

**St. Charles County Council Journal
Closed Meeting – April 25, 2022**

The St. Charles County Council met on Monday, April 25, 2022, at 6:18 p.m. in the County Council Chambers, 100 North Third Street, St. Charles, Missouri.

Councilman Hollander motioned to go into closed session, seconded by Councilman White.

The following roll call vote was taken by the clerk: Councilman Cronin, yes; Councilman Brazil – yes; Councilman Elam – yes; Councilman Hammond – yes; Councilwoman Schneider – yes; Councilman Hollander – yes; Councilman White – yes.

Discussion of legal actions, causes of action or litigation; and discussion of real estate, Closed Meeting pursuant to Sec. 610.021 (1) and (2), RSMo.

[The minutes of this closed session are currently a closed record pursuant to Section 610.021 (1) RSMo. The original minutes are in the legal file for this matter in the Counselor’s Office and will be added to the Council records after this becomes an open record.]

Councilman Elam motioned to return to an open meeting, seconded by Councilman Hammond with all in favor.

The closed meeting ended at 7:00 p.m.

**St. Charles County Council Journal
Regular Meeting – April 25, 2022**

The St. Charles County Council met on Monday, April 25, 2022, at 7:00 p.m. in the County Council Chambers, 100 North Third Street, St. Charles, Missouri.

Council Chair Schneider introduced the Reverend Les Elam of Springdale, Arkansas and father of Councilman Mike Elam, who provided the invocation and Councilman Cronin led the Pledge of Allegiance.

The following roll call was taken by the clerk:

Councilman Joe Cronin	present
Councilman Joe Brazil	present
Councilman Mike Elam	present
Councilman Dave Hammond	present
Councilman Terry Hollander	present
Councilwoman Nancy Schneider	present
Councilman John White	present

County Executive Staff present:

Steve Ehlmann, County Executive
Joann Leykam, Director of Administration

John Greifzu, Assistant Director of Administration
Bob Schnur, Assistant Director of Administration

County Counselor’s Office:

Rory O’Sullivan, Acting County Counselor

IN THE MATTER OF)
CONDITIONAL USE PERMITS)
BILLS FOR FINAL PASSAGE)

Bill No. 5055 – Sponsored by Joe Brazil - AN ORDINANCE GRANTING CONDITIONAL USE PERMIT CUP21-21 FOR A PRIVATE SCHOOL TO LYNN P. MELSON AS TRUSTEE FOR THE LYNN P. MELSON AND TAMARA T. MELSON REVOCABLE QUALIFIED SPOUSAL TRUST, PROPERTY OWNER(S)

Councilman Brazil stated he supports the proposed school in his district in light of current issues with the public school system and hasn’t received any constituent phone calls or complaints against it.

There being no further discussion, Council Chair Schneider requested the following roll call vote: Councilman Cronin – yes, Councilman Brazil – yes, Councilman Elam – yes, Councilman Hammond – yes, Councilman Hollander – yes, Councilwoman Schneider – yes, and Councilman White – yes. Bill No. 5055 passed 7-0.

IN THE MATTER OF)
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PUBLIC COMMENTS)

Council Chair Schneider opened the floor for Public Comments allowing speakers 3 minutes, with alternating pro and con views on each topic for a total of six speakers per topic.

Election Integrity

John Behr, County resident, stated he was a volunteer election judge in St. Charles County on April 5, 2022. Behr stated there was a problem at the Augusta polling place, where he was working, that allowed people to vote twice because the poll pad’s absentee ballot check wasn’t working. Behr explained that six bi-partisan election judges, who had all previously voted absentee, would have been able to vote again. Behr stated the judges agreed to stress test the system with one judge knowingly casting a second ballot which was accepted by the electronic voting machine. Behr stated he immediately notified Kurt Bahr, Director of Elections, who couldn’t answer why this occurred and who has since reported three of the judges for election fraud.

Ali Graeff, St. Charles resident, stated the OpenElect 1.3 software the County uses for elections, requires accreditation per the HAVA Act and federal law. Graeff questioned if NTS, the laboratory the County uses to test machines, was accredited and has the authority to certify machines. Graeff questioned which lab is testing our voting machines for modifications and updates and stated the

Election Assistance Commission should be accountable. Graeff has notified public officials of this issue and has received no response.

Brenda Webb, County resident, questioned why the election authority didn't pull the poll pads from service when the problem was identified at mid-day. Webb questioned why the problem was not investigated that day and if an audit was done to poll pads in other precincts. Webb requested a sworn affidavit by the election authority or an outside auditor to verify election totals.

Council Chair Schneider allowed for a fourth speaker on the topic of elections.

Jen Olson, Wentzville resident, stated she is fighting to preserve our freedoms to leave her daughter with a better country than what we have now. Olson requested Kurt Bahr, Director of Elections, address some issues before any vote to accept the April 5, 2022 election results. Olson questioned if the election authority identified the absentee voting issue before election day and asked what they did to correct it and stop it from happening again. Olson stated Bahr weaponized the police rather than thanking the bi-partisan judges for calling attention to a problem and questioned if voter drop box data and the voter data spreadsheets were properly protected. Olson stated that provisional votes were not counted, that Wentzville election results came in late and requested scanned ballot images because she doesn't trust the system.

Bill No. 5056 and Bill No. 5058

Kelly Waite, County resident, stated he talked with 25 residents on Eisenbath Rd., who all opposed the zoning change to 3-acres which would bring more traffic and affect the rural nature of the area. Waite stated many of the residents he spoke with have gravel drives, pole barns, and fields and that this change would not be for the greater good. Waite requested the Council vote no on rezoning for the proposed plat.

Raymond Gerard, County resident, stated 48 people signed a petition in opposition to Bill No 5056 and Bill No. 5058, which was not indicated at the last meeting. Gerard noted the average lot size of the 50 surrounding properties averages 21 acres and stated this development would affect the rural nature of the area. Gerard stated the proposed subdivision is 30% more dense than the 2 existing subdivisions combined. Gerard asked that Council consider resident consensus that 5-acre lots are sufficient and in keeping with the area.

Miscellaneous

Arnie C. Dienoff, O'Fallon resident, raised concerns that a councilman slandered him at the last Council meeting, that employees and elected officials can bypass the security checkpoint at Council meetings, that the Community College Board of Trustees threatens those who give unwanted comments with arrest, that the Sheriff's Department is not acting on Dienoff's call for investigation of Sheriff's deputy, and that the County charges for copies of public documents.

IN THE MATTER OF)
ORAL REPORT)
FROM THE COUNTY EXECUTIVE)

There was no report presented.

IN THE MATTER OF)
)
CONSENT AGENDA)

Council Chair Schneider asked if there were any items to be removed from the Consent Agenda.

Councilman Brazil motioned to remove (**Miscellaneous** - Election Authority – Accepting the Certified Election Totals of the April 5, 2022 General Municipal Election), seconded by Councilman Cronin with all in favor.

Councilman Cronin motioned to approve the consent agenda as modified, seconded by Councilman Elam with all in favor.

The approved items are as follows:

Approval of Journal of the previous meeting – 4-11-2022

Approval of Bids

Facilities Management - Carpet Replacement Project/Stephens Floor Covering/\$232,636.32
- Two New Mower Tractors/Art's Lawn Mower Shop/\$73,981.00

Highway - Regenerative Air Street Sweeper/Key Equipment and Supply Company/\$287,220.58

Police - Police Department Cellular Repeater Deployment/RF Contract/\$105,451.00

Roads and Traffic – Route A Improvements/Pace Construction Company LLC/\$5,368,545.00

Nominations and Appointments

Educational Assistance Board

- Amanda Jennings, Assoc. County Counselor/partial term expires 9-15-23/replacing Ellie Marr
- David Tiefenbrunn, Police Captain/re-appointment/ term expires 9-15-24
- Tracy Bayne, Acting Finance Director/indefinite term/replacing Bob Schnur

Employee Activity Board - Jennie Butler, Facilities/replacing Donna Holesinger of Workforce Development

- Kim Bextermueller, Recorder of Deeds/replacing Kathy Auerswald

IN THE MATTER OF)
ITEMSREMOVED FROM)
THE CONSENT AGENDA)

Miscellaneous - Election Authority – Accepting the Certified Election Totals of the April 5, 2022 General Municipal Election

Discussion was held concerning the Council deadlines for accepting certified totals. The Council agreed that legitimate election issues should be addressed by the Election Authority at the next meeting and before any vote was taken. Councilman Cronin questioned if the Transportation Sales Tax would be jeopardized by delaying the acceptance. It was agreed that the matter would be addressed later in

the meeting to allow for more information to be obtained by staff. Councilman Elam suggested moving forward and Kurt Bahr, Director of Elections, verified via text, that this item could be held over until the next meeting.

IN THE MATTER OF BILLS)
)
FOR FINAL PASSAGE)

Bill No. 5056 - Sponsored by Joe Cronin - AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING LAND FROM A, AGRICULTURAL DISTRICT, TO RR, SINGLE-FAMILY RESIDENTIAL DISTRICT, PER APPLICATION RZ22-02

Councilman Cronin stated he is in support of this development. Cronin stated the towns of Josephville, Flint Hill and St. Paul allow zoning for half-acre to 3-acre lots with 3-acre lots being the norm. Cronin suggested that the higher standards for streets and higher end homes with restrictions make 3-acre lots preferable to 5-acre lots. Cronin clarified Eisenbath Rd. would not be affected by the proposed plat, but Freymuth Rd. has proposed improvements to accommodate increased traffic. Cronin stated the remaining portion of the property (outside the proposed subdivision) should have larger lots due to the topography and the larger lots in the Kersting Farms subdivision. Cronin stated the objections raised at the P & Z meeting had been addressed.

Councilman Brazil warned this type of overdevelopment ruins the rural nature of the area and was the reason for the ordinance requiring 5-acre lots. Brazil noted this property was not in danger of being annexed by Wentzville which would allow for much smaller lots, and the existing subdivisions were platted in 1995. Brazil stated he would not support the bill.

Councilman Hammond stated he supports this bill because this property is surrounded by 3-acre lots.

There being no further discussion, Council Chair Schneider requested the following roll call vote: Councilman Cronin – yes, Councilman Brazil – no, Councilman Elam – yes, Councilman Hammond – yes, Councilman Hollander – no, Councilwoman Schneider – yes, and Councilman White – no. Bill No. 5056 passed 4-3.

Bill No. 5057 - Sponsored by: Joe Brazil - AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING LAND FROM A, AGRICULTURAL DISTRICT, TO RR, SINGLE-FAMILY RESIDENTIAL DISTRICT, PER APPLICATION RZ22-03

There being no discussion, Council Chair Schneider requested the following roll call vote: Councilman Cronin – yes, Councilman Brazil – yes, Councilman Elam – yes, Councilman Hammond – yes, Councilman Hollander – yes, Councilwoman Schneider – yes, and Councilman White – yes. Bill No. 5057 passed 7-0.

Bill No. 5058 - Sponsored by Joe Cronin - AN ORDINANCE OF THE COUNTY OF ST. CHARLES, MISSOURI, APPROVING THE QUAIL RIDGE PRELIMINARY PLAT

Councilman Cronin called on Drew Weber, the applicant’s representative, who stated the landowners still farm and use the property (which has been in their family for over 100 years). Weber stated further development is likely, but not part of the short-term plan. Weber noted the County’s Master Plan calls for this type of rural residential development for the area and no lot on the adjacent subdivision is larger than 3.5 acres. Weber stated the proposed subdivision consists of a single road only accessible by Freymuth Rd. Weber stated traffic would not affect Eisenbath Rd. where most of the signatures on an opposition letter live on 3-5 acre lots. Weber displayed examples of the type of homes to be built in the 22-lot development.

Counsel clarified this bill needs a supermajority vote of the Council for passage and the plat needs to be resubmitted if the bill fails.

There being no further discussion, Council Chair Schneider requested the following roll call vote: Councilman Cronin – yes, Councilman Brazil – no, Councilman Elam – yes, Councilman Hammond – yes, Councilman Hollander – yes, Councilwoman Schneider – yes, and Councilman White – yes. Bill No. 5058 passed 6-1.

Bill No. 5059 - Sponsored by Nancy Schneider - AN ORDINANCE AMENDING THE 2022 BUDGET AS ADOPTED BY ORDINANCE 21-096, AS AMENDED, FOR POSITIONS WITHIN THE CRIMINAL INVESTIGATIONS, OPERATIONAL SUPPORT, AND ADMINISTRATIVE SERVICES DIVISIONS OF THE POLICE DEPARTMENT OF ST. CHARLES COUNTY

There being no discussion, Council Chair Schneider requested the following roll call vote: Councilman Cronin – yes, Councilman Brazil – yes, Councilman Elam – yes, Councilman Hammond – yes, Councilman Hollander – yes, Councilwoman Schneider – yes, and Councilman White – yes. Bill No. 5059 passed 7-0.

IN THE MATTER OF)
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BILLS FOR INRODUCTION)

Bill No. 5060 - Sponsored by Joe Brazil and Joe Cronin - AN ORDINANCE EXTENDING THE DURATION WITHIN WHICH A CONDITIONAL USE PERMIT MUST BE IN PLACE AND IN ACTIVE USE BEFORE IT IS CONSIDERED NULL AND VOID FOR ALL PERMITS SET TO EXPIRE DURING THE CURRENT TWO HUNDRED AND SEVENTY DAY EXTENSION, FOR A TOTAL EXTENSION PERIOD OF FOUR HUNDRED EIGHTY-SEVEN DAYS FROM AUGUST 31, 2021

IN THE MATTER OF)
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TABLED BILLS)

There were no bills removed from the table.

Councilman Hollander followed up on the issue of the accepting election totals and the executive staff responded that no action needed to be taken at this meeting and the consent item would be held over. Joann Leykam, Director of Administration, stated she would investigate the consequences of the Council not accepting the verified election totals.

Councilman Hammond requested the County Auditor investigate the allegations made at the meeting regarding the voting machines.

IN THE MATTER OF)
ANNOUNCEMENTS AND)
MISCELLANEOUS)

Councilman Elam welcomed his dad to the meeting and Councilman Cronin acknowledged Les Elam.

There being no further announcements Councilman Hollander made a motion to adjourn, seconded by Councilman Elam and unanimously approved. The meeting adjourned at 8:08 p.m.

Examined and Approved

Nancy Schneider, Council Chair
St. Charles County, Missouri

/csf

