

**St. Charles County Council Journal
Regular Meeting – May 31, 2022**

The St. Charles County Council met on Monday, May 31, 2022, at 7:00 p.m. in the County Council Chambers, 100 North Third Street, St. Charles, Missouri.

Council Chair Schneider introduced Jason Meinershagen with the First Baptist Church of Wentzville who provided the invocation and Councilman Elam 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:

Robert Hoeynck, Associate County Counselor

Council Member Hammond made a motion to amend the agenda and bring up the Oral Report from the County Executive, seconded by Council Member Elam and unanimously approved.

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

County Executive Steve Ehlmann stated since the Texas school shooting occurred, he has revisited with law enforcement regarding their training and awareness on this issue with the police, schools and the mental health community. Ehlmann invited Captain David Cathey to give a brief presentation regarding MAC-TAC (Multi-Assault, Counter Terrorism Action Capabilities). Captain Cathey explained how the training works and who has been and will be involved to continue training and awareness of these types of shootings. *Editor’s Note: A copy of the presentation is on file with these minutes in the office of the St. Charles County Registrar.*

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

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

There being no discussion, Council Chair Schneider requested the following roll call: Council Member Cronin – yes, Council Member Brazil – yes, Council Member Elam – yes, Council Member Hammond – yes, Council Member Hollander – yes, Council Member Schneider – yes, Council Member White – yes. Bill No. 5061 was unanimously approved.

IN THE MATTER OF A)
PUBLIC HEARING -)
PROPOSED USE OF DISASTER)
RECOVERY FUNDS)

Council Chair Schneider invited Robert Myers with the St. Charles County Community Development Department to provide an overview of this item. Myers displayed a presentation explaining the funding is based on severe storms, tornados and flooding across Missouri between April 29-July 6, 2019. Myers pointed out this public hearing is part of the application process and other public meetings have been held with citizens and other governmental entities. Myers noted the proposed funding allocated by the US Congress for St. Charles County is \$15,530,460 and a minimum of 70% of the program delivery funding must go to low-to-moderate income households. Myers continued saying if someone in this flood area is interested in selling their flood damaged structure and land to St. Charles County Government, then the land would remain there in perpetuity and return back to natural wildlife habitat. Myers displayed the next steps in the process. *Editor’s Note: A copy of the presentation is available with these minutes in the office of the St. Charles County Registrar.*

Council Member Cronin stated this is a good thing for homeowners who have been impacted and cannot afford to fix their properties.

Council Member Brazil questioned if it would include agricultural ground and Myers replied, it is land with structures on it that would qualify for the program.

Council Chair Schneider opened up the Public Hearing for speakers.

Lisa Key, representing her mother who is a life long resident of the flood plain area and after being affected by flooding two different times is supportive of this program. Key thanked everyone involved for this application process.

Arnie C. (A.C.) Dienoff, County resident, noted \$15 million is a lot of money to have such little conversation on it. Dienoff suggested there should be no more building in the flood plain, including the St. Charles County Regional Airport-Smartt Field. Dienoff stated people take a risk when building next to a river.

Council Member Cronin made a motion to amend the agenda and bring up Resolution No. 22-06, seconded by Council Member Hollander. The motion was passed by a vote of 6-1 with Council Member Brazil in opposition.

IN THE MATTER OF)
)
RESOLUTIONS)

Resolution No. 22-06 – Sponsored by Nancy Schneider – A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY FUNDS

There being no discussion, Council Chair Schneider requested the following roll call vote: Council Member Cronin – yes, Council Member Brazil – no, Council Member Elam – yes, Council Member Hammond – yes, Council Member Hollander – yes, Council Member Schneider – yes, Council Member White – yes. Resolution No. 22-06 was approved by a vote of 6-1.

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.

Bill No. 5062

Ken and Michelle Baker yielded their time to allow Eric Merchant to speak.

Eric Merchant, resident of Montgomery County, stated he is a real estate agent and reviewed the 3- and 5-acre subdivisions near 3866 S. Pt. Prairie Rd. being developed by Lombardo Development. Merchant pointed out the Master Plan calls for 1 acre lots in this area and a 3-acre subdivision is better than that with County streets instead of a 5-acre subdivision with gravel roads. Merchant pointed out the look of the development will be the same whether it is a 3-acre or 5-acre subdivision.

Jeff Buenemann, resident of St. Charles County, stated he had worked to get the remonstrance in place and noted everyone else has to have 5 acres to build and there should be no exceptions. Buenemann pointed out the infrastructure is not available in this area for these types of developments.

Greg Grapenthin, resident of St. Charles County, stated he lives very near this site and lives on 3 acres. Grapenthin pointed out there are two new developments in the near area, and they are allowed to build on 3 acre lots and noted it was not fair to deny this bill.

Bill No. 5063

Scott Dyer, resident of St. Charles County, stated his family property borders this parcel and is concerned with the various lot sizes along with what type of plan will the developer have in the event the economy changes.

Bill No. 5062

Doug Tiemann, with Civil and Environmental Consultants requested to speak when the bill is up for discussion.

Bill No. 5063

Tom Hughes, St. Charles County resident and applicant of this parcel explained he has spoken with all of the neighbors and has shown everyone the plans and answered all the questions and was available at all times for concerns. Hughes pointed out the sewer system and water supply is readily available and it will sit next to a current 700 lot subdivision. Hughes also noted the original plan was for 180 homes and after several meetings with neighbors and officials, the development is set for 102 lots with a minimum of a 1,700 sq. ft. home.

Park at New Melle Lakes

John Behr, Augusta resident, remarked on the bid for the Park at New Melle Lakes, the change order for Matson Hill Timber Barn and the annual budget for the Parks and Recreation Department and questioned the primary purpose of Government. Behr continued with what he suggests is the various rolls of government from reviewing the past agendas. Behr shared his frustrations with the roll of the current Council Chair.

Jen Olson – Wentzville resident, shared information regarding State Statute RSMo 115.136 and the Secretary of State's authority, various sections of the St. Charles County Charter as it pertains to both the County Council and the Election Authority. Olson questioned under whose authority was the appointment of the St. Charles County Sheriff.

Miscellaneous

Arnie C. Dienoff, O'Fallon resident, shared his concerns regarding censoring speakers, security measures prior to Council meetings, St. Charles County Police investigations and the Change Order with Schneider Electric Buildings Americas, Inc. in the amount of \$5,362,505.

Bill No. 5069

Jennifer Barker, resident of Lake St. Louis shared her concerns relating to the participation in the Regional Information and Intelligence Center. Barker questioned who would be involved in this and was concerned with the cost over time.

Heritage Drainage/Erosion

Tim Baker, resident of St. Charles County, implored the County Council to find the match for the Heritage drainage issues.

Jim Rutherford, Heritage resident and HOA member, stated he appreciated this matter getting approved by the MO Legislative body and that it is before the Governor for consideration and hopes for his support.

Oaths and Pledges

Judith Moorefield, resident of St. Charles County, read part of the Oath of Office that Council Members swear to uphold and also pointed out various parts of the Pledge of Allegiance. Moorefield stressed the importance of an audit of the Election Authority.

Canvassing Results

Linda Rantz, Linn, MO resident and member of Missouri Canvassers, reviewed four (4) WHEREAS sections in a resolution that was proposed by Councilman Brazil. Also reviewed was the Council members' voting history.

Rank Choice Voting

Byron Keelin, resident of St. Louis County, stated he was the president of Freedom Principle MO and shared his concerns with rank choice voting which is being organized by a group known as Better Elections, who has submitted petitions to the MO Secretary of State's office who is in the process of verifying for validity to be placed on the November, 2022 ballot. Keelin explained rank choice voting is having the voter rank their choice of candidates for a particular office. Keelin noted Rank Choice Voting is anti-American.

MO Statute

Amber Crawford, St. Charles County resident stressed the authority to audit the Election Authority falls under the jurisdiction of the County Council, not the Secretary of State's office. Crawford stated her concerns of comments made from St. Charles County Election Authority from the May 9, 2022 Council Meeting along with a Sunshine Law Request from Bahr.

There being no further speakers, Public Comments ended at 8:24 p.m.

IN THE MATTER OF)
)
CONSENT AGENDA)

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

Council Member Cronin made a motion to remove the Facilities Change Order No. 1 to Energy Conservation Assessment Project for further investigation and processing as it is a new method to review, seconded by Council Member Hollander and unanimously approved.

Council Member Brazil made a motion to remove the Parks and Recreation bid for the maintenance building at The Park at New Melle Lakes to allow time to review with the Parks Department and Change Order No. 3 for Matson Hill Timber Barn as the changes are concerning to him, seconded by Council Member Hollander and unanimously approved.

Council Member Elam made a motion to approve the Consent Agenda as modified, seconded by Council Member Hammond and unanimously approved. The approved items are as follows:

Approval of Journal of the previous meeting - 5-9-2022

- 5-9-2022 Vote Disclosure

Approval of Bids

Parks & Recreation - Brush Chipper (1qty.)/Vermeer Midwest/\$77,473.00

Highway - CCTV Sewer Inspection Truck/EJ Equipment/\$411,652.00

- Motor Grader/Fabick Cat/\$291,255.00

- Central School Rd. and St. Peters Howell Rd. Traffic Flow Improvements/NBWest Contracting Co./\$1,559,141.00

Nominations and Appointments

Miscellaneous

Information Systems - Amendment No. 1 to Parks Recreation Management Software/RecTrac, LLC dba Vermont Systems/\$107,877.00

Finance – 2022-2023 Property, All-Lines Liability and Excess Work Comp. Insurance Renewal
Community Dev. – Findings of Fact, Conclusions of Law, Decision and Order for Bill No. 5058

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

Facilities - Change Order No. 1 to Energy Conservation Assessment Project/Schneider Electric Buildings Americas, Inc./\$5,362,505.00

Parks & Recreation - The Park at New Melle Lakes - Maintenance Building (re-bid)/Aspire Construction Services, LLC/\$836,600.00

Parks & Recreation - Change Order No. 3 for Matson Hill Timber Barn/Jackson Building Group \$150,924.06

County Executive Ehlmann requested time to allow him to respond to Mr. Rutherford’s concern regarding the funding that is awaiting the Governor’s signature related to the Heritage Subdivision Erosion. Ehlmann had Community Development review the situation to see if the Heritage Subdivision Erosion problems could be funded by the Disaster Recovery Funding. The answer was no because the Disaster Recovery Funding relates to only disasters in 2019. Ehlmann explained Councilman White was contacted by the MO DNR’s office related to the Heritage Subdivision Erosion funding with questions on this topic to present to the Governor and White responded to the questions and encouraged MO DNR to support the funding to the Governor. Ehlmann pointed out he is having research done to see if the County’s match can come from ARPA funds and if not, he will continue to look for money to match the State’s funding. Ehlmann noted the Governor has until June 30th to sign the bill.

IN THE MATTER OF BILLS)
)
FOR FINAL PASSAGE)

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 made a motion to amend Bill No. 5062 and replace it with Substitute Bill No. 5062 due to the receipt of a legal remonstrance from surrounding property owners that puts the vote to a super majority of the County Council for approval, seconded by Council Member Elam and unanimously approved.

Council Member Brazil noted the Master Plan states 3 acre lots for this area, however this area is not ready for 3-acre developments. Brazil stated he shared his concerns with the developer and was concerned on changing the character of the area. Brazil pointed out 5-acre developments is the current rule for this area and we follow the rules. Brazil noted he would not support this bill.

Council Member Hollander stated this application passed the Planning & Zoning Commission with one denial which was made by Hollander. Hollander explained these types of rezoning applications need to be reviewed on a case by case basis as they are different in various parts of the County and a blanket approval or denial is not a good fit.

Council Member Elam stated there have been many discussions related to a type of barrier to prevent cities who allow smaller lots to encroach the more rural county and questioned if 3-acre developments are not allowed, landowners will wait and annex into a city where the lots will be smaller. Brazil agreed with that thought, however pointed out this particular development is farther south and the area is not ready for that type of development.

Substitute 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

There being no further discussion, Council Chair Schneider requested the following roll call vote: Council Member Cronin – yes, Council member Brazil – no, Council Member Elam – yes, Council Member Hammond – no, Council Member Hollander – no, Council Member Schneider – no, Council Member White – yes. Substitute Bill No. 5062 was denied by a vote of 3 yes and 4 no.

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 Cronin shared the history of this application and that St. Paul has water available and there is a sewer system available. Cronin stated he has met with several of the neighbors regarding the application and what the subdivision would look like. Cronin stated the area needs these types of smaller subdivision because not everyone can afford a 3- or 5-acre lot with a home.

Council Chair Schneider recognized Terry Bauer who arrived late and requested to speak. Bauer stated she was a 37 year resident of Dyer Road and St. Paul is a great community. Bauer noted the current zoning is agricultural which would allow for a 5-acre subdivision and questioned why the Council would change the zoning for one developer. Bauer also shared her concerns regarding safety in the area due to the additional housing.

Council Member Brazil stated he would not support this bill because it allows too many homes per acre.

Council Member Brazil made a motion to table Bill No. 5063 to allow residents to acquire the necessary signatures to force a super majority for this bill. Council Member White seconded the motion. Before a vote was taken, Council Member Elam clarified by tabling this bill until the next meeting would not allow enough time for residents to get in the necessary paperwork and have it verified so it would need to remain tabled for a couple of meetings. Council Member White questioned the applicant if they would consider having this tabled. Tom Hughes, applicant requested the bill be voted on. Council Member White removed his motion. Brazil’s motion did not receive a second so his motion to table failed.

There being no further discussion, Council Chair Schneider requested the following roll call vote: Council Member Cronin – yes, Council Member Brazil – no, Council Member Elam – yes, Council Member Hammond – yes, Council Member Hollander – yes, Council Member Schneider – yes, Council Member White – no. Bill No. 5063 was approved by a vote of 5-2.

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 being no discussion, Council Chair Schneider requested the following roll call vote: Council Member Cronin – yes, Council Member Brazil – yes, Council Member Elam – yes, Council Member Hammond – yes, Council Member Hollander – yes, Council Member Schneider – yes, Council Member White – yes. Bill No. 5064 was unanimously approved.

IN THE MATTER OF)
)
BILLS FOR INRODUCTION)

Bill No. 5065 – Sponsored by Nancy Schneider – AN ORDINANCE AMENDING SECTION 500.150, RESIDENTIAL CODE FOR ONE- AND TWO- FAMILY DWELLINGS, OF CHAPTER 500, BUILDING CODES AND COUNTY BUILDING COMMISSION, OF THE ORDINANCES OF ST. CHARLES COUNTY, MISSOURI (“OSCCMO”)

Council Member Cronin stated this amendment is for no sprinklers in B & B’s with a certain number of guestrooms, however he has concerns regarding other fire prevention enhancements such as carbon dioxide alarms and a second story escape ladder. Council Member Hammond stated the amendment is to change the number of people who stay in these types of establishments before a sprinkler system is required and noted the other suggestions by Cronin are already in place.

Bill No. 5066 – Sponsored by Joe Brazil – AN ORDINANCE OF THE COUNTY OF ST. CHARLES, MISSOURI, APPROVING THE PRELIMINARY PLAT FOR SOMMER OAKS

Bill No. 5067 – Sponsored by Nancy Schneider – AN ORDINANCE AUTHORIZING EXECUTION OF MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION'S STATE BLOCK GRANT AGREEMENT, AIRPORT IMPROVEMENT PROGRAM GRANT – PROJECT 21-0111A-2, CFDA 20.106, TO DESIGN TAXILANE PAVEMENTS AT ST. CHARLES COUNTY REGIONAL AIRPORT – SMARTT FIELD

Bill No. 5068 – Sponsored by John White – AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE ANNUAL AGREEMENTS WITH THE UNIVERSITY OF MISSOURI EXTENSION COUNCIL OF ST. CHARLES COUNTY TO PROVIDE EDUCATIONAL PROGRAMS AND SERVICES NOT TO EXCEED \$100,000

Bill No. 5069 – Sponsored by Nancy Schneider – AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS FOR THE PURPOSE OF PARTICIPATING IN THE REGIONAL INFORMATION AND INTELLIGENCE CENTER

Bill No. 5070 – Sponsored by Nancy Schneider – AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AGREEMENT WITH THE COMMUNITY AND CHILDREN'S RESOURCE BOARD AND THE DEVELOPMENTAL DISABILITIES RESOURCE BOARD, BOTH OF ST. CHARLES COUNTY, TO ACT AS A SUBRECIPIENT OF AMERICAN RESCUE PLAN ACT FUNDS TO IDENTIFY SERVICES AND SERVICE ISSUES AFFECTING CHILDREN AND/OR PERSONS WITH INTELLECTUAL DISABILITIES

Council Member Brazil questioned the amount of funds that these boards will be receiving. Director of Administration, Joann Leykam estimated the amount at \$4 million and would review the exhibit before the next meeting and present clarification.

County Executive Steve Ehlmann explained the ARPA funds are designed to make up for the loss of funds that the various boards incurred during the pandemic such as not holding their various fund raisers to help those in need. The two boards will receive applications from other not-for-profit groups and decide funding.

Bill No. 5071 – Sponsored by Nancy Schneider – AN ORDINANCE AMENDING THE 2022 BUDGET AS ADOPTED BY ORDINANCE 21-098, AS AMENDED, FOR REPAIR OF POTHoles, REPLACEMENT OF DETERIORATING CONCRETE ROAD SLABS OR RECONSTRUCTION OF SEGMENTS OF COUNTHY ROADS AND SUBDIVISION STREETS WITH POOR PAVEMENT CONDITION

County Executive Steve Ehlmann explained in the past the County Road Board funds were used to supplement various MODOT projects and at this point, MODOT has enough money in their budget that the extra funds can be put to use in other areas than State roadways within St. Charles County. These funds will be used to repair various road conditions within the cities and the unincorporated areas.

Council Member Cronin pointed out if the cities match what the County is using in ARPA funds that could double the funding. Cronin stated he’s had conversations with the mayors of O’Fallon and Wentzville and they are both supportive of this bill.

Bill No. 5072 – Sponsored by Nancy Schneider – AN ORDINANCE AMENDING THE 2022 BUDGET ADOPTED BY ORDINANCE 21-098 TO ADD ONE (1) DEPUTY-BAILIFF, PAY GRADE 206, WITHIN THE ST. CHARLES COUNTY SHERIFF DEPARTMENT FOR THE ASSIGNMENT TO THE NEW CIRCUIT COURT DIVISION 15 ASSOCIATE CIRCUIT JUDGE

IN THE MATTER OF)
)
TABLED BILLS)

There were no bills removed from the table.

IN THE MATTER OF)
ANNOUNCEMENTS AND)
MISCELLANEOUS)

There being no announcements Councilman Elam made a motion to adjourn, seconded by Councilman Hollander and approved. The meeting adjourned at 9:08 p.m.

Examined and Approved

Nancy Schneider, Council Chair
St. Charles County, Missouri

/djv