

**St. Charles County Council Journal
Regular Meeting – January 9, 2023**

The St. Charles County Council met on Monday, January 9, 2023, at 7:00 p.m. in the Council Chambers at 100 North Third Street, St. Charles, MO 63301.

Council Chair Schneider introduced Karl Leiber, local business owner and Paster with the Ekklesia Church in Foristell who provided the invocation and Councilman Terry Hollander led the Pledge of Allegiance.

The following roll call was taken by the clerk:

Councilman Matt Swanson	present
Councilman Joe Brazil	present
Councilman Mike Elam	present
Councilman Dave Hammond	present via video conferencing
Councilman Terry Hollander	present
Councilwoman Nancy Schneider	present
Councilman Tim Baker	present

County Executive Staff present:

Steve Ehlmann, County Executive
John Greifzu, Assistant Director of Administration

County Counselor’s Office:

Rory O’Sullivan, Acting County Counselor

**IN THE MATTER OR)
ELECTION OF)
COUNCIL CHAIR)**

Council Chair Schneider opened up the nominations for Council Chair. Council Member Baker nominated Council Member Brazil for Chair, seconded by Council Member Hammond. Council Member Elam nominated Council Member Hollander for chair, seconded by Council Member Schneider. With no other nominations presented Council Chair Schneider closed nominations.

Council Chair Schneider requested the following roll call vote for Council Member Brazil as Chair: Council Member Swanson – no, Council Member Brazil – yes, Council Member Elam – no, Council Member Hammond – yes, Council Member Hollander – no, Council Member Schneider – no, Council Member Baker – yes. The vote was 3-4.

Council Chair Schneider requested the following roll call vote for Council Member Hollander as Chair: Council Member Swanson – yes, Council Member Brazil – no, Council Member Elam – yes, Council Member Hammond – no, Council Member Hollander – yes, Council Member Schneider – yes, Council Member Baker – yes. The vote was 5-2.

Council Member Terry Hollander was elected Chair of the County Council for 2023.

**IN THE MATTER OR)
ELECTION OF)
COUNCIL VICE-CHAIR)**

Council Member Brazil nominated Council Member Hammond for Vice-Chair, seconded by Council Member Baker. There being no additional nominations, Council Chair Hollander requested all in favor of Council Member Hammond as Vice-Chair. Council Member Hammond was unanimously elected as Vice-Chair by acclamation.

Council Member Hammond left the meeting at 7:09 p.m.

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

Bill No. 5134 – Sponsored by Joe Brazil – AN ORDINANCE GRANTING CONDITIONAL USE PERMIT CUP22-08A FOR CAMPGROUND TO KAG 144, LLC PROPERTY OWNERS(S)

Council Staff swore in St. Charles County Community Development’s Planning and Zoning Division Director Robert Myers who reviewed the four CUP applications submitted by KAG 144, LLC. Myers explained there are four (4) conditional use permits, the first three servicing the fourth for the one 78.00 acre parcel on Becker Joerling Road off of Highway F and Femme Osage Road approximately 8 miles from Defiance, Mo. Myers stated he would explain each use for the four (4) bills. Myers explained the request is for an A-typical campground with no trailers or tents, just the seven small structures defined as cottages per our UDO and approximately 200 ft. in size intended for campers who want to take advantage of the amenities on the property. Myers pointed out the cottages are mainly for shelter and sleeping. There is a 3-acre lake nearby where guests can take advantage of various water sports excluding motorized water sports. Myers explained another requested use is the Commercial Farm Stand which will be providing items grown on the property along with other locally grown and made items. Myers continued with the next use as Rural Recreational Activity which is the water sports. Myers pointed out the property has two residences along with a charming barn and 2 log cabins. The barn would be used for corporate retreats and weddings/receptions with a maximum amount of four (4) weddings per year with a maximum of 35 guests per event. Myers reviewed the four (4) CUP criteria items and noted the Planning and Zoning Commission approved each of the four CUP applications as did staff.

Applicant Kelly McHoney, owner and Lisa Johnson with Amundsen Davis, LLC representing the applicant were both sworn in by staff and Johnson provided a presentation regarding the four CUP applications. Johnson reviewed the site including the lake, what is currently on the land, such as a house, barn, covered bridge and two cabins. Also presented was the current zoning which is agricultural. Johnson reviewed the Campground use and explained there would be five additional cabins built to look similar to the existing 2 cabins with a maximum of four guests. Johnson reviewed the current County Code Ordinance 22-073 which allows for campgrounds and sets definitions for camping and camping cabins. Johnson continued with the Rural Recreational Activity pointing out the goal is to encourage exercise and the appreciation of outdoor spaces and activities, such as Kayaking, fishing, hiking, walking trails, gardening and pumpkin picking. Johnson then reviewed the

Commercial Farm Stand use explaining this is for the guests of the campground with homegrown vegetables, locally harvested honey, jams and jellies, etc. not to be sold to tourists just stopping by. Johnson then reviewed the final use which is events and relayed it will be marketed for corporate retreats and very small weddings – only allowing four weddings per year with a limit of 35 guests and concluding at 10:00 p.m. along with other conditions as listed in the bill. After each use, Johnson explained the CUP criteria and noted on each how it applied with these CUP requests.

Council Chair Hollander opened the floor for public comments regarding Bill No. 5134.

Arnie C. AC Dienoff, St. Charles County resident was sworn in by staff and stated he was in support of this project. Noted it was low intrusion to the land and nestled in the woods creating a natural buffer. Dienoff stated it meets the 2030 Master Plan and explained he agrees with the conditions. Dienoff pointed out the owner will be staying on the property at any time they have cabin/cottage rentals.

Breann, a neighbor of the property was sworn in by staff and noted she is in support of these conditional use permits.

Council Member Brazil stated the applicant held meetings with the neighbors to answer any questions. Brazil pointed out this is the applicant's retirement endeavor. Brazil reminded everyone this parcel could be 15-16 5-acre lot subdivision as a permissive use.

Council Member Baker questioned the parking. The applicant replied there is parking available on the front part of the property and shuttles will be used to bring people back and forth from the cabins/cottages to the barn for events in order to keep a more rural atmosphere.

Council Member Swanson questioned if there was tent camping available as it is not restricted in the bill language. Robert Myers replied the concept plan limits the property to the cabins/cottages.

Bill No. 5135 – Sponsored by Joe Brazil – AN ORDINANCE GRANTING CONDITIONAL USE PERMIT CUP22-08B FOR A COMMERCIAL FARM STAND TO KAG 144, LLC, PROPERTY OWNER(S)

Bill No. 5136 – Sponsored by Joe Brazil – AN ORDINANCE GRANTING CONDITIONAL USE PERMIT CUPWW-08C FOR A RURAL RECREATIONAL ACTIVITY TO KAG 144, LLC, PROPERTY OWNERS(S)

Bill No. 5137 – Sponsored by Joe Brazil – AN ORDINANCE GRANTING CONDITIONAL USE PERMIT CUP2208D FOR BUILDINGS, STRUCTURES, OR OPEN SPACES FOR CONDUCTING WEDDINGS AND/OR WEDDING RECEPTIONS OR OTHER PRIVATE PARTIES, TO KAG 144, LLC, PROPERTY OWNERS(S)

Bill No. 5138 – Sponsored by Joe Brazil – AN ORDINANCE GRANTING CONDITIONAL USE PERMIT CUP22-09(A) FOR A COMMERCIAL FARM STAND TO CRAIG SMITH, RYAN SMITH, AND DARLENE SMITH, PROPERTY OWNERS(S)

St. Charles County Community Development's Planning and Zoning Division Director Robert Myers who was still under oath reviewed the three CUP applications submitted by Craig, Ryan and Darlene Smith and are related. The location is at 1501 Wilmer Road and is close to Highway 70 and the

Wentzville Parkway. It sits on 8.05 acres and is a current working farm with vegetable gardens, pig lots, goats and chickens. Myers explained people are becoming more interested in wanting to know where their food is grown and this farm addresses that thought process. These conditional use permits are for a Commercial Farm Stand, Rural Recreational Activity and a Restaurant. The farm stand would be selling what is grown on the property and the activity would be teach how to compost, classes on preserving and canning fruits and vegetables and the restaurant will be a farm to table concept with reservations for a small group of customers. Myers noted the Planning and Zoning Commission approved each of the three applications as did staff with conditions.

Myers introduced the applicants Ryan and Darlene Smith who were sworn in by staff. D. Smith explained they live on the property with their two children and currently have on-line sales, sales to area restaurants and customer pick up sales. R. Smith explained there is an existing structure on the property that they use for the farm stand. R. Smith continued saying the community has expressed an interest in the rural activity such as learning how to compost and to preserve fruits and vegetables. R. Smith explained the restaurant would be small with a farm to table concept showcasing local chefs with dining locations outside as well as inside.

Council Chair Hollander opened the floor for anyone wishing to make a comment.

Arnie C. AC Dienoff, St. Charles County resident stated this was a good concept, however had concerns regarding the lack of permits along with the goat yoga which was determined at the Planning and Zoning Commission to be allowed and needs to be written in the County's UDO. Dienoff noted his concerns regarding the structure of the commercial farm stand and questioned if it passed the Wentzville Fire Protection's fire codes. Dienoff requested these CUPs be unanimously approved.

Council Member Brazil questioned if the restaurant closing at 9:00 p.m. was something they were in agreement with. R. Smith pointed out, the original idea was to have the restaurant opened until 10:00 p.m. however the Planning and Zoning Division suggested 9:00 p.m. which is what the Planning and Zoning Commission approved.

Council Member Brazil made a motion to amend the time of operation on Bill No. 5138, 5139 and 5140 from 8:00 a.m. to 9:00 p.m. to 8:00 a.m. to 10:00 p.m. Council Member Elam seconded the motion and it was unanimously approved by the members present.

Council Member Schneider noted this was an ambitious project and hoped they could get it accomplished in the two-year time frame.

Council Chair Hollander announced these CUP bills will be up for final passage in three weeks on Monday, January 30, 2023 at 7:00 p.m.

Bill No. 5139 – Sponsored by Michael Hurlbert – AN ORDINANCE GRANTING CONDITIONAL USE PERMIT CUP22-09(B) FOR A RURAL RECREATIONAL ACTIVITY TO CRAIG SMITH, RYAN SMITH, AND DARLENE SMITH, PROPERTY OWNER(S)

Bill No. 5140 – Sponsored by Joe Brazil – AN ORDINANCE GRANTING CONDITIONAL USE PERMIT CUP22-09(C) FOR A RESTAURANT TO CRAIG SMITH, RYAN SMITH, AND DARLENE SMITH, PROPERTY OWNER(S)

IN THE MATTER OF)
)
PUBLIC COMMENTS)

Council Chair Hollander 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.

Michelle McBride, St. Charles County Collector explained her office had received many calls regarding the drop box and wanted to clarify any confusion. McBride continued saying according to state law, real estate and personal property taxes are delinquent as of Jan. 1st of the following year. Unlike taxes due to the IRS on April 15th, that is a due date, not an absolute delinquent date, they are different. If the 15th of April falls on a Sunday, the due date becomes the Monday following. That is not the case with real estate and personal property taxes. McBride pointed out, knowing the due date was on a Saturday, they advertised on the back of the invoice that the office would be closed and the taxes were due by midnight on December 31st of the current year.

Michelle Dohrmon, representative for Diamond Communications stated she was in the audience if anyone has any questions when Bill No. 5142 is introduced.

David Reagan, representative for Local 42 stated it is necessary to attract and retain Non Commission Correctional Officers as the department is currently understaffed and not many people are applying. Reagan suggested attracting officers from other departments in a lateral move, considering their years of service and educational incentives. Reagan also pointed out Jan. 9th is Law Enforcement Officer Day and thanked St. Charles County Police Chief Kurt Frisz and St. Charles County Correction Director Dan Keen.

Judith Moorefield, St. Charles County resident shared a short story regarding not what your country can do for you but what you can do for your country. Moorefield stated she wants restored what was taken from the people.

Aimee Benninghofen, resident of St. Charles County welcomed the new Council Members and requested they do not repeat history. Benninghofen reviewed the various issues within the County that brought her more reason to follow her local governments, such as Health Department’s director should be an elected position and masking children in schools.

Grayson Jostes, resident of St. Charles County approached the Council with concerns of individuals attacking power stations around the country and how terrible it would be with no power, heat, lights, etc.

Arnie Dienoff, O’Fallon resident, stated concerns with Council Members’ salaries, Bill No. 5133, the three lobbyists that the county has contracted with along with and requesting updates under the MO Sunshine Law, the County Executive’s salary, housing the homeless and the MO 11th Circuit Court En Banc meeting.

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

There was no Oral Report

IN THE MATTER OF)
)
CONSENT AGENDA)

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

Hearing none, Council Member Elam motioned to approve the Consent Agenda as presented, seconded by Council Member Schneider and approved by all present. The approved items are as follows:

Approval of Journal of the previous meeting – 12-19-2022

Approval of Purchases

Nominations and Appointments

Planning and Zoning Commission – Councilman Tim Baker, District 7 to replace Councilman Terry Hollander, District 5

Miscellaneous

Community Dev. – Findings of Fact, Conclusions of Law, Decision and Order – Bill No. 5123

– Community Assistance Board Funding Recommendations for 2023

Preferred Family Healthcare - \$12,000

Connections to Success - \$10,143.00

Crisis Nursery - \$13,857.00

Habitat for Humanity - \$16,571.00

LINC - \$21,429.00

NECAC - \$15,286.00

Our Lady’s Inn - \$12,429.00

Sts. Joachim & Ann Care Service - \$46,000.00

The Salvation Army - \$19,714.00

Tri-County Probation & Parole - \$10,000.00

Turning Point Domestic Violence - \$10,000.00

Volunteers in Medicine - \$10,714.00

Youth In Need - \$21,857.00

Total - \$220,000.00

– Project Care Funds of **\$5,000.00** and CDBG Community Services funds of **\$10,000.00** be awarded to Sts. Joachim & Ann Care Service

– CDBG Homeless Prevention funds of **\$25,000.00** be awarded to NECAC

Parks & Recreation – Change Order #1 – Oglesby Park Construction Monitoring and Testing Services/Shannon & Wilson, Inc./\$20,214.00

IN THE MATTER OF)
)
BILLS FOR FINAL PASSAGE)

Bill No. 5132 - Sponsored by Council as a Whole, AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE OR HIS DESIGNEE TO EXECUTE A MEMORADUM OF

UNDERSTANDING WITH THE EMERGENCY COMMUNICATIONS ASSOCIATION OF ST. CHARLES, INC. (“ECA”) TO PROVIDE COMMUNICATIONS SERVICES TO ST. CHARLES COUNTY REGIONAL EMERGENCY MANAGEMENT (“REM”) DURING DISASTERS, EMERGENCIES, AND TRAINING AND TESTING EXERCISES

There being no discussion, Council Chair requested the following roll call vote: Council Member Swanson – yes, Council Member Brazil – yes, Council Member Elam – yes, Council Member Hammond – absent, Council Member Hollander – yes, Council Member Schneider – yes, Council Member Baker – yes. Bill No. 5132 was approved by a vote of 6-0 with one member absent.

Bill No. 5133 – Sponsored by Nancy Schneider, AN ORDINANCE PROVIDING FOR THE AUTHORIZATION OF A SALES TAX IN AN AMOUNT OF THREE PERCENT ON RETAIL SALES OF ADULT USE (RECREATIONAL) MARIJUANA TO BE PLACED ON THE APRIL 4, 2023 BALLOT FOR A VOTE OF THE PEOPLE

Council Member Schneider made a motion to amend Bill No. 5133 and replace it with Substitute Bill No. 5133, seconded by Council Member Elam. Discussion was held regarding how the additional money will be disbursed. Council Member Brazil requested some of the tax should be for law enforcement and safety. County Executive Steve Ehlmann explained there is time for discussion regarding this topic before it has to go to the Election Authority for the April 4, 2023 election.

Council Member Brazil made a motion to table Bill No. 5133 with a substitution pending to discuss and vote on the ballot language at a meeting set for Monday, January 23, 2023 at 5:00 p.m. Council Member Elam seconded the motion and it was unanimously approved by the members present.

IN THE MATTER OF)
BILLS FOR)
INTRODUCTION)

Bill No. 5141 – Sponsored by Joe Brazil – AN ORDINANCE AMENDING ORDINANCE NO. 15-123 GRANTING CONDITIONAL USE PERMIT CUP NO. 15-09 FOR AUTOMOBILE SALES & REPAIR TO PARMINDER SINGH

Council Member Elam stated this is an expansion of the current business due to the newly acquired property.

Bill No. 5142 – Sponsored by Mike Elam – AN ORDINANCE AMENDING ORDINANCE NO. 13-102 GRANTING CONDITIONAL USE PERMIT CUP NO. 21008 FOR A TELECOMMUNICATIONS TOWER AT 150 FEET TALL TO DONALD J. TWILLMAN AND DELORES M. TWILLMAN REVOCABLE LIVING TRUST

Council Member Schneider questioned why the tower is being replaced. Michelle Dohrmon, representing Diamond Communications explained they have a new carrier and the current 150’ tower does not meet their requirements, so they are requesting to replace the 150’ ft. tower with a 180’ tower.

Bill No. 5143 – Sponsored by Tim Baker – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING LAND

FROM R1A, SINGLE FAMILY RESIDENTIAL DISTRICT, TO R1C, SINGLE-FAMILY RESIDENTIAL DISTRICT, PER APPLICATION RZ22-18

IN THE MATTER OF)
)
TABLED BILLS)

There were no bills removed from the table.

IN THE MATTER OF)
ANNOUNCEMENTS AND)
MISCELLANEOUS)

County Executive Steve Ehlmann welcomed the new Council Members and thanked Council Member Schneider for serving as chair for 2022.

There being no further discussion, Council Member Elam motioned to adjourn, seconded by Council Member Schneider and unanimously approved by the members present. The meeting adjourned at 8:40 p.m.

Examined and Approved

Terry Hollander, Council Chair
St. Charles County, Missouri

/djv

