

**St. Charles County Council Journal
Regular Meeting – September 30, 2019**

The St. Charles County Council met on Monday, September 30, 2019 at 7:00 p.m. in the County Council Chambers, 100 North Third Street, St. Charles, Missouri. Pastor Kevin Kolb with the Grace Baptist Church provided the invocation and Council Member White led in the Pledge of Allegiance.

The following roll call was taken by the Clerk:

Council Member Joe Cronin	present by video conferencing
Council Member Joe Brazil	present
Council Member Mike Elam	present
Council Member Dave Hammond	present
Council Member Terry Hollander	present
Council District 6	vacant
Council Member John White	present

County Executive Staff present:

Steve Ehlmann, County Executive
 Joann Leykam, Director of Administration
 Jennifer George, Assistant Director of Administration
 John Greifzu, Assistant Director of Administration

County Counselor’s Office:

John Watson, County Counselor

IN THE MATTER OF)
PUBLIC)
PRESENTATIONS)

Shima Rostami presented information regarding Gateway Human Trafficking in St. Charles County and provided various slides relating to educating the community on the various activities and support needed to help victims affected by human trafficking.

IN THE MATTER OF)
PUBLIC HEARING ON)
TRAFFIC REGULATIONS)

Craig Tajkowski, County Engineer explained the process of how traffic regulations work. Tajkowski explained, once a request has been received with the proper amount of signatures of citizens around the area of the particular location, the Highway Department publishes a public hearing notice to be heard at two Council Meetings. After the hearings, Highway staff goes to each location and determines the necessity of the regulation. Tajkowski continued by saying he makes a recommendation to the County Council in the form of a bill to be placed on the Council Agenda for consideration.

Close Country Landing Drive at Teresa Fields Lane

Ryan Floyd, Lake St. Louis, Mo stated his concerns regarding the possibility of closing Country Landing Drive at Teresa Fields Lane that will impact so many residents to benefit a handful of residents. Floyd explained he has been in law enforcement for over 16 years and in his experience, there are not that many speeding vehicles in the neighborhoods. Floyd also stated his concern regarding the other streets may not be able to handle the additional traffic due to the width of the streets and the vehicles parked on both sides.

Council Member Brazil requested the Highway Engineer, Craig Tajkowski to explain the situation on the requested traffic regulation at this location. Tajkowski explained the petition requested the closing of Country Landing Drive, however that roadway has been dedicated as an easement for several of the surrounding subdivisions. Tajkowski noted staff will review the location and involve the County Counselor’s office as it relates to the dedicated easement before bringing a recommendation to the County Council.

John Conover, Lake St. Louis, MO stated his support for the road closure. Conover pointed out there are approximately 3000 vehicles that utilize this roadway in 4 ½ days according to a counter set up by the St. Charles County Police Department. Conover explained this is their first attempt to try and fix the traffic problems at this location.

Laura Rhodes, Lake St. Louis, Mo stated she is one of the two homes that utilize Country Landing Drive and noted no one has approached them for their opinion on this situation. Rhodes explained her concern is what the plans are when MoDOT improves Highway N. Also, Rhodes stated her family originally owned several of the acres that are now subdivisions and they were all granted an easement to use Country Landing Drive

Dan Baisk, Lake St. Louis, Mo stated his support for closing Country Landing Drive. Basik pointed out convenience does not overpower safety and sooner or later someone will get badly hurt.

Prohibit Parking at 2629 Hampton Road and Restrict Parking to “Handicap Parking Only” at 2613 Plantation Point

Mike Conant, St. Charles, MO 63303 stated the request for the “Handicap Parking Only” at 2613 Plantation Point is no longer necessary and the HOA for this subdivision supports a handicap parking spot at 2629 Hampton Road.

Close Country Landing Drive at Teresa Fields Lane

Arnie C. A.C. Dienoff, O’Fallon resident explained each request for traffic regulations should be available in the on-line agenda packet prior to the public hearings. Dienoff stressed all property owners should be considered before closing a roadway and to work with the surrounding municipalities for all involved to make the roadways safer.

There being no additional speakers, the Public Hearing on Traffic Regulations was closed at 7:39 p.m.

IN THE MATTER OF)
PUBLIC HEARING ON)
2019 TAX RATES)

Council Chair White opened the Public Hearing on setting the 2019 Tax Rates and invited anyone from Administration to comment on the 2019 tax rates. There were no comments. Council White then invited anyone from the audience to speak.

Arnie C. A.C. Dienoff, resident of O’Fallon stated St. Charles County is #1 in growth in the State of Missouri and requested the Council consider reducing the rate in each of the funds due to the increase in the assessments throughout the County.

There being no additional speakers, the Public Hearing on setting the 2019 Tax Rates was closed at 7:45 p.m.

IN THE MATTER OF)
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PUBLIC COMMENTS)

Council Chair White opened public comments. He requested comments be limited to three minutes per speaker with three alternating pro and con positions on any particular topic. He also requested that anyone who addressed the Council fill out a speaker’s card for the record prior to the start of the meeting.

Youth Activity Park bid for construction of an Asphalt Pump Track

Chris Hammond and his son, Wildwood, MO supports the pump track bid and shared their excitement with the news of it coming to the Youth Activity Park for all ages to enjoy.

Kyle Crangle, St. Charles County resident explained he is a cyclist and is very excited to hear about the construction of an asphalt pump track at the Youth Activity Park. Crangle stated he and a large group of friends travel to various places in the United States to participate in tournaments, etc. on asphalt pump tracks and pointed out this activity should bring in lots of tourists to the area. Crangle also pointed out this will help the small business owner who sells bikes.

Miscellaneous

Arnie C. A.C. Dienoff, O’Fallon resident supported the appointment of Bryan Ludwig to the Merit System Commission and stated Bill No. 4770 should be amended to have the sign posted at the various businesses be increased so patrons can see it easier. Dienoff shared his concerns regarding the rezoning of 2776 Technology Drive and urged the Council to override the veto from the County Executive.

Youth Activity Park bid for construction of an Asphalt Pump Track

Brad Pickens, stated his young children use the BMX bikes and trails and he uses the mountain bikes and trails and the pump track is a wonderful transformation from one age group to another. Pickens pointed out the amount of people who will come and utilize this tract will also bring in tourism dollars to the community.

Bill No. 4750

The real estate agent for the Zahnners requested the Council reconsider the rezoning at 2676 Technology Drive and noted the applicants were unaware this bill was on the agenda for reconsideration.

There being no additional speakers, Public Comments ended at 7:57 p.m.

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

Steve Ehlmann, County Executive did not have an Oral Report, however he did suggest holding a work session to discuss Bill No. 4770 stating there were various groups and individuals who will be interested in attending.

Council Member Brazil made a motion to bring up Bill No. 4760 for Final Passage, seconded by Council Member Elam and unanimously approved.

Bill No. 4760 – Sponsored by John White – AN ORDINANCE AMENDING ORDINANCE 18-030 ACCEPTING PLANS AND SPECIFICATIONS, ORDERING THE IMPROVEMENTS BE MADE, SETTING FORTH A PROPOSED ASSESSMENT ROLL, AND AUTHORIZING INTERIM FINANCING FOR THE IMPROVEMENTS FOR THE SARATOGA HEIGHTS SANITARY SEWER NEIGHBORHOOD IMPROVEMENT DISTRICT

There being no discussion, Council Chair White 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 White – yes. Bill No. 4760 was unanimously approved.

IN THE MATTER OF)
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CONSENT AGENDA)

Council Chair White requested consideration of the Consent Agenda. Council Member Brazil made a motion to accept the Consent Agenda as presented, seconded by Council Member Elam and unanimously approved with the members present. The approved items are as follows:

Approval of Journal of the previous meetings

- Regular Journal (9-9-19)
- Amended Journal (8-26-19)

Approval of Bids

- Community Development – Service Bid/Sts. Joachim & Ann Care Service/\$160,000
– Saratoga Heights Sanitary Sewer NID/Pavement Solutions/\$159,915.76
- Parks & Recreation – Matson Hill Roadway and Parking Lot/KCI Construction Co./\$1,493,113.48
- YAP/Asphalt Pump Track Construction/American Ramp Company/\$650,000.00
- Facilities Management – Mechanical Room Refrigerant Monitoring System Re-Bid/Rock Hill
Mechanical Corp./\$85,461.00

Nominations and Appointments

- Merit System Commission – Bryan Ludwig/replacement-partial term expires 4/30/22

St. Charles County Government Shared Leave Bank Committee – Jim Vieth/re-appointment, term 2/8/22

Miscellaneous

Highway – Change Order No. 5 – David Hoekel Pkwy. #1/Horner & Shifrin/\$27,940.00

– Change Order No. 3 – David Hoekel Pkwy. #4/AECOM Technical Services, Inc.
\$10,910.00

Sheriff – K-9 equipment donation from Metro Transit

Finance – Health Insurance Provider for St. Charles County elected official, employees, and retirees
2020/Aetna

Parks & Recreation – Change Order No. 1 – Indian Camp Creek Park Multi Use Trail Phase 1/Krupp
Construction/\$252,533.91

IN THE MATTER OF)

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RESOLUTIONS)

Resolution No. 19-06 – Sponsored by John White – A RESOLUTION RE-APPOINTING MARK OSTMANN TO THE BOARD OF TRUSTEES OF THE GREENS BOTTOM LEVEE DISTRICT NO. 2

There being no discussion, Council Chair White 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 White – yes. Resolution No. 19-06 was unanimously approved.

IN THE MATTER OF BILLS)

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FOR RECONSIDERATION)

The County Council received the following Veto of Bill No. 4750 from the County Executive on September 11, 2019 as follows:

By this correspondence, pursuant to Section 3.702 of the St. Charles County Home Rule Charter, I am returning to the St. Charles County Council with objections Bill 4750, and ordinance “AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING LAND FROM R1E, SINGLE FAMILY RESIDENTIAL DISTRICT TO C2, GENERAL COMMERCIAL DISTRICT AS PER APPLICATION RZ19-08.”

This bill would rezone a .34-acre tract of land that is located at 2676 Technology Drive and is immediately adjacent to the City of Dardenne Prairie and is an unincorporated island surrounded by properties within the city, which as filed a remonstrance against the rezoning. Some of the County’s C-2 General Commercial District uses could interfere with the purpose of the City’s C-3 Retail Commercial District and therefore does not promote the community welfare.

Furthermore, this .34-acre parcel could inhibit or prevent future assemblage of the surrounding parcels for the development of a much larger and impactful project. The current surrounding uses consist of a gas station, used car lot, a trailer storage yard, a house (zoned commercial) and several vacant parcels. The total acreage is approximately 8-9 acres if all surrounding parcels are included. The County and

City of Dardenne Prairie should work together to understand a more complete plan for the area before rezoning such a small individual parcel.

For the foregoing reasons, I hereby veto Bill 4750.

*Steve Ehlmann
St. Charles County Executive*

Bill No. 4750 – Sponsored by Joe Brazil – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING LAND FROM R1E, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO C2, GENERAL COMMERCIAL DISTRICT, AS PER APPLICATION RZ19-08

Council Member Hollander made a motion to table Bill No. 4750 to allow time to hear from the applicant.

Council Member Brazil invited Dardenne Prairie Mayor David Zucker to present information to the Council. Brazil explained he had spoken to the applicant and supported the bill however he did want to give Mayor Zucker an opportunity to share the city's concerns and would support tabling the bill for more conversation.

Dardenne Prairie Mayor David Zucker presented the Council with information relating to the City's request to sustain the County Executive's veto of Bill No. 4750. Zucker pointed out the various permitted commercial uses the County allows as well as what the City of Dardenne Prairie allows and the City is concerned that the rezoning of 2676 Technology would not be beneficial to the surrounding area which is in the City of Dardenne Prairie. Zucker respectively requested the County Council to sustain the County Executive's veto.

Council Member Hammond stated he does not support the veto and explained it is the property owner's right to rezone the land as they wish to achieve the most for the sale of the property whether it is in the city limits or not. Hammond does not support tabling this bill.

County Counselor, John Watson pointed out under the St. Charles County Charter in Section 2.6 it states the Council has a time limit of 30 days to act on a veto. It would require a special meeting to address the bill to record the votes as required by the Charter within the 30 day time frame if the bill is tabled.

Council Member Hollander removed his motion to table Bill No. 4750.

Council Member Brazil questioned Mayor Zucker on why they would not want to come into the city of Dardenne Prairie. Zucker replied the County's uses are slightly different from the City's uses as to what is allowed on their property. Brazil indicated he supports the applicant and the rezoning.

There being no further discussion, Council Staff asked the following question, "Shall the bill pass, the objections of the County Executive notwithstanding?"

Council Member Cronin – no, Council Member Brazil – yes, Council Member Elam – no, Council Member Hammond – yes, Council Member Hollander – yes, Council Member White – yes. Bill No. 4750 failed and the veto stands with a vote of 4 yeas and 2 nays. (*Editor's Note: A super majority of the Council is required to override a veto from the County Executive.*)

IN THE MATTER OF)
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BILLS FOR FINAL PASSGE)

Bill No. 4759 – Sponsored by John White – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING LAND FROM I1, LIGHT INDUSTRIAL DISTRICT, WITH FLOODWAY FRINGE AND DENSITY FLOODWAY OVERLAY DISTRICTS, TO I2, HEAVY INDUSTRIAL DISTRICT, WITH FLOODWAY FRINGE AND DENSITY FLOODWAY OVERLAY DISTRICTS, AS PER APPLICATION RZ19-10

There being no discussion, Council Chair White 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 and Council Member White – yes. Bill No. 4759 was unanimously approved.

Bill No. 4761 – Sponsored by Council as a Whole – AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SURFACE TRANSPORTATION PROGRAM AGREEMENT, AWARD NAME/NUMBER STP-7302(678), WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR REIMBURSEMENT OF 80 PERCENT OF ELIGIBLE COSTS UP TO A MAXIMUM AMOUNT OF \$1,020,000 TO RECONSTRUCT PART OF GUTERMUTH ROAD

There being no discussion, Council Chair White 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 and Council Member White – yes. Bill No. 4761 was unanimously approved.

Bill No. 4762 – Sponsored by John White – AN ORDINANCE AUTHORIZING EXECUTION OF DOCUMENTS FOR AND RECEIPT OF GRANT FUNDS UP TO THE AMOUNT OF \$5,750 FROM EAST WEST GATEWAY COUNCIL OF GOVERNMENTS FINANCIAL ASSISTANCE SUB-AWARD AGREEMENT, PROJECT 2017 UASI EQUIPMENT AND SUPPLIES, AND FURTHER AMENDING ORDINANCE 18-117 BY PROVIDING RELATED SUPPLEMENTAL APPROPRIATIONS TO THE BUDGET OF THE OFFICE OF THE MEDICAL EXAMINER

There being no discussion, Council Chair White 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 and Council Member White – yes. Bill No. 4762 was unanimously approved.

Bill No. 4763 – Sponsored by John White – AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A SIXTH AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF ST. CHARLES FOR COLLECTION OF TAXES

There being no discussion, Council Chair White 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 and Council Member White – yes. Bill No. 4763 was unanimously approved.

Bill No. 4764 – Sponsored by John White – AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF WELDON SPRING FOR COLLECTION OF NEIGHBORHOOD IMPROVEMENT DISTRICT SPECIAL ASSESSMENTS

There being no discussion, Council Chair White 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 and Council Member White – yes. Bill No. 4764 was unanimously approved.

Bill No. 4765 – Sponsored by Council as a Whole – AN ORDINANCE AMENDING SECTION 160.090, ORDINANCES OF ST. CHARLES COUNTY, MISSOURI (“OSCCMo”) REGARDING COURT COSTS

There being no discussion, Council Chair White 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 and Council Member White – yes. Bill No. 4765 was unanimously approved.

Bill No. 4766 – Sponsored by John White – AN ORDINANCE REQUIRING THE FINGERPRINTING OF LICENSEES IN SPECIFIED OCCUPATIONS FOR CRIMINAL HISTORY RECORD INFORMATION FROM THE MISSOURI STATE HIGHWAY PATROL AND FEDERAL BUREAU OF INVESTIGATION

There being no discussion, Council Chair White 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 and Council Member White – yes. Bill No. 4766 was unanimously approved.

Bill No. 4767 – Sponsored by John White – AN ORDINANCE FIXING AND ESTABLISHING THE RATE AND LEVYING OF TAXES FOR THE GENERAL REVENUE FUND AND FOR VARIOUS SPECIAL FUNDS OF AND FOR THE COUNTY OF ST. CHARLES, MISSOURI, FOR THE YEAR 2019

There being no discussion, Council Chair White 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 and Council Member White – yes. Bill No. 4767 was unanimously approved.

IN THE MATTER OF)
BILLS FOR)
INTRODUCTION)

Bill No. 4768 – Sponsored by John White – AN ORDINANCE APPROVING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES (“MoDHSS”) FOR A GRANT AWARD IN THE AMOUNT OF \$3,000 TO HELP LOCAL AND STATE PUBLIC HEALTH AGENCIES IMPROVE THE QUALITY AND COMPLETENESS OF DATA FOR THE ENHANCED STATE OPIOID OVERDOSE SURVEILLANCE (“ESOOS”) PROGRAM FOR THE ST. CHARLES COUNTY DEPARTMENT OF PUBLIC HEALTH

Bill No. 4769 – Sponsored by John White – AN ORDINANCE AMENDING THE 2019 BUDGET FOR POSITIONS WITHIN THE ST. CHARLES COUNTY POLICE DEPARTMENT, BUREAU OF ADMINISTRATIVE SERVICES TO REALLOCATE POSITIONS WITHIN THE RECORDS DIVISION

Bill No. 4770 – Sponsored by John White – AN ORDINANCE CALLING FOR THE AMENDMENT OF THE CHARTER IN THE FORM OF A PROPOSITION REQUIRING THAT CONSUMERS BE INFORMED OF TAX RATES IN COMMUNITY IMPROVEMENT DISTRICTS WITHIN ST. CHARLES COUNTY ON THE AUGUST 4, 2020 BALLOT

The Council discussed holding a work session to discuss various issues regarding Bill No. 4770. County Executive Ehlmann explained in 2020 the MO General Assembly may address this topic and this bill will no longer be needed.

IN THE MATTER OF)
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TABLED BILLS)

Council Member Brazil made a motion to remove Bill No. 4748 from the table, seconded by Council Member Hollander and unanimously approved.

Bill No. 4748 – Sponsored by Joe Brazil – AN ORDINANCE OF THE COUNTY OF ST. CHARLES, MISSOURI, APPROVING THE PRELIMINARY PLAN AND FINAL DEVELOPMENT PLAN FOR THE MISSOURI BLUFFS PUD

Council Member Cronin stated there was a lot of work done of this project by a lot of people and this will be a very nice development affecting very little of the surrounding land and is supportive of this bill.

There being no further discussion, Council Chair White requested the following roll call vote: Council Member Cronin – yes, Council Member Brazil – yes, Council Member Elam – no, Council Member Hammond – yes, Council Member Hollander – yes and Council Member White – yes. Bill No. 4748 was approved by a vote of 5-1.

IN THE MATTER OF)
ANNOUNCEMENTS AND)
MISCELLANEOUS)

Council Member Brazil stated this project started out with approximately 500 acres and it has been reduced to 30 acres. County Executive Steve Ehlmann stated this project started a couple of years ago and the Council has been very patient with this process and both the Council and the University of

Missouri agrees on this project. Ehlmann continued by saying the St. Charles County Parks and Recreation Department will be purchasing 286 acres that includes the golf course and several other surrounding areas to be left natural. Ehlmann pointed out the golf course will continue to be run by its current lease and in the event they no longer want to run this as a golf course, the St. Charles County Parks and Recreation Department will decide to continue to run it as a golf course or make it into parkland.

Brazil concluded saying it is very exciting and lots of the surrounding land will not be touched. Brazil reviewed the project and noted it has been reduced from its original plan and the developer did as much as possible to grant the wishes of the many people who asked for various things.

Hearing no additional announcements or comments, Council Member Hollander motioned to adjourn seconded by Council Member Hammond and unanimously approved by the members present. The meeting adjourned at 8:39 p.m.

Examined and Approved

John White, County Council Chair
St. Charles County, Missouri

/djv