

**St. Charles County Council Journal
Regular Meeting – February 27, 2023**

The St. Charles County Council met on Monday, February 27, 2023, at 7:00 p.m. in the Council Chambers at 100 North Third Street, St. Charles, MO 63301.

Council Chair Hollander introduced Pastor Scott Mayes of Calvary Temple Church who provided the invocation and Councilman Matt Swanson led the Pledge of Allegiance.

The following roll call was taken by the clerk:

Councilman Matt Swanson	present
Councilman Joe Brazil	absent
Councilman Mike Elam	present
Councilman Dave Hammond	present
Councilman Terry Hollander	present
Councilwoman Nancy Schneider	present
Councilman Tim Baker	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)
)
PUBLIC COMMENTS)

1720 and 1733 Koch Road

Carolyn Hendrix, County resident, stated 1720 and 1733 Koch Rd. have derelict trailers on the property, are being illegally used for businesses in a residential area and are decreasing property values. Hendrix requested something be done about the appalling trash piles on this property that neighbors her back yard.

James Blechle – County resident, stated he was a law-abiding/tax paying citizen who served the County as past member of the Planning and Zoning Commission and Merit Commission. Blechle stated he firmly believes in property rights, but not disobeying the law, and is outraged over inaction by the County over an illegal business being run from this property.

Kathleen Chostner – 30-year County resident and neighboring landowner, stated she has communicated with the County and the State for 7 years regarding code violations and illegal activity on the properties. Chostner explained the properties are in disrepair and have become a public nuisance, the trailers on site have no access to sewer or water, are condemned yet illegally occupied. Chostner stated the properties are used for illegal business, including burning toxic waste and storing solid waste. With no apparent action by police officers, government representatives, and the DNR – Chostner requested Council assistance to solve the abusive and unsafe use of the properties.

Ron Chostner – County resident, stated he is a neighbor to the properties and described the peace disturbing tenants over the past 7 years, including 911 calls for overdoses, loud and unsafe vehicles speeding away from the property, illegal stripping of junk cars and burning parts which cause explosions. Chostner said the owners are emboldened by the lack of consequences and pose a danger to the neighbors.

Molly – County resident, stated her children can't play on the street because of unrestrained pit bulls the owner brings to the derelict properties. Molly stated she has to fight for her right to enjoy a good quality of life because no one is stopping the illegal business being run on the property. Molly asked the Council for help to solve the problem.

General comment

Arnie C. AC Dienoff, resident of O'Fallon, stated the County should address the properties at Koch Rd., opposed the nomination of Nancy Schneider to the CCRB as a conflict of interest, requested the ability to view auditor reports before destruction, stated concerns about funding of MO Extension, and requested reports of the County lobbyists.

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

County Executive Steve Ehlmann called upon Rory O'Sullivan, Acting County Counselor, to explain the County's actions regarding Koch Rd. O'Sullivan explained the County filed a case in April 2022 against the property owner for code violations. The owner failed to appear once and again for a second court date in July. A warrant was issued for his arrest but has not been executed. O'Sullivan explained that with Missouri Senate Bill 5 in place, incarceration and fines for code violations or traffic tickets aren't emphasized by the courts. Municipal courts don't have many tools for compliance with code violations.

Mike Hurlbert, Director of Community Development, further explained his department has opened over 11 cases on this property over the last few years. There are 3 cases currently in court against the owner for operating an illegal business, failure to get a permit for the septic system, and another for illegal dumping. The County has weighed the \$10,000 cost of clean-up/abatement which was decided against as the property owner would continue to dump trash. Another bid for abatement is being processed, and if it goes forward a lien would be placed on the property. The County has had to deal with several owners in this case and each time the properties are sold the process has to start from the beginning. Councilman Hammond suggested cutting the electric to the property.

Councilman Swanson, stated his constituents were tired after 7 years of trying to get this resolved and requested the County deal with it immediately.

IN THE MATTER OF)
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CONSENT AGENDA)

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

Councilman Hammond motioned to remove the minutes of the previous meeting, Feb. 13, 2023, seconded by Councilman Elam with all present in favor.

Councilman Hammond motioned to amend the minutes of the Feb. 13, 2023, Council meeting by adding “**there was no vote taken during the closed meeting,**” seconded by Councilman Swanson with all present in favor.

Councilman Hammond motioned to approve the amended minutes of the Feb. 13, 2023, Council meeting, seconded by Councilman Elam and approved by all present.

Approval of Journal of the previous meeting – Amended minutes of 2-13-2023 was approved.

Councilwoman Schneider motioned to remove **Appointment** - Community and Children’s Resource Board – Nancy Schneider, seconded by Councilman Hammond with all present in favor.

Councilman Elam motioned to approve the Consent Agenda as amended, seconded by Councilman Hammond and approved by all present. The approved items are as follows:

Approval of Purchases

Highway

- 2023 Concrete Removal and Replacement A/Next Level Construction, LLC/\$599,815.75
- 2023 Concrete Removal and Replacement B/M & H Concrete Contractors, Inc./\$2,183,760.00
- 2023 Concrete Removal and Replacement C/M & H Concrete Contractors, Inc./\$1,560,750.00
- Crack Sealing Project/STL Sealing and Striping, LLC/\$204,264.40

Information Systems

- Community Development Permitting Software/Software House International/\$73,320.00

Nominations and Appointments

Community and Children’s Resource Board

- James E. (Jim) Schaberg, MD – term expiring 12-31-25 – replacing Paul Boschert

Employee Activity Board – Gloria Castaneda – Assessor’s Office

Miscellaneous

Registrar

- Record Destruction – Emergency Communications
- Record Destruction – Public Administrator
- Record Destruction – Auditor

Community Development

- Execute second set of utility easements w/the MO Bluffs HOA
- Findings of Fact, Conclusions of Law, Decision and Order - Bill No. 5134 – CUP22-08(A)

- Findings of Fact, Conclusions of Law, Decision and Order - Bill No. 5135 – CUP22-08(B)
- Findings of Fact, Conclusions of Law, Decision and Order - Bill No. 5136 – CUP22-08(C)
- Findings of Fact, Conclusions of Law, Decision and Order - Bill No. 5137 – CUP22-08(D)
- Findings of Fact, Conclusions of Law, Decision and Order- Amended Bill No. 5138/CUP22-09(A)
- Findings of Fact, Conclusions of Law, Decision and Order- Amended Bill No. 5139/CUP22-09(B)
- Findings of Fact, Conclusions of Law, Decision and Order- Amended Bill No. 5140/CUP22-09(C)

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

Councilwoman Schneider stated she would abstain from the vote for her reappointment to the CCRB.

Council Chair Hollander at Councilman Hammond’s request called for the following vote to approve the appointment: Councilman Swanson – yes, Councilman Brazil – absent, Councilman Elam – yes, Councilman Hammond – yes, Councilman Hollander - yes, Councilwoman Schneider – abstain, Councilman Baker – yes. The following item was approved:

Appointment - Community and Children’s Resource Board
 – Nancy L. Schneider – term expiring 12-31-25 – reappointment

IN THE MATTER OF)
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BILLS FOR FINAL PASSAGE)

Bill No. 5144 - Sponsored by Dave Hammond & Terry Hollander, AN ORDINANCE APPROVING EXECUTION OF A CONGESTION MITIGATION AND AIR QUALITY AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION (“COMMISSION”) TO COORDINATE THE PARTICIPATION OF ST. CHARLES COUNTY IN THE COST OF THE COMMISSION’S PUBLIC IMPROVEMENT FOR AUTOMATED TRAFFIC SIGNAL PERFORMANCE MEASURES TO OPTIMIZE TRAFFIC SIGNAL TIMINGS ON THE FOLLOWING ROUTES: JUNGERMANN ROAD FROM BOONE HILLS DRIVE SOUTH TO OLD HIGHWAY 94, SALT LICK ROAD FROM NORTH OF I-70 SOUTH TO SPANISH TRAIL DRIVE, AND SPENCER ROAD FROM PREMIER PARKWAY SOUTH TO WILLOTT ROAD

There being no discussion, Council Chair Hollander requested the following roll call vote: Councilman Swanson – yes, Councilman Brazil – absent, Councilman Elam – yes, Councilman Hammond – yes, Councilman Hollander – yes, Councilwoman Schneider – yes, and Councilman Baker – yes. Bill No. 5144 was approved 6-1.

Bill No. 5145 - Sponsored by Matt Swanson & Dave Hammond, AN ORDINANCE APPROVING EXECUTION OF A CONGESTION MITIGATION AND AIR QUALITY AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION (“COMMISSION”) TO COORDINATE THE PARTICIPATION OF ST. CHARLES COUNTY IN THE COST OF THE

COMMISSION'S PUBLIC IMPROVEMENT FOR AUTOMATED TRAFFIC SIGNAL PERFORMANCE MEASURES TO OPTIMIZE TRAFFIC SIGNAL TIMINGS ON MAIN STREET FROM MISSOURI ROUTE P SOUTH TO PITMAN STREET

There being no discussion, Council Chair Hollander requested the following roll call vote: Councilman Swanson – yes, Councilman Brazil – absent, Councilman Elam – yes, Councilman Hammond – yes, Councilman Hollander – yes, Councilwoman Schneider – yes, and Councilman Baker – yes. Bill No. 5145 was approved 6-1.

Bill No. 5146 - Sponsored by Terry Hollander & Nancy Schneider, AN ORDINANCE APPROVING EXECUTION OF A CONGESTION MITIGATION AND AIR QUALITY AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION (“COMMISSION”) TO COORDINATE THE PARTICIPATION OF ST. CHARLES COUNTY IN THE COST OF THE COMMISSION'S PUBLIC IMPROVEMENT FOR AUTOMATED TRAFFIC SIGNAL PERFORMANCE MODULES – SIGNAL OPTIMIZATIONS ON THE FOLLOWING ROUTES: ZUMBEHL ROAD FROM I-70 SOUTH TO HAWKS NEST DRIVE; NEW TOWN BOULEVARD/ELM STREET FROM MUELLER ROAD SOUTH TO ELM POINT INDUSTRIAL DRIVE, FIRST CAPITAL DRIVE/ KINGSHIGHWAY BOULEVARD FROM ELM STREET SOUTH TO WEST CLAY STREET, AND FIFTH STREET TO JEFFERSON STREET SOUTH TO SOUTH MAIN STREET

There being no discussion, Council Chair Hollander requested the following roll call vote: Councilman Swanson – yes, Councilman Brazil – absent, Councilman Elam – yes, Councilman Hammond – yes, Councilman Hollander – yes, Councilwoman Schneider – yes, and Councilman Baker – yes. Bill No. 5146 was approved 6-1.

Bill No. 5147 - Sponsored by Joe Brazil, AN ORDINANCE APPROVING AN AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR PRELIMINARY ENGINEERING FUNDING FOR IMPROVEMENTS NEEDED TO REDUCE CONGESTION ON THE IMPROVEMENT OF ROUTE N FROM ROUTE Z TO ROUTE I-64 / ROUTE 364

There being no discussion, Council Chair Hollander requested the following roll call vote: Councilman Swanson – yes, Councilman Brazil – absent, Councilman Elam – yes, Councilman Hammond – yes, Councilman Hollander – yes, Councilwoman Schneider – yes, and Councilman Baker – yes. Bill No. 5147 was approved 6-1.

Bill No. 5148 - Sponsored by Terry Hollander, AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN INTERGOVERNMENTAL FIELD PLACEMENT AGREEMENT WITH THE MISSOURI STATE UNIVERSITY

There being no discussion, Council Chair Hollander requested the following roll call vote: Councilman Swanson – yes, Councilman Brazil – absent, Councilman Elam – yes, Councilman Hammond – yes, Councilman Hollander – yes, Councilwoman Schneider – yes, and Councilman Baker – yes. Bill No. 5148 was approved 6-1.

Bill No. 5149 - Sponsored by Terry Hollander, AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE INTERGOVERNMENTAL WORKFORCE PROGRAM

SERVICES CONTRACT AGREEMENT WITH THE MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES AND ACCEPTING THE MODHSS WORFORCE GRANT FUNDS

There being no discussion, Council Chair Hollander requested the following roll call vote: Councilman Swanson – yes, Councilman Brazil – absent, Councilman Elam – yes, Councilman Hammond – yes, Councilman Hollander – yes, Councilwoman Schneider – yes, and Councilman Baker – yes. Bill No. 5149 was approved 6-1.

Bill No. 5150 - Sponsored by Terry Hollander, AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN INTERGOVERNMENTAL NURSING CLINICAL EXPERIENCE AGREEMENT WITH THE CURATORS OF THE UNIVERSITY OF MISSOURI ON BEHALF OF THE COLLEGE OF NURSING AT THE UNIVERSITY OF MISSOURI-SAINT LOUIS

There being no discussion, Council Chair Hollander requested the following roll call vote: Councilman Swanson – yes, Councilman Brazil – absent, Councilman Elam – yes, Councilman Hammond – yes, Councilman Hollander – yes, Councilwoman Schneider – yes, and Councilman Baker – yes. Bill No. 5150 was approved 6-1.

Bill No. 5151 - Sponsored by Terry Hollander, 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 \$125,000.00

Councilman Hammond discussed the increased amount of the annual funding in this ordinance. Joann Leykam, Director of Administration, explained a one-time payment of \$25,000.00 was added to the annual funding of \$100,000.00 to cover some deferred maintenance and flood damage to the Extension building. Executive Ehlmann noted the St. Charles County contributes more than St. Louis City or St. Louis County because St. Charles County was more agricultural. Council Chair Hollander noted the services are excellent but not many citizens are aware or use them.

Hearing no further discussion, Council Chair Hollander requested the following roll call vote: Councilman Swanson – yes, Councilman Brazil – absent, Councilman Elam – yes, Councilman Hammond – yes, Councilman Hollander – yes, Councilwoman Schneider – yes, and Councilman Baker – yes. Bill No. 5151 was approved 6-1.

IN THE MATTER OF)
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BILLS FOR INTRODUCTION)

Bill No. 5153 - Sponsored by Terry Hollander, AN ORDINANCE AMENDING CERTAIN SECTIONS 205.020, 205.040, 205.064, 205.110, 205.120, 205.130, 205.140, 205.142, 205.145, 205.147, AND 205.180 OF THE ORDINANCES OF ST. CHARLES COUNTY, MISSOURI (“OSCCMO”), ANIMAL REGULATIONS.

Discussion was held regarding the changes in the ordinance that include general clean-up of the language to include all animals when only “dog” fighting was referenced, fixing clerical citation errors, and updating animal-at-large definitions and quarantine guidelines.

Bill No. 5154 - Sponsored by Terry Hollander, AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE OR HIS DESIGNEE TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE AMERICAN RED CROSS ("RED CROSS") TO DEFINE A WORKING RELATIONSHIP BETWEEN THE RED CROSS AND ST. CHARLES COUNTY REGIONAL EMERGENCY MANAGEMENT ("REM") TO PREPARE FOR, RESPOND TO, AND RECOVER FROM EMERGENCIES AND DISASTERS.

Bill No. 5155 - Sponsored by Terry Hollander, AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE OR HIS DESIGNEE TO EXECUTE AWARD LETTERS, AWARDED AGENCY CONTRACTS AND PROPERTY TRANSFER DOCUMENTS FROM THE OFFICE OF JUSTICE PROGRAMS ("OJP"), FOR RECEIPT OF FUNDS IN THE AMOUNT OF \$11,642, FROM THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT PROGRAM ("JAG") AND FURTHER AMENDING THE 2023 BUDGET ADOPTED BY ORDINANCE 22-087 BY PROVIDING SUPPLEMENTAL APPROPRIATION AND TRANSFER OF FUNDS TO ACCOMMODATE ACCEPTANCE OF A JAG GRANT TO PURCHASE A MOBILE POLYGRAPH SYSTEM.

IN THE MATTER OF)
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TABLED BILLS)

There were no bills removed from the table.

IN THE MATTER OF)
ANNOUNCEMENTS AND)
MISCELLANEOUS)

County Executive Ehlmann discouraged lack of decorum and thanked Council Chair Hollander for handling people in the audience who shouted out.

Councilman Swanson thanked Executive staff taking time to show him around the County operated facilities including the jail and juvenile detention center. Councilman Baker echoed the thanks to the Executive staff.

There being no further discussion, Councilman Elam motioned to adjourn, seconded by Councilman Baker and approved by all present. The meeting adjourned at 8:01 p.m.

Examined and Approved

Terry Hollander, Council Chair
St. Charles County, Missouri

/csf