interest to increase the surrounding property values by increasing the value of this property. He's proven his quality of work. The building almost doesn't conform already just because everything around it is newer. So, it kind of sticks out as a historical building, or at least it appears to be older than everything else. I don't know.

But the amount of money that's needed to get this building up to code just the bare minimum, then up to our standards and up to a workable or a livable status will be staggering. So because we're in the rental business, this is what we do. The ability to recoup that investment as a one bedroom, one bath, single-family home just isn't feasible. So, in the end it's my opinion that the highest and best use for 1322 East Fifth is commercial. Any questions?

Hagedorn: Will you guys keep the structure?

Angie Holmes: Sorry?

Larry Proemsey: What?

Hagedorn: Will you keep the structure?

Larry Proemsey: Yes.

Hagedorn: Okay.

Angie Holmes: Yeah.

Larry Proemsey: I have a couple of things to add. Uh, my name's Larry Proemsey. I live at 113 Skyview Lane, Labadie, Missouri. We I think everybody knows I think almost everybody here I know we own a lot of businesses and properties here in Washington, including the historic John B Busch Brewery. We've restored multiple buildings over the years. I think that speaks for itself. I don't really want to rehash all of it, but I think everybody knows and when take a structure and redo it when it's done. It's top notch. First class. You know, we're not slumlords. We don't have any property that fits that realm, nor are we the least bit interested in doing that. I think we've done a lot to raise the property values, not just of our properties, but the ones that are next to it. And several of the buildings like the one on Sixth Street catty corner from Krog Park, we probably should've tore the damn thing down because I sure put more money in it what it was worth. But it's a beautiful building. It looks very nice right across from the restrooms there. You got a picture of it.

I would like to say a couple of other things. The thing about Fifth Street is if you were just going to take that area and analyze it, it's much more suitable to commercial use than it is to residential. It's kind of a dangerous spot for kids anyway. We're not talking about putting a high use commercial entity in there. As Sal said, it's not it's not allowed anyway without Conditional Use Permit. We're not asking for that. Our intent is to use it in more like what, you know, something along the line of a dentist, a doctor's office, maybe a lawyer's office, something like that. Small traffic.

One of the things that I thought was important is the lady that has this, I hadn't seen this letter before, but they're worried about the safety and security of the property. Well, so are we, because it's our investment and with commercial buildings, they tend because nobody's there at night generally speaking, they wouldn't be there. Most of them all have security systems, most of them directly call the police department. You can talk to the policemen here and you'll know that those are the ones that they get the alarms off of.

And as far as property values, I think we've adequately addressed that. Everybody knows that commercial has a higher value than residential.

And as far as increased traffic and parking, as she said, the traffic's already there on Fifth Street. We ain't going to create it. This isn't going to make a blimp on that radar at all. But we will be able to have off-street parking. As Sal said, it's a big double lot there.

And I think that this is the best and highest use for it. And we'd like to get started doing something. And when we do, we will apply for a building permit, as we have always done, and we will meet all of the city standards and everybody here that never work with me knows that will do what we're asked to do and what's required by the standards and by the permits and we'll do it right. That's just that's just what we do. If anybody has any questions.

Angie Holmes: I'm sorry. Another concern I know was the future, which, you know, they don't know what it's going to be down the road for. Nobody, nobody knows what anything is going to be down the road as long as we are here and we don't sell property, as long as we're here, it will be respectfully done.

Larry Proemsey: Questions?

Hagedorn: Questions, guys?

Larry Proemsey: Surely, you've got a question Jeff.

Patke: No, sir. I'm quiet tonight.

Larry Proemsey: You're going to let me off easy? Okay. Anybody? Thank you all for your attention.

Hagedorn: Anyone else on this issue? Okay. We don't need anything do we?

Lamb: Nope. I think you just accept the letter into the minutes.

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

TABLED – An ordinance rezoning 1322 East Fifth Street from R-1B Single Family Residential to C-1 Light Commercial in the City of Washington, Franklin County, Missouri. A motion to table the ordinance so staff can verify ownership and signatures that were presented made by Councilmember Patke, seconded by Councilmember Wessels, passed without dissent.

* Rezoning 309 & 313 Coulter Court

April 12, 2023

Mayor & City Council

City of Washington

Washington, MO 63090

File No. 23-0402-309 & 313 Rezoning from R-3, Multi Family to R-1C, Single Family Attached

Dear Mayor & City Council,

At the regular meeting of the Planning & Zoning Commission held on April 12, 2023 the above mentioned rezoning was approved with a unanimous vote.

Sincerely,

Thomas R. Holdmeier

Chairman

Planning & Zoning Commission

Maniaci: All right, this one is a little bit more straightforward. We actually haven't had one of these rezoning request in a couple of years. But this property at 309 and 313 Coulter Court, see a very traditional duplex here at the on the north side of the Merriweather Estate Subdivision. See here actually, once you get to the top of Coulter Court, all of these homes are duplexes. And when that was developed, I believe in the early 2000's at the time we did not have a zoning for duplexes. It was just considered R-3 Multi-Family. And then the developers at that time would condo them out.

Since the 2008 crash and and beyond, a lot of the finance organizations and lenders have not wanted to do condos on these smaller buildings. They'd rather have actually individually taxed parcels, which requires them to do a subdivision of that. In order to do that in 2012, I believe the City introduced a new zoning code for R-1C Single-Family Attached, which is really just is zoning specifically for these duplexes. That orange is actually the R1-C Single-Family Attached. Most of this neighborhood has already done it and these actually all came in on one application for whatever reason at that time, I think it was in 2019. These property owners didn't sign off on that application. Now they're wanting to do so.

So, the rezoning would just allow them to be able to match that R-1C Single-Family Attached, bring them into conformance, and then when they are ready to sell, they can turn their condo plat into a traditional subdivision plot. And this did go to Planning and Zoning last month as well, passed unanimously.

Wessels: Sal, again explain the advantage of switching this. I'm not following.

Maniaci: It's really just a change on paper from what we were because it's just the paperwork. So, we actually called when we were getting a bunch of requests in these at one month at a time. I called one of the lenders in town and they said that they typically do not do condo plats on these anymore. They wanted an actual tax taxable parcel in order to subdivide it has to be because it's a zero-lot line they have a shared wall *inaudible*...

Lamb: Mark, it's basically a financing, the banks don't want to finance it. If there's not a clear lot line that goes through the shared wall, basically is what it boils down.

Patke: You can't sell half a duplex.

Wessels: Okay.

Holtmeier: We used to do two or three of these a Council Meeting *inaudible*...

Maniaci: Yeah, everyone was doing that once. Yeah.

Lamb: Like I said, and there was a question raised at that time, it's like, why don't you just do all of that? Well, maybe there's some that don't want to do that, and they want to keep the zoning that they had. So, we didn't mind going ahead and introducing the zoning district or whatever to help with these situations.

Wessels: So, they could sell the pieces?

Lamb: They could sell half, basically they can get financing on either half of the one of either one of those units.

Maniaci: Yeah.

Wessels: Okay.

Maniaci: Because in the R-3 we don't allow shared walls. So, they couldn't...

Lamb: Right.

Maniaci: They couldn't put a property line down the middle. It has to go to R-1C so they can have a shared wall. So, it's a lot of paperwork for them to finance.

Wessels: Okay. Thank you.

Hagedorn: I'll take a motion.

Lamb: No, we've got to open it for a Public Hearing.

Maniaci: Public Hearing.

Hagedorn: Anyone interested in speaking on this one?

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

Bill No. 23-12793, Ordinance No. 23-13757, an ordinance rezoning 309 & 313 Coulter Court from R-3 Multi Family to R-1C Single Family Attached in the City of Washington, Franklin County, Missouri.

The ordinance was introduced by Councilmember Patke.

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

CITIZENS COMMENTS

* None

UNFINISHED BUSINESS

* None

REPORT OF DEPARTMENT HEADS

* None

ORDINANCES/RESOLUTIONS

Bill No. 23-12794, Ordinance No. 23-13758, an ordinance authorizing and directing the execution of a Cooperative Agreement for Road Improvement for a section of South Point Road by and between the City of Washington, Missouri and the Washington Special Road 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, Patke-aye, Holtmeier-aye, Behr-aye, Hidritch-absent, Reed-absent.

Bill No. 23-12795, Ordinance No. 23-13759, an ordinance amending Chapter 650 of the Code of the City of Washington, Missouri.

The ordinance was introduced by Councilmember Patke.

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

Bill No. 23-12796, Ordinance No. 23-13760, an ordinance authorizing and directing the execution of a Professional Services Agreement by and between the City of Washington, Missouri and Civil Design Inc.

The ordinance was introduced by Councilmember Holtmeier.

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

Bill No. 23-12797, Ordinance No. 23-13761, an ordinance accepting the Proposal from SCS Engineers for Professional Engineering Services for a Soil Investigation at the Oldenburg Industrial Park and Struckhoff Sanitary Landfill and amend the 2023 Budget.

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, Patke-aye, Holtmeier-aye, Behr-aye, Hidritch-absent, Reed-absent.

Bill No. 23-12798, Ordinance No. 23-13762, an ordinance amending the 2023 Budget of the City of Washington, Missouri.

The ordinance was introduced by Councilmember Patke.

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

Bill No. 23-12799, Ordinance No. 23-13763, an ordinance amending Section 370.190 of the Code of the City of Washington, Missouri.

The ordinance was introduced by Councilmember Patke.

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

Bill No. 23-12800, Ordinance No. 23-13764, an ordinance authorizing and directing the City of Washington, Missouri to enter into a Sales Contract with Hoffmann Hillermann Nursery Florist for the purchase of a Exmark Lazer E-Series 60 Zero Turn Mower.

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, Patke-aye, Holtmeier-aye, Behr-aye, Hidritch-absent, Reed-absent.

COMMISSION, COMMITTEE AND BOARD REPORTS

Bill No. 23-12801, Ordinance No. 23-13765, an ordinance approving the amendment to the Final Plat of The Terrace in Washington Plat 1, 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, Patke-aye, Holtmeier-aye, Behr-aye, Hidritch-absent, Reed-absent.

Bill No. 23-12802, Ordinance No. 23-13766, an ordinance approving the Final Plat of Highland Meadows Plat 8, 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, Patke-aye, Holtmeier-aye, Behr-aye, Hidritch-absent, Reed-absent.

MAYOR'S REPORT

- * Due to the Juneteenth Holiday on Monday, June 19, 2023, the Regular Council Meeting is scheduled for Tuesday, June 20, 2023.
- * Centennial Celebration is this Thursday at 10 a.m.
- * Job well done to the Police Department concerning the incident at 301 Jefferson Street.

CITY ADMINISTRATOR'S REPORT

- * Public Works Director Interview Committee will be meeting tomorrow afternoon to review applications.
- * Solid Waste Committee Meeting is scheduled for May 9 at 4 p.m. Topics of discussion will include fees for the Recycling Center and the preliminary review of rates at the Landfill. Discussion ensued.

COUNCIL COMMENTS

- * Councilmember Holtmeier thanked Josh Wargo and the Parks Department for a job well done at the Arbor Day Celebration.
- * Discussion on the new Washington High School Ball Fields.

ADJOURNMENT

With no further business to discuss, a motion to adjourn made at 8:28 p.m. by Councilmember Patke, seconded by Councilmember Behr passed without dissent.

Adopted: _____

Attest: _____
City Clerk

President of City Council

Passed: _____

Attest: _____
City Clerk

Mayor of Washington, Missouri