

Minutes of the City of Centralia, Missouri Planning and Zoning Commission Meeting of Thursday, September, 2017.

The meeting was called to order at 6:40 p.m. by Chairman, LeeAllen Smith presiding.

ROLL CALL – Commissioners Present: LeeAllen Smith (Chair), Don Bagley (Vice-Chair), Mayor Tim Grenke, Alderman Jim Lee, Robert Hudson, Dale Hughes, and Harvey Million
Absent: Alderman David Wilkins and Street Foreman, Phil Hoffman, Also present were City Administrator Matt Harline, City Attorney Charles Thompson and James Smith of the Centralia Fireside Guard.

Pledge of Allegiance

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

Minutes

Minutes from the previous meeting (June 22, 2017) were presented to the Commission. **Hughes made a motion to approve the minutes as submitted. The motion was seconded by Bagley and approved by unanimous voice vote.**

Request to declare a certain piece of property adjacent to West Singleton Street in the City of Centralia, Missouri as surplus for the purpose of transfer to a third party in the City of Centralia, Missouri.

Harline described the piece of property in question, the history and the issue at hand with an image on the overhead projector. Harline explained how the Commission and the Board of Aldermen had already vacated the original right of way easement. Harline and Bormann described the area to be quit claimed, the utility easements that would be given to the city and finally the lot split that has been submitted. Bormann further described the complicated process of determining where easements and property lines was and what property would be quit claimed to Boyd Harris Properties, LLC for whom he was the representative. Both Harline and Bormann suggested that it made sense for the City to keep the sloped area adjacent to the sidewalk, both to serve as stabilization area for the sidewalk, and because there was storm drainage over that property. Bormann noted that the City would receive written easements with full width for the sewer water and electric utilities already in place in exchange for the sliver of property. Bormann suggested that the City should declare the right of way as the north property line of the described property.

Lee asked about access to Lot 1 in the drawing of the lots that would be developed. Bormann said that the right of way would be adjacent to Lot 1, so it would be legal, but access would be via a private easement across Lot 2 to Columbia Street. Bormann said that he was still researching property deeds especially to understand how and when the right of way for Columbia Street was reduced from the original 80 feet to the current 50 feet. Bormann added that the City had never obtained easements on the utilities which caught the property owner unaware and made development a real puzzle.

Harline referred to the memo sent out in the packet and explained the options available to the Commission. Harline added that the City had not use for the land suggested for quit claim.

Commission Discussion and Recommendation: Harline al. **Grenke made a motion to recommend declaring the property described in “Exhibit A” of the quit claim deed as surplus for the purpose of disposing of it to the adjoining property owner. Hudson seconded the motion. The motion was approved by unanimous voice vote.** Hughes said that he is willing to give away the land since it is so small. Smith asked about how it came to pass that there was no easement. Harline said it may have been drawn up and not filed. Bormann said it might have been a handshake agreement. Smith and Harline noted that there tends to be an assumption that things are permanent and then things change and people forget where pipes are buried.

Amendments to the Rules for Siting Telecommunication Towers in the City of Centralia

Harline introduced the topic noting that the State Legislature had whittled away pretty severely at the authority of local governments to regulate telecommunications towers and it is likely to continue to do so. Grenke mentioned that when he had lobbied on behalf of the Missouri Municipal League he made it clear that cities want the technology but they do not want to give away the authority to regulate the public right of way. Smith noted that each time the one company came to the City, the new proposal is better, so putting them off is working. Harline stated that the most recent version is a small cell attachment to an existing utility pole.

Harline said that the ordinance drafted by Thompson would allow the City to exercise all the powers that remained in their control under state law. This ordinance has three layers of permitting, Harline stated and he proceeded to list them 1. permit by right when they are merely replacing the existing structures, or collocating without substantial modification. 2. permit by administrative permit where there are new structures that meet all the zoning requirements and guidelines or adjustments that do not meet the definition of substantial modification; or 3. permit by conditional use permit where there is substantial modification of an existing structure or where they wish to exceed the standard height or want a structure in a zoning district where they cannot get an administrative permit. Allen asked about how this compares with the MFA grain tower. Harline said that was one of the structures with a higher limit by a special classification in the zoning code and this ordinance specifically addresses telecom towers. Thompson said he achieved the most stringent possible law by starting with a very restrictive ordinance and throwing out all the restrictions that have subsequently been prohibited under State law. Thompson noted that cities used to be able to force telecom companies to co-locate on other towers unless they could prove that it wouldn't work but that is no longer legal. Thompson reported that this ordinance required them to ask other companies nearby, but the company is under no obligation to co-locate. Million said he thought it was a good attempt. Thompson noted on change that he and Harline suggest in Section 7 that added the requirement to go before the Board of Aldermen and not just the Planning and Zoning Commission as all other conditional use permits just go to this Commission.

Harline said that the option is up to the Board as how to proceed with the requirement to add the Board of Aldermen requirement or move forward as is.

Million made a motion that recommendation the ordinance should be approved by the Board of Aldermen with one change to require final approval by the Board of Aldermen for telecommunication towers. Hughes seconded the motion. The motion was approved by unanimous voice vote.

As May Arise

None

Adjourn

Grenke made a motion to adjourn that was seconded by Million and approved unanimously by voice vote. The meeting adjourned at 7:23 p.m.

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