

## **Minutes of the City of Centralia, Missouri Planning and Zoning Commission Meeting of Thursday, October 27, 2016.**

The meeting was called to order at 6:00 p.m.

ROLL CALL – Commissioners Present: LeeAllen Smith (Chair), Alderman Jim Lee, Dale Hughes, Mayor Tim Grenke, Don Bagley, Harvey Million, Guy Lee and Electric Foreman, Mark Mustain, Absent: None. (A quorum was present). Also present were City Attorney, Randall Thompson, City Administrator, Matt Harline, Carli Conklin, Brent Erisman and Tiffani Shuman, Principal at Chance Elementary School.

### Pledge of Allegiance

Chairman Smith led those present in reciting the Pledge of Allegiance.

### Minutes

Minutes from the previous meeting (August 11, 2016) were presented to the Commission. Smith noted a small error on page 4 where Mr. Lee moved and seconded a motion and it needs to be clear which Lee. Harline agreed to fix the error. **Grenke made a motion to approve the minutes as amended. The motion was seconded by Hughes and approved by unanimous voice vote.**

### Conditional Use Permit Application from Missouri Network Utility Transport, LLC for a communications tower at 220 South Allen St.

Chairman Smith noted that the application had been withdrawn and it was only a discussion item. Because it had been advertised on site and in the newspaper, and because the company asked for feedback from the citizen, Smith announced that he was willing to allow people to speak about the issue. Smith asked speakers to limit their comments to three minutes. Smith asked if there was a staff report.

Harline noted that the application came in as a request for a utility pole but it met the definition as a communications tower and so that is how the City insisted that the applicant proceed. Harline noted that due to changes in the State law the City's current ordinance was out of date and the Commission may want to ask the Board of Aldermen to recommend that this body recommend changes. Harline noted that the applicant indicated that they would likely be resubmitting an application and that they liked the spot, but they may be willing to alter the height or make other changes. Thompson introduced himself as the City attorney and noted that he reviewed the application and found that it had missing information and that was communicated to this to the applicant. Thompson said that changes to State law over the last two legislative sessions might make it a good idea to review and revise our ordinances.

Smith asked if this was the same company that had made an application previously. Harline said it was the same company but that the type of tower was different; this one is shorter.

Smith asked for comments. Brent Erisman from Martinsburg Bank (214 S. Allen) asked that the letters from his attorney be entered into the record (attached at the end.). Carli Conklin (5000 Stone Mountain Parkway, Columbia) stated that she owned the building at 118 W Sneed and had questions about the placement and composition of the tower. Mustain replied that it was a Douglas Fir wooden pole that it would be about 79 feet above ground and that would make it twice as high as the tallest poles nearby. In answer to a question from Lee, Mustain replied that it could be set there freestanding. Harline replied to questions from the Commission that the company liked the location but indicated that they would be willing to work with the City. Smith said he had concerns about safety not so much the aesthetics. There was a discussion about the City's options and the limits by State law. Thompson noted that this company has been making applications across the state to locate in right of ways. Thompson replied to a question from Million that generally speaking we could apply to our zoning laws but we could not prevent towers from locating in the City. Harline suggested the possibility of using an alley right of way. Harline added that the State laws now told cities that we could tell companies where a better spot would be. Smith asked how much revenue the City could realize. Harline said \$50 for a building permit. Thompson said that these companies did not have the power of eminent domain so they are trying to get access to right of way, but it might be a type of taking. Bagley asked what we could do if they wanted to site it on private property. Thompson said we would be limited to zoning laws. Harline explained that we have easements to most right of way for the purpose of transportation. Erisman asked if they reapplied if it would be completely separate application and Thompson replied in the affirmative. Million asked what the staff was looking for. Harline replied a motion to review the ordinance for communications towers. **Hughes made a motion to request that the Board of Aldermen make a recommendation to review the City's communication tower ordinance. Grenke seconded the motion and it was approved by unanimous voice vote.**

Public Hearing: Conditional Use Permit Application from Centralia R-VI Public Schools for a display sign at 510 South Rollins St.

Smith asked for a staff report. Harline said no formal staff report had been prepared but he described the project. Harline said that at one point a brick feature was suggested that would have made the sign larger in size than allowed but that had been removed and so the application only asked for the sign to be closer and thicker than allowed. The sign would be 5 feet back from the property line instead of 20 feet back and 10.5 inches thick instead of 4 inches. Harline said that there would be wiring for lighting but no mention in the application. Harline said that the application has a precedent in that the City allowed the high school to build a second sign where only one was allowed, to celebrate the state athletic championships. Harline said no written objections had been submitted and so the Commission's word would be final if it is approved. Hughes asked about internal lighting. Harline said the Commission may make additional conditions but staff has no recommendation on lighting. Harline added that the hearing was advertised twice in the Centralia Fireside Guard, on the site and letters were sent to property owners and residents within 185 feet by return receipt.

Smith opened the public hearing. Principal Shuman (510 S. Rollins) apologized for starting the process before asking for permission. Shuman handed out a drawing of the sign (also included in the packet). Shuman said that brick was not part of the current request and her husband had told her that it might not even be feasible. Shuman described the lighting options and the how they would have to take electricity under the sidewalk to wire the sign. Mustain asked if the sign is designed for internal lighting but would not be wired for it at this time. Shuman replied that was required. Harline asked if there was one sign face or two. Shuman said two. Shuman stated that the placement of the sign makes it very visible to parents dropping off children and it would not work well if it had to be set back 20 feet, moreover a tree might have to be removed. Harline noted that they had made application for a sign permit which the staff hadn't acted on pending the decision of the Commission.

Mustain asked for clarification that the application was only for extra thickness and a smaller front yard setback. Harline replied in the affirmative. Smith asked if the school would have to come back to request lighting the sign. Shuman replied in answer to a question from Harline that she was realizing that she had not. Lee asked how many properties the school owned on the across the street. Harline said he thought there was one more and one on Sims. Harline said the ordinance allows the sign to be illuminated. Smith asked if there was any additional comment. Seeing none Smith closed the public hearing.

**Bagley made a motion to approve the request for 5 foot setback and a sign of 10.5 inches in thickness. Hughes seconded the motion and it was approved by unanimous voice vote.**

#### Comprehensive Plan Committees

Harline reported that the process was going along well. Harline noted that there will be a meeting of all the subcommittees on November 15<sup>th</sup>. Harline described some of the discussions that the subcommittees were having. Smith asked about a calendar of all the committee meetings. Harline said that he would get the updated calendar out. Harline said that it would come to Planning and Zoning in January and then it would be sent on the Board of Aldermen.

#### As May Arise

None.

#### Adjourn

**Grenke made a motion to adjourn that was seconded by Bagley and approved unanimously by voice vote.** The meeting adjourned at 6:42 p.m.

LAW OFFICES

# LEONATTI & BAKER

A PROFESSIONAL CORPORATION

OFFICE LOCATION:

123 East Jackson Street

MAILING ADDRESS:

**P.O. Box 758 Mexico, MO 65265-0758**

(573) 581-2211/(800) 385-0026

Fax (573) 581-6577

**LOUIS J. LEONATTI**  
e-mail: lou@leonatti-baker.com  
**RANDALL P. BAKER**  
e-mail: randy@leonatti-baker.com

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G. ANDY RUNGE  
(1930-1991)

**MICHAEL J. POHLMAYER**  
*OF COUNSEL*

October 21, 2016

Matt Harline  
Centralia City Hall  
114 S. Rollins  
Centralia, MO 65240

Matter: request for Conditional Use Permit by Network Utility Transport, LLC

Dear Matt,

Our law firm represents Martinsburg Bank and Trust. We would appreciate being placed on the agenda to address the Planning and Zoning Commission at its meeting on Thursday, October 27, 2016 at 6 PM. The Bank needs more information about the proposed Telecommunication Transmission Tower to be located in the city right-of-way at approximately 220 South Allen St.

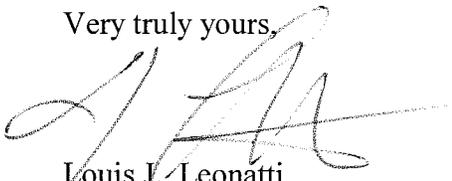
The Bank is very concerned as to how this will impact its facility, access, business, operation of its equipment, use of the facility by customers and depreciation in the fair market value of the facility.

In particular, this has the potential to be an "inverse condemnation", since the right-of-way acquired by the City of Centralia does not appear to have been intended or to be used for the erection of Telecommunication Transmission Towers.

Any information which you could provide in advance of the meeting will be greatly appreciated.

Thanks.

Very truly yours,



Louis J. Leonatti  
LJL/sk

Cc: Mr. Robert Darr, President

LAW OFFICES  
**LEONATTI & BAKER**

A PROFESSIONAL CORPORATION  
OFFICE LOCATION:  
123 East Jackson Street  
MAILING ADDRESS:  
**P.O. Box 758 Mexico, MO 65265-0758**  
(573) 581-2211/(800) 385-0026  
Fax (573) 581-6577

**LOUIS J. LEONATTI**  
e-mail: lou@leonatti-baker.com  
**RANDALL P. BAKER**  
e-mail: randy@leonatti-baker.com

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*OF COUNSEL*

October 27, 2016

Matt Harline  
Centralia City Hall  
114 S. Rollins  
Centralia, MO 65240  
[cityadmin@centraliamo.org](mailto:cityadmin@centraliamo.org)

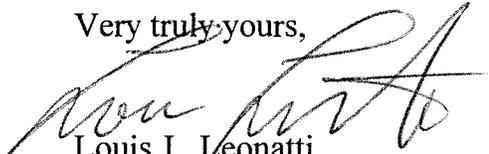
Matter: Request of Missouri Network Utility Transport, LLC

Dear Matt,

Please make this letter part of the record with regard to the hearing before Planning and Zoning on the evening of October 27, 2016. I understand that Missouri Network Utility Transport, LLC will not be making a presentation to the Planning and Zoning Commission concerning its application. However, I would ask that my previous letter on behalf of Martinsburg Bank and Trust be made part of the record of the hearing held on the evening of October 27.

In addition, Martinsburg Bank and Trust will be opposing this request if it should come up in the future before the Planning and Zoning Commission. I can't imagine any business in the Centralia area who would want a cell phone transmission tower directly in front of their business. MBT has great pride in its location, its appearance, and its accessibility to its customers. Nothing about a cell phone transmission tower will enhance MBT's business.

Very truly yours,



Louis J. Leonatti  
LJL/sk

Cc: Mr. Robert Darr, President