

**St. Charles County Council Journal  
Closed Meeting – May 9, 2022**

The St. Charles County Council met on Monday, May 9, 2022, at 6:45 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 Hammond.

The following roll call vote was taken by the clerk: Councilman Cronin, yes; Councilman Brazil – yes; Councilman Elam – absent; 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 (2) 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 Hollander motioned to return to an open meeting, seconded by Councilman Hammond with all in favor.

The closed meeting ended at 7:05 p.m.

**St. Charles County Council Journal  
Regular Meeting – May 9, 2022**

The St. Charles County Council met on Monday, May 9, 2022, at 7:06 p.m. in the County Council Chambers, 100 North Third Street, St. Charles, Missouri.

Council Chair Schneider introduced Pastor Reineke with the Immanuel Lutheran Church of St. Charles who provided the invocation and Councilman Brazil 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	absent
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

County Counselor’s Office:

Rory O’Sullivan, Acting County Counselor

**IN THE MATTER OF** )  
 )  
**PUBLIC PRESENTATIONS** )

County Executive Steve Ehlmann presented Angie Frauenhoffer a proclamation marking May 14, 2022 Childhood Aproxia of Speech Day in St. Charles County. Frauenhoffer explained the condition has affected her son which is a disability for children learning to speak and is among the most severe speech deficits in children. Frauenhoffer thanked the County Executive for the proclamation.

**IN THE MATTER OF** )  
**CONDITIONAL USE PERMITS** )  
**BILLS FOR INTRODUCTION AND** )  
**PUBLIC COMMENT** )

**Bill No. 5061** – Sponsored by Joe Brazil - AN ORDINANCE GRANTING CONDITIONAL USE PERMIT CUP22-01 FOR CUSTOM BUTCHERING TO ANTHONY BRINKER AND TAMMY L. BRINKER, PROPERTY OWNER(S), AND TONY’S PROCESSING, LLC, APPLICANT

Council Member Brazil stated the Council made a zoning change recently to allow this type of business and this is part of the process.

Council Chair Schneider introduced Robert Myers, Planning and Zoning Division Director with the St. Charles County Community Development Department to provide an overview of the CUP. Myers was sworn in by staff. Myers explained there was nothing within the County’s zoning rules to address this request which is why the matter was brought before the Council to amend the UDO. Myers reviewed the acreage that the business sits on, how the sanitary sewage will be addressed, the use of existing equipment and a small parking lot. Basically, Myers pointed out there will be no different looking footprint than what is currently there. Myers noted the Planning and Zoning Commission unanimously approved this application as did staff.

The applicant chose not to speak.

Public Comment for Bill No. 5061

Arnie C. AC Dienoff, O’Fallon resident noted there was no opposition received during the Planning and Zoning process and with the current County and State rules this should be a welcome use of land in the rural area.

**IN THE MATTER OF** )  
 )  
**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.

### Canvassing

Linda Rantz, Linn, MO resident and member of Missouri Canvassers, stated she is one of 200 volunteers who have met with the MO Secretary of State's office regarding approx. 340 phatom votes from a past St. Charles County General Municipal Election. Rantz pointed out it is impossible to get results from these concerns and requested consideration related to the certification and to take time to review the matter from the handouts provided.

Andrew Polacek, resident of St. Louis and member of Missouri Canvassers quoted the MO Secretary of State, "I think that our rolls are cleaner then they used to be but our rolls are never going to be spotless, not with the lag time, not with the fact that there are states that just won't share data so we can't get people cleared off." Polacek noted the rate of inflation within the Missouri voter rolls is far more serious. Polacek provided examples of "Ghost Registration" and other irregularities.

Dan White, resident of St. Louis and member of Missouri Canvassers provided various examples of voting confusion. White pointed out their group goes door to door to ask the necessary questions relating to voter registration.

### Poll Pads

John Behr, County resident, addressed voter fraud from the April 5, 2022 General Municipal Election. Behr pointed out various possible flaws in the voting process and requested an external independent audit.

Maryann Boatright, resident of St. Peters addressed the Council regarding the poll pads used in the Augusta precinct during the April 5, 2022 General Municipal Election and also questioned if a forensic audit was performed on other poll pads within St. Charles County. Boatright pointed out this is necessary for full transparency of the election process.

### Voting Freedom

Judith Moorefield, resident of St. Charles County stated her vote should count and be protected. Moorefield stated there was massive voter fraud in 2020 and noted paper ballots should be used due to safety and costs.

### Certification of Machines

Tracy Welborn, resident of Oak Grove, MO, played an inaudible tape describing the MO State Voting System Certification Processes and how the HAVA Act Establishes EAC.

Kim Shaughnessy, resident of Lake St. Louis, MO, played an inaudible tape describing the EAC rules as to standards and compliance for VSTLs, Voting System Test Laboratory Program Manual and Accreditation Processes.

Ali Graeff, St. Charles County resident stated she has gone through the various accreditations and noted they were not certified. Graeff compared her research to that of the St. Charles County Auditor and pointed out her findings of discrepancies relating to the various testing laboratories, etc. for the election process.

Jason Moore, resident of Ellisville, MO, stated his concern with election integrity in St. Louis County and does not want to see the same thing happen in St. Charles County. Moore had concerns regarding the Augusta incident and how those votes were certified. Moore noted the vendor should be working with the Division of Elections.

Brenda Webb, County resident, questioned why the polling pads were not pulled from the Augusta precinct when a concern was brought to the Election Authority's attention. Webb questioned what entails a certification of an election and why a work session request was denied. Webb requested the Council order an outside audit of the St. Charles County Election process.

#### Wentzville School Board Election

Jennifer Barker, resident of St. Charles County outlined some statistics from the results of the Wentzville School Board election. Barker explained the number of votes received from voters in various age groups. She pointed out the various mail in ballots received for the various candidates and questioned the abnormal amount received for the various candidates. Barker noted she moved to St. Charles from St. Louis County six months ago and suggested the process needs to be simplified. Also noted was Barker was in support of having the Sheriff in place of a Police Chief.

Joe Hoft, resident of Lake St. Louis explained his career included time spent as a corporate executive in Hong Kong and noted he did not want to see what happened there as it relates to elections in St. Charles County. Hoft requested an audit to address poll pad concerns and other abnormalities.

Jen Olson, Wentzville resident, shared concerns regarding the Wentzville School Board election and suggested the results were skewed. Olsen had several questions for the Council regarding various election day occurrences. Olsen also requested a forensic audit of the Election Authority's department.

#### Bill No. 5063

Mary Dyer, resident of O'Fallon, shared concerns with the proposed rezoning and how the development would affect her farm ground as the water from the current MBR plant is consistently putting water in the creek which is eroding her property. Dyer requested house size should be added to the property deeds and restrictions, an HOA oversight of the newly proposed development and to have no rental within the development.

Scott Dyer, resident of O'Fallon and 5<sup>th</sup> generation farmer of their family farm stated his concerns of erosion of ground water runoff into the neighboring creek and the increased traffic along Highway 79. Dyer concluded the area residents do not want to see changes.

Neil McNeill, resident of O'Fallon, stated there were several letters of opposition related to this rezoning request with a level of concern. McNeill relayed his concerns related to street repair, schools, subdivision restrictions and rental property.

Jesse Bauer, resident of O'Fallon shared his concerns related to the smaller lots for this rezoning. Bauer pushed for 3-5 acre lots and noted the increased traffic concerns on an already busy Highway 79.

#### Bill No. 5062

Jeff Buenemann, resident of St. Charles County stated he was born and raised in the area and encouraged 5-acre lot developments. Buenemann noted other rezoning applications seeking an RR District had been denied and pushed for this one to be denied as well.

Chris Eaker, resident of St. Charles County, stated his concern that this development is beginning to change the character of the area. Eaker shared his concerns also that large developers tend to get their items approved.

#### Heritage Drainage/Erosion

Tim Baker, resident of St. Charles County stated he has been working with the Heritage homeowners along with MO State Legislatures to help secure \$2.5 million from the MO DNR, earmarked to help with the drainage issues. Baker noted the money was in the approved budget. Baker requested the County find money within their budget to match what the state is providing. Baker noted he is a civil engineer and has worked with many municipalities and understands funding is available.

#### Bill No. 5062

Gil Cattoor, resident of St. Charles County shared his concerns regarding the lot size of 5 acres which is what was required by the County 8 years ago when he built his home and now, the County is allowing 3 acre lots. Cattoor was concerned with water and sewer in the area and noted it was not fair.

#### Heritage Drainage/Erosion

Jim Rutherford, Heritage resident and HOA member stated the HOA has been trying for the past two years to get funding for the Heritage drainage issues and noted right before the election, money becomes available. Rutherford requested the County match the state funds to prevent more loss of property.

Tara Rath, Heritage resident stated she moved to the Heritage Subdivision three years ago and lives on the court where the homes are eroding away and has grave concerns with her foundation. Rath stated she was very grateful for the state funding and requested funds from the County as well.

#### Miscellaneous

Arnie C. Dienoff, O'Fallon resident, shared his concerns regarding a comment from a previous speaker, an unkind remark from Councilman Joe Cronin as well as concerns related to the campaign of the current St. Charles County Executive

Council Member Cronin explained the remarks he made at the April 25, 2022 Council meeting.

There being no further speakers, Public Comments ended at 8:38 p.m.

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

County Executive Steve Ehlmann clarified the concerns related to his campaign and noted these items should not be discussed during a Council meeting. Ehlmann explained in December, 2021 he and Councilman White attended a Heritage HOA meeting, resulting in three items he had promised to the Heritage Subdivision homeowners related to the drainage issues, 1) fund \$1 Million for trucks to check for storm water, which was approved, however there is a supply issue, 2) Ehlmann spoke with MO Rep. Christofenelli and was told he was going to try and get funding in the State budget for this issue and he accomplished that and 3) try to address a statute change to establish a drainage district which would allow a better reason for contributing funding. Ehlmann pointed out in December, 2021, the County did not have guidance on ARPA fund spending but did receive that guidance in January, 2022 and is currently having the County Counselor’s office review the details to ensure the money can be spent on this type of problem.

**IN THE MATTER OF )  
CONSENT AGENDA )**

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

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

The approved items are as follows:

**Approval of Journal of the previous meeting – 4-25-2022**

**Approval of Bids**

- Facilities Management - Heat Pump Replacement for the Executive Building/TMI/\$52,956.00
- Highway - Asphalt Overlay 2022/Spencer Contracting Co./\$2,123,114.02
  - 5 Ton Dual Drum Roller/Cummings, McGowan & West/\$54,850.00

Roads & Traffic

- Prof. Svcs. - Comprehensive Foristell Area Traffic Study/Lochmueller Group/\$229,592.00
- Prof. Svcs. - Route A Improvements – Construction Engineering/EFK Moen, Inc./\$198,651.26

**Nominations and Appointments**

Radio Communications Policy Commission

- Chief Ray Juengst, City of St. Charles Police Dept./replaces retired Chief Randy McKinley

**Miscellaneous**

- Roads & Traffic - Supplemental Agreement #1 – Transmap Corp./\$329,967.68
- Parks & Recreation - Easement Expansion with MO State Parks at Klondike Park
  - New Electrical Easement to Cuivre River Electric Coop., Inc. at Oglesby Park
- Community Development – Findings of Fact Conclusions of Law/Bill No. 5055/CUP21-21

**IN THE MATTER OF )**  
**ITEMS REMOVED FROM )**  
**THE CONSENT AGENDA )**

Council Member Hollander made a motion to remove the Miscellaneous – Election Authority item from the table, seconded by Council Member Brazil and approved by all.

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

Council Chair Schneider invited Election Authority Director, Kurt Bahr, to address concerns regarding polling pads and the certification process.

Bahr reviewed the polling pad situation as it related to the events on April 5, 2022 at the Augusta precinct. Bahr explained there was an issue when an absentee ballot mailed to a resident was returned, however the supplemental file caught the discrepancy.

Council Member Brazil stated there were several discrepancies and questioned why the Election Authority certified the election with these concerns as well as how many other election judges had issues. Bahr explained he certified the election because after the election there are processes in place to ensure proper voting methods were used. Statements were made regarding “Official Results” and “Unofficial Results”. The “Unofficial Results” is what the media puts out before the final results are counted after election process. Brazil stated he had not received any answers from his list of questions he sent to Bahr and pointed out these questions are not for Mr. Bahr personally, but to the integrity of the St. Charles County election process. Brazil pointed out the problem with the extra vote that was placed by the election judge in the Augusta precinct. Brazil stated he requested a work session and referenced conversations from a previous meeting held by Brazil with Bahr, Jay Ashcroft and other elected officials regarding the possibility of issues within the voting system. Brazil continued that a forensic audit machine was provided to St. Charles County Election Authority to perform an audit and Bahr returned the machine. Brazil stated he will ask the Council to fund an independent audit of the Election Authority Department.

Council Member Cronin stated the St. Charles County Charter, Section 4.50 explains the roll of the Director of the Election Authority as that position is an elected position and is not governed by the County Council. Cronin also pointed out State Statute 115.136 related to the MO Secretary of State’s official role as the State’s Chief Voting Authority. Cronin pointed out the item before the Council is to approve the certified totals from the April 5, 2022 General Municipal Election as it relates to the Transportation Sales Tax.

Council Member Hollander requested Kurt Bahr explain the other item related to certification.

Bahr explained the certification process both before and after the election, counting ballots, etc. Bahr noted there is a Verification Board that meets and reviews the results from every precinct and provides the outcome to the Election Authority for certification.

Hollander clarified the only item for the Council to approve from the election is the Transportation Sales Tax.

Council Member Hammond stated there has been plenty of discussion regarding the election process and suggested the County have an independent forensics audit of the Election Authority and its processes.

Council Chair Schneider requested a roll call vote to accept the Certified Election Totals of the April 5, 2022 General Municipal Election, Council Member Cronin – yes, Council Member Brazil – no, Council Member Elam – absent, Council Member Hammond – no, Council Member Hollander – yes, Council Member Schneider – yes, Council Member White – yes. The item was approved by a vote of 4-2-1 with one member being absent.

**IN THE MATTER OF BILLS** )  
)  
**FOR FINAL PASSAGE** )

**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

There being no discussion, Council Chair Schneider requested the following roll call vote: Council Member Cronin – yes, Council Member Brazil – yes, Council Member Elam – absent, Council Member Hammond – yes, Council Member Hollander -yes, Council Member Schneider – yes and Council Member White – yes. Bill No. 5060 was passed by a vote of 6-1 with one member absent.

**IN THE MATTER OF** )  
)  
**BILLS FOR INRODUCTION** )

**Bill No. 5062** – 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 RZ22-05

Council Member Brazil stated there is a possible remonstrance that will be put forward for this bill, noting they need 10 legal written protests and at this point they have nine. Brazil explained this parcel is 2.75 miles from Wentzville, however to keep the character and small town strong, he will be opposed to this application. Brazil noted there are no 3-acre lots near this proposed development.

Council Member Hollander pointed out there is mention of a line to stop allowing small developments and wondered where that line lies. Hollander explained its best to look at the area and make a judgement on approval.

County Executive Ehlmann questioned in order to file a remonstrance, what is the distance for a property owner to the proposed rezoning and the answer was 30% of the owners of real property within 1,000 ft.

Council Member Cronin pointed out the difference of lots on this parcel with 30 lots at 3 acres and 19 at 5 acres. Cronin stated the 3-acre lot developments do not hurt the character of the area. Cronin pointed out that 3-acre developments have County maintained streets if developed according to standards and 5-acre developments do not.

**Bill No. 5063** – 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, WITH FLOODWAY FRINGE OVERLAY DISTRICT, TO R1D, SINGLE FAMILY RESIDENTIAL DISTRICT, AND R1A, SINGLE FAMILY RESIDENTIAL DISTRICT, WITH FLOODWAY FRINGE OVERLAY DISTRICT, PER APPLICATION RZ22-06

Council Member Hollander invited the applicant, Tom Hughes to provide an overview. Hughes explained his application for rezoning and how the property is adjacent to a current high density residential subdivision in St. Paul. Hughes pointed out there is an MBR plant to handle the sewerage, and water is available. Hughes explained he has met with County and City of St. Paul leaders as well as surrounding landowners to come up with a compromise. Hughes indicated the original plan had more homes and he has scaled back the development to 102 lots from 140 lots. Discussion was held regarding the sewer capacity, stormwater standards, tree lines and erosion to neighboring properties.

Council Member Hammond questioned the value of the proposed homes. Hughes indicated anywhere between \$450,000 to \$650,000. Hammond stated he would support the rezoning.

**Bill No. 5064** – Sponsored by Nancy Schneider – AN ORDINANCE AUTHORIZING THE EXECUTION OF AN “ASSOCIATE MEMBERSHIP AGREEMENT BY AND BETWEEN THE ST. CHARLES COUNTY REGIONAL DRUG TASK FORCE” AND MEMBER LAW ENFORCEMENT AGENCIES NOT LOCATED INS T. CHARLES COUNTY BUT SEEK TO PARTICIPATE IN THE ST. CHARLES COUNTY REGIONAL DRUG TASK FORCE.

There was no discussion.

**IN THE MATTER OF** )  
 )  
**TABLED BILLS** )

There were no bills removed from the table.

**IN THE MATTER OF** )  
**ANNOUNCEMENTS AND** )  
**MISCELLANEOUS** )

Council Member White questioned what type of staff Kurt Bahr has to clean up voter registration files. Bahr indicated he has multiple employees that work on the rolls.

Council Member Cronin questioned if the Wentzville School Board could ask for a recount. Bahr replied there is a 30-day time frame to request a recount and that date was May 5, 2022. Bahr clarified from a comment earlier that candidates can campaign together, however, they are listed on the ballot separately as they sign up during the month period of candidate filing.

There being no further announcements Councilman Hollander made a motion to adjourn, seconded by Councilman White and approved, with Council Member Brazil and Council Member Elam absent. The meeting adjourned at 9:40 p.m.

Examined and Approved

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Nancy Schneider, Council Chair  
St. Charles County, Missouri

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