

**St. Charles County Council Journal
Regular Meeting – May 8, 2023**

The St. Charles County Council met on Monday, May 8, 2023, at 7:00 p.m. in the Council Chambers at 100 North Third Street, St. Charles, MO 63301.

Council Chair Hollander introduced with Pastor Matthew Ricks with the St. Charles Christian Church-New Town who provided the invocation and Council Member Tim Baker 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
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)

Council Chair Hollander opened the floor for public comments stating they usually hear six speakers on each topic alternating pro and con and allowing three minutes per speaker, however this evening the Council will hear more on Subst. Bill No. 5167.

Substitute Bill No. 5167

Lawrence Crain – Highway 94 South resident, provided a map of the area where the rezoning is being applied for and brought the focus of his comments to the St. Charles County Community Development Planning and Zoning Division staff stating they recommended denial for this rezoning due to spot zoning. Crain pointed out the Planning and Zoning Commission voted for approval on this request. Crain noted the concerns of the surrounding neighbors is what will go in this location if the Winkler’s decide to sell their property. Crain requested the Council deny this rezoning request.

Tiffany Winkler, applicant, shared the history of how they have acquired the property and their intentions to sell their home-grown beef as well as local goods at their market at this location. Winkler pointed out the Planning and Zoning Commission did approve this application. Winkler quoted from the 2030 St. Charles County Master Plan regarding land usage as it relates to agri-tourism in the area.

Kelly Roth – Highway 94 South resident, stated she and other neighbors that were unable to attend opposed this rezoning request to go to C1 zoning. Roth pointed out the Planning and Zoning Commission went against the staff's recommendation for denial. Roth noted the area was not appropriate for spot zoning, there is no buffering, the lot is too small and there are safety concerns.

Jennifer Ham, Highway 94 South resident, stated there are currently several commercial businesses in the Defiance area nestled alongside residential property and there are no problems. Ham pointed out commercial business is good as small businesses keep the community tight.

Tracy Pieper, Matts Way resident, stated she lives within 1,000 ft. from this location and pointed out the Winkler's are currently selling their meat at the local coop and should continue. Pieper stated commercial zoning at this location is wrong. Pieper shared concerns regarding the septic system at this location.

Joe Koester, Highway 94 South resident, stated he lives within 1,000 ft. from this rezoning request and supports the commercial business. Koester pointed out this is a small commercial business that will look nice and not a huge commercial business with large buildings, etc. Koester noted Highway 94 South is not a neighborhood road with all the daily large trucks and traffic utilizing it.

Elizabeth Bland, Matts Way resident, stated her opposition to the spot rezoning to commercial amongst residential property. Bland shared her concerns on what could be placed at this location if it is commercial, and the Winkler's sell the property.

Dave Simon, Defiance resident, stated the Winklers have volunteered many hours at the local school helping young students and have a vested interest in the community. As a chef, Simon explained he is excited to get quality beef used in fine restaurants locally in St. Charles County.

Cory Terry, St. Charles County resident, stated there is currently noise, traffic concerns in the area and noted there is a quarry, wineries and new businesses going up in the Augusta/Defiance area with commercial property. Terry supported the rezoning for the commercial business.

Karen Lyons, Defiance resident, stated her support for the small commercial business.

Peter Rook, Old Colony Road resident, stated he agreed with what Joe Koester said and noted the local venue is great for the community. The current trend is farm to table and this business fits the healthy lifestyle that is become more common.

Bill No. 5177

Shawn Luesse, representing developer TR Hughes, Inc. and noted he was in the audience if anyone had any questions.

Miscellaneous

Arnie C. A.C. Dienoff, County resident, stated concerns regarding Bill No. 5175 and requested the City of O’Fallon join the other municipalities and St. Charles County as one consolidated community for Urban County projects. Dienoff requested the County Auditor review the Prosecuting Attorney’s office now that it has new leadership and shared concerns regarding County assessments. Dienoff noted concerns regarding his sunshine law requests for reports for lobbyists related with St. Charles County government.

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

There was no Oral Report.

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. Hearing none, Council Member Brazil made a motion to approve the Consent Agenda as presented, seconded by Council Member Swanson and unanimously approved. The approved items are as follows:

Approval of Journal of the previous meeting – 4-24-2023

Approval of Purchases

Parks & Recreation – Four (4) 12-Ton Dovetail Equipment Trailers/Heavy Duty Equipment
\$71,548.00

- One (1) 2022 Ford F550 4 x 4 Diesel Dump Truck/Lou Fusz Ford/\$87,078.00
- Kinetic Park Custom Amenity Purchase and Installation/Kompan/\$621,417.85

Parks & Recreation – Smartt Field – Construct Taxilanes/Jokerst Paving and Contracting, Inc.
\$1,065,391.00

Information Systems – Low Voltage and Communication Installation Services/Rolwes Electric, LLC
And TSI Global Companies, LLC/\$225,000.00

Nominations and Appointments

- Building Commission – Jeff Droste, Commercial Construction Profession – term expiring 6-30-24 filling a vacant position
- Stephen J. Hollander, Architectural Profession – term expiring 6-30-24 filling a vacant position

Commission on Housing Assistance – Dorothy Coleman – partial term expiring 10-31-25 filling a vacant seat formerly held by Dorothy Cedano

Developmental Disabilities Resource Board – James “Todd” Gentry/term expires 1-31-25 reappointment

Planning & Zoning Commission – Chad Cornwell/term expires 8-31-25/reappointment

Miscellaneous

Registrar – Record Destruction – Highway Dept.

Community Development – Findings of Fact, Conclusions of Law, Decision and Order – Bill No. 5163 CUP22-15(A)

– Findings of Fact, Conclusions of Law, Decision and Order – Bill No. 5164 CUP22-15(B)

Council Member Brazil made a motion to amend the agenda to bring up Substitute Bill No. 5167, seconded by Council Member Elam and unanimously approved.

IN THE MATTER OF)
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TABLED BILLS)

Substitute Bill No. 5167 – 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 C1, NEIGHBORHOOD COMMERCIAL DISTRICT, PER APPLICATION RZ23-01

Council Member Brazil stated the map provided by Mr. Crain shows several commercial businesses currently dotted in the Defiance area and this small commercial rezoning will fit in nicely with landscaping to act as a buffer and continue to keep the small town feel with the fresh market. Brazil stated he supports this bill.

Council Member Baker noted the lot is just one acre and questioned if there must be three acres for a septic system. Robert Myers, Planning and Zoning Division Director noted any new construction would have to have three acres for a septic system, however an existing septic is allowed on one acre.

There being no further discussion, Council Chair Hollander requested the following roll call vote: Council Member Swanson – yes, Council Member Brazil – yes, Council Member Elam – yes, Council Member Hammond – yes, Council Member Hollander – yes, Council Member Schneider -no, Council Member Baker – yes. Substitute Bill No. 5167 was approved by a vote of 6-1.

IN THE MATTER OF)
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BILLS FOR FINAL PASSAGE)

Bill No. 5175 – Sponsored by Terry Hollander – AN ORDINANCE (1) AUTHORIZING THE AMENDMENT OF THE ST. LOUIS HOME CONSORTIUM CONSOLIDATED PLAN (2016-2020) AND AMENDING THE 2019 ANNUAL ACTION PLAN FOR ST. CHARLES COUNTY, MISSOURI, IN ITS CAPACITY AS AN URBAN COUNTY UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM OF THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND (2) AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE ALL RELATED DOCUMENTS, CERTIFICATIONS, AND CONTRACTS

There being no discussion, Council Chair Hollander requested the following roll call vote: Council Member Swanson – yes, Council Member Brazil – yes, Council Member Elam – yes, Council Member Hammond – yes, Council Member Hollander – yes, Council Member Schneider – yes, Council Member Baker – yes. Bill No. 5175 was unanimously approved.

Bill No. 5176 – Sponsored by Mike Elam – AN ORDINANCE GRANTING THE GREAT RIVERS GREENWAY DISTRICT A LICENSE TO INSTALL A PORTABLE RESTROOM AT THE TRAILHEAD PARKING LOT OFF RESEARCH PARK DRIVE

Council Member Swanson questioned John Lyons, Highway Engineer on what type of date is set for installation of this portable restroom. Lyons replied it will be within the next six months.

There being no further discussion, Council Chair Hollander requested the following roll call vote: Council Member Swanson – yes, Council Member Brazil – yes, Council Member Elam – yes, Council Member Hammond – yes, Council Member Hollander – yes, Council Member Schneider – yes, Council Member Baker – yes. Bill No. 5176 was unanimously approved.

IN THE MATTER OF)
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BILLS FOR INTRODUCTION)

Bill No. 5177 – Sponsored by Matt Swanson – AN ORDINANCE OF THE COUNTY OF ST. CHARLES, MISSOURI, APPROVING VARIANCES FOR THE GROVE AT RIVERDALE SUBDIVISION

Bill No. 5178 – Sponsored by Joe Brazil – AN ORDINANCE APPROVING AN AGREEMENT WITH THE MISSOURI DEPARTMENT OF TRANSPORTATION (MoDOT) FOR THE DUELLO ROAD, PHASE II PROJECT

Bill No. 5179 – Sponsored by Joe Brazil – AN ORDINANCE APPROVING AN AGREEMENT WITH THE MISSOURI DEPARTMENT OF TRANSPORTATION (MoDOT) FOR THE HEPPERMAN ROAD, PHASE II PROJECT

Bill No. 5180 – Sponsored by Joe Brazil – AN ORDINANCE APPROVING AN AGREEMENT WITH THE MISSOURI DEPARTMENT OF TRANSPORTATION (MoDOT) FOR THE PROJECT ON HOPEWELL ROAD

Bill No. 5181 – Sponsored by Matt Swanson and Tim Baker – AN ORDINANCE APPROVING AN AGREEMENT WITH THE MISSOURI DEPARTMENT OF TRANSPORTATION (MoDOT) FOR ASPHALT OVERLAY ON MAJOR STREETS

Bill No. 5182 – Sponsored by Matt Swanson – AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF WENTZVILLE FOR DESIGN AND

RIGHT-OF-WAY FOR THE FUTURE CONSTRUCTION OF DAVID HOEKEL PARKWAY
PHASE 3

Bill No. 5183 – Sponsored by Terry Hollander – AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE OR HIS DESIGNEE TO EXECUTE CONTRACT AMENDMENT #006 FOR AUTOPSY SERVICES WITH THE MISSOURI DEPARTMENT OF SOCIAL SERVICES FOR CHILD DEATH AUTOPSY SERVICES

Bill No. 5184 – Sponsored by Terry Hollander – AN ORDINANCE WAIVING LIQUOR LICENSE FEES FOR CERTAIN CONCESSIONS OPERATIONS OF THE PARKS AND RECREATION DEPARTMENT OF THE CITY OF ST. CHARLES FOR THE PERIOD JULY 1, 2023, THROUGH JUNE 30, 2024

Bill No. 5185 – Sponsored by Matt Swanson, Joe Brazil, Dave Hammond and Tim Baker – AN ORDINANCE AMENDING SECTIONS 605.090 AND 605.140, ORDINANCES OF ST. CHARLES COUNTY, MISSOURI (“OSCCMO”) CONCERNING THE UNIFORMS OF COMMISSIONED POLICE OFFICERS

Bill No. 5186 – Sponsored by Terry Hollander – AN ORDINANCE AMENDING SECTION 115.710 OF THE ORDINANCES OF ST. CHARLES COUNTY, MISSOURI (“OSCCMo”) TO ESTABLISH THE POSITION OF MANAGER OF CYBER INTELLIGENCE, AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AGREEMENT WITH EAST WEST GATEWAY COUNCIL OF GOVERNMENTS AND AMENDING ORDINANCE 22-087 BUDGET OF ST. CHARLES COUNTY TO RECOGNIZE THE ADDITIONAL REVENUE FROM THIS GRANT AND ESTABLISH THE GRANT FUNDED POSITION IN THE POLICE DEPARTMENT

IN THE MATTER OF)
ANNOUNCEMENTS AND)
MISCELLANEOUS)

Council Chair Hollander asked if there were any announcements or miscellaneous from Council Members.

Council Member Baker stated he spent time with Parks and Recreation Director Ryan Graham on a tour of the County’s Park System and was impressed with what has been accomplished in the short amount of time. Baker pointed out the County should be very proud of their park system and encouraged the public to visit them.

Council Member Hammond stated individuals who criticize the County Attorney should realize he abides by State and County law and individuals who request records must pay for them.

There being no further announcements Councilman Elam motioned to adjourn, seconded by Councilman Swanson and approved by all present. The meeting adjourned at 7:51 p.m.

Examined and Approved

/djv

Terry Hollander, Council Chair
St. Charles County, Missouri

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