The St. Charles County Council met on Monday, March 30, 2020 at 7:02 p.m. in the County Council Chambers, 100 North Third Street, St. Charles, Missouri. Councilman Elam read the invocation provided by Pastor Steve Below with O’Fallon Christian Church and Council Member Hammond led in the Pledge of Allegiance.

The following roll call was taken by the Clerk:

- Council Member Joe Cronin present
- Council Member Joe Brazil present
- Council Member Mike Elam present
- Council Member Dave Hammond present
- Council Member Terry Hollander present
- Council Member Nancy Schneider present
- Council Member John White present

County Executive Staff present:

- Steve Ehlmann, County Executive
- Joann Leykam, Director of Administration

County Counselor’s Office:

- John Watson, County Counselor

County Counselor John Watson explained under the unique situation of the COVID-19 Pandemic, the public participated in the meeting through virtual presence and the agenda stated the following, “PUBLIC ATTENDANCE WILL ONLY BE PERMITTED THROUGH VIRTUAL PRESENCE LIVE VIA OUR SCCMOTV YouTube CHANNEL, ACCESSIBLE ALSO THROUGH SCCMO.ORG (Charter Spectrum Channel 993 unavailable) and was posted on Wednesday, March 25, 2020 on the County’s website.

IN THE MATTER OF

PUBLIC COMMENTS

Council Chair Hollander opened public comments. Hollander explained due to the unusual circumstances with the COVID-19 Pandemic, the Council posted their “Tentative Agenda” on Wednesday, March 25, 2020 instructing anyone wishing to submit a public comment to do so by Monday, March 30, 2020 at 5:00 p.m. Those comments received will be placed with the County Registrar as part of the official record. Hollander explained the Council will hear a total of six comments alternating pro and con views on any agenda item or the COVID-19 Response. The following are the comments read out loud:
Bill No. 4816

Ben Reiling, resident of a Bradford Heights Subdivision, requested the support of the Council to affirm the Board of Zoning Adjustment’s decision to deny the variance request from Missouri-American Water Company. Reiling explained there may be a need for the additional water and pressure, there are also several concerns such as shouldering the burden and loss of revenue by way of reduced property values as a result of a 140 ft. water tower. In addition, Reiling noted Missouri-American Water Company should explore alternative locations or consider a 40 ft. tower with the necessary equipment to make it work.

Drew Weber, Attorney representing Missouri-American Water Company requested the Council’s support in denying the Board of Zoning’s decision and approve the construction of the 140 ft. water tower. Weber indicated in his comments that water pressure is vital to the surrounding communities and explained there has been a Certificate of Convenience and Necessity issued by the MO Public Service Commission to provide water service within St. Charles County. Weber also pointed out that Missouri-American Water Company prepared an engineering report to analyze three different properties for the storage tank and the results were the site at 530 Knaust Road as the best location.

Greg Rosenow, resident of Greenbriar Downs explained his opposition to the proposed 140 ft. water tower. Rosenow explained the current rules allow for a 40 ft. water tower and Missouri-American Water Company has admitted that a pump can be utilized to serve the needs of their water pressure issues.

Renee Lawrence, representative with Missouri-American Water Company explained Missouri-American Water Company has done its due diligence to compile information for the Council such as an estimated cost analysis for alternative locations as well as holding a public meeting to allow more information to be shared to the surrounding residents. Lawrence also stated there is an e-mail address set up to field questions regarding the proposed tower at StCharlesWaterStorage@amwater.com. Lawrence requested an approval of the variance request.

Scott Wagner, resident of Greenbriar Downs thanked Council Member Mike Elam for helping communicate with the applicant and the residents. Wagner explained Missouri-American Water Company wants the Council to approve their variance so they can build their 140 ft. water tower at this location which will save the water company money in the long run, however that does not benefit the nearby residents. Wagner pointed out many residents were aware of Missouri-American Water Company’s right to construct a 40 ft. tower when they built/bought their homes, but did not envision a water tower 140 ft. tall. Wagner also pointed out that Missouri-American is a for-profit company. Wagner requested the Council affirm the Board of Zoning’s decision in denying the variance request.

Editor’s Note: Comments received were from: Ben and Susan Reilling, Hanna Preuss, Jane Preuss, David and Amy Mills, Mark and Jolene Meier, Adriene House, Jose Ostero, Kaye Davis, Josh Payne, Gerald Lesinski, Ken and Kim Thornhill, Beth and Bill Watts, Kathleen Murphy, Laura Bequette, Matthew Hinzpeter, Holly James, Peter and Jane Petersen, Shannon and Randy Deatherage, Rhonda Payne, Michael and Jennifer Bull, Chris and Amy Bauer, Sean and Ann Sunderlage, Bonnie Edgar, Eric Hamel, Brad Smith, Mary Peerman, Thomas Nipper, Don and Patricia Hayes, Greg Rosenow, Scott Wagner, Pam Siddle, Christina Graff-Rosenow, Pete Thamke, Candace Schluerer,
COVID-19 Response

Brynn Sanders requested St. Charles County Council reconsider making a mandatory shelter in place that will require non-essential businesses to close and institute clear penalties. Sanders indicated people are not taking this seriously and will be hurtful. Sanders requested the County Public Health Department provide a statement outlining what the County’s plan is to combat this pandemic. Sanders shared her concerns regarding supporting local hospitals, supplies, field hospitals and locations and if the morgues will be able to handle the influx of the dead.

Mark Been, a resident of St. Charles County shared his opinion concerning the inadequate response on the part of County Government relative to the COVID-19 health crisis. Been’s concern is allowing individuals and businesses to determine what is essential. Been requested a mandatory shutdown order for non-essential businesses.

Mary Myracle shared her concerns regarding social distancing to protect from the COVID-19 virus. Myracle included concerns regarding mandating the closure of non-essential businesses and to mandate shelter in place for St. Charles County citizens.

Traci Wagoner, resident and healthcare provider shared her concerns and frustrations regarding citizens not doing social distancing and staying in groups of 10 or less.

Editor’s Note: The following are comments received regarding the COVID-19 Response: Brynn Sanders, Mark Been, Mary Myracle, Traci Wagoner, Jack Russel, Sharon Large, Bridget Allen, Gayle Kuehn

There being no additional speakers, Public Comments ended.

IN THE MATTER OF
ORAL REPORT
FROM THE COUNTY EXECUTIVE

County Executive Steve Ehlmann stated they are receiving reports daily regarding the COVID-19 Pandemic and are getting out as much information as possible on the County’s webpage. Ehlmann replied to one of the public comments relating to hospital beds for the ill stating there are special facilities being discussed to handle the need if necessary. It was shared from the Executive Staff that they are in daily conversations with the hospitals and noted St. Charles County Government is available for any assistance such as working on getting the necessary masks and ventilators. It was also shared that the signing of the Federal aid bill will allow for the funding to be used for the COVID-19 Pandemic not for economic decline.

Council Members Brazil and Cronin stated the County Executive’s office and Public Health are doing a tremendous job getting the information out to the citizens and have noted they have not received any negative feedback.
Council Members Brazil and Schneider requested the possibility of video virtual meetings in the future to allow for interactive citizen participation.

IN THE MATTER OF

CONSENT AGENDA

Council Member Cronin made a motion to remove the Parks & Recreation Change Order #3 for Riverside Park Design and Engineering Services, seconded by Council Member Elam and unanimously approved. Council Member White made a motion to approve the remaining agenda, seconded by Council Member Brazil. Council Member Elam requested to discuss the removed item and if possible, place it back on the agenda for a vote.

Council Member Cronin explained it is not appropriate to continue to spend money within the Parks and Recreation Dept. in case it is needed for something else as this COVID-19 virus continues. Cronin pointed out design work on this item is not necessary at this time.

Council Member Brazil disagreed with Council Member Cronin explaining the engineering company is relying on the continuation of this job. Brazil pointed out the company has already spent $400,000 on this project and to hold it up will not accomplish anything. County Executive Ehlmann agreed that this is a continuation of a current project. Ehlmann stated he understood the point not to start anything new due to the unforeseen future as this virus pandemic continues.

Council Member White withdrew his motion, as did Council Member Brazil. Council Member Brazil made a motion to approve the Consent Agenda as presented, seconded by Council Member Schneider and was approved by a vote of 6-1. The approved items are as follows:

CONSENT AGENDA

Approval of Journal of the previous meetings – 3-9-2020 and 3-20-20 Meetings
Approval of Bids
Facilities Management – Low Voltage and Communication Installation Services/TSI Global Companies, LLC./$75,000

Nominations and Appointments
Commission on Housing Assistance
- Dorothy Cedano, tenant member replacing Sharimade Euell/term expires 10-31-22
- Chief Kurt Frisz replacing a position formerly held by Chief David Todd/partial term expires 10-31-20

Duckett Creek Sanitary District Board of Trustees - William Rebore/re-appointment/term expires 12-31-2024

Board of Equalization - Don Bohmer, St. Peters/re-appointment/term expires 1-30-2023

Miscellaneous
Registrar – Records Destruction – St. Charles County Regional Airport
Information Systems – Professional Services - Office 365 Discovery and Planning Consulting Services Model Technology Solutions/$54,600.00

Parks & Recreation – Change Order #3 – Riverside Park Design and Engineering Services/Intuition & Logic Engineering, Inc./$47,160.00
Emergency Bill No. 4834 – Sponsored by Terry Hollander – AN EMERGENCY ORDINANCE AMENDING SECTIONS 120.470.A, ORDINANCE OF ST. CHARLES, MISSOURI (“OSCCMO”) REVISINNG ANNUAL REPORTING REQUIREMENTS FOR AGENCIES FUNDED BY THE COMMUNITY ASSISTANCE BOARD, DURING THE COVID-19 EMERGENCY BY EXTENDING THE APRIL 15, 2020 DEADLINE FOR SERVICE REPORT FILING TO AUGUST 14, 2020

There being no discussion, Council Chair Hollander 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, and Council Member White – yes. Emergency Bill No. 4834 was unanimously approved.

Bill No. 4822 – Sponsored by Nancy Schneider – AN ORDINANCE AFFIRMING THE BOARD OF ZONING ADJUSTMENT’S DECISION ON APPLICATION VAR20-01

Council Member Elam made a motion to amend Bill No. 4822 and replace it with Substitute Bill No. 4822, seconded by Council Member Brazil.

Discussion was held regarding allowing cargo trailers and tractor trailers along the front property line with no berm to cover it. Council Member Brazil made a motion to not allow cargo or tractor trailers on the front lot, seconded by Council Member Schneider.

Discussion continued regarding how a berm can utilize some of the front yard setback and the intent for the berm is to cover up the items within the fence. According to Councilman Cronin, the bill states that the applicant shall construct and maintain visual screening along the frontage of Highway 94. Within the bill, Cronin continued, it calls for the applicant to construct an adequate drainage culvert with both items subject to review by the Director of Community Development.

Council Members Brazil and Schneider withdrew their motion to amend.

Council Member Schneider explained the area of North Hwy. 94 has several industrial zoning parcels nearby and many of them are unsightly and should be inspected and brought up to code. Schneider said several subdivisions are now being developed along with the large amount of traffic and it just looks bad. Schneider stated Council Member Cronin did a lot of work on this bill communicating with
the owners and County Staff, however Schneider explained she has received several concerns from her constituents and she will not be supporting this bill.

**Substitute Bill No.4822** – Sponsored by Joe Cronin, Joe Brazil, Terry Hollander and John White - AN ORDINANCE MODIFYING AND AMENDING THE BOARD OF ZONING ADJUSTMENT’S DECISION ON APPLICATION VAR20-01

There being no further discussion, Council Chair Hollander 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 – no, and Council Member White – yes. Substitute Bill No 4822 was passed by a vote of 6-1.

**Bill No. 4823** – Sponsored by John White – AN ORDINANCE AMENDING SECTIONS 120.520, 120.530, 120.540, 120.550, 120.560 AND 120.570, ORDINANCES OF ST. CHARLES COUNTY, MISSOURI ("OSCCMo"), RELATING TO THE COUNTY COMMISSION ON ENVIRONMENTAL QUALITY

There being no discussion, Council Chair Hollander 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, and Council Member White – yes. Bill No. 4823 was unanimously approved.

**Bill No. 4824** – Sponsored by Terry Hollander – AN ORDINANCE AUTHORIZING EXECUTION OF DOCUMENTS FOR AND RECEIPT OF GRANT FUNDS UP TO THE AMOUNT OF $5,494 FROM THE MISSOURI OFFICE OF HOMELAND SECURITY AND EAST WEST GATEWAY COUNCIL OF GOVERNMENTS FOR REIMBURSEMENT OF THE ACTUAL, ELIGIBLE TRAVEL EXPENSES TO SEND TWO STAFF PERSONS OF ST. CHARLES COUNTY OFFICE OF THE REGIONAL MEDICAL EXAMINER TO THE AMERICAN ACADEMY OF FORENSIC SCIENCES/NATIONAL ASSOCIATION OF MEDICAL EXAMINERS CONFERENCE, REIMBURSEABLE FROM THE 2018 URBAN AREAS SECURITY INITIATIVE GRANT (UASI) (CFDA#97.067)/FAIN EMW-2018-SS-00044

There being no discussion, Council Chair Hollander 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, and Council Member White – yes. Bill No. 4824 was unanimously approved.

**Bill No 4825** – Sponsored by Council as a Whole – AN ORDINANCE AUTHORIZING THE NONBINDNG PROJECTED TAX RATES OF THE COUNTY FOR THE GENERAL REVENUE FUND AND FOR VARIOUS SPECIAL FUNDS OF AND FOR THE COUNTY OF ST. CHARLES, MISSOURI, FOR THE YEAR 2020 IN ORDER TO DEVELOP THE NOTICE OF PROJECTED TAX LIABILITY TO ACCOMPANY THE ASSESSOR’S NOTICE OF ASSESSED VALUE, ALL AS MANDATED BY SENATE BILL 711(2008)

There being no discussion, Council Chair Hollander 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, and Council Member White – yes. Bill No. 4825 was unanimously approved.
Bill No. 4826 – Sponsored by Terry Hollander – AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE OR HIS DESIGNEE TO EXECUTE A BUILDING LEASE AGREEMENT WITH THE CITY OF WENTZVILLE, MISSOURI FOR A PORTION OF THE PREMISES LOCATED AT 1605 WENTZVILLE PARKWAY

There being no discussion, Council Chair Hollander 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, and Council Member White – yes Bill No. 4826 was unanimously approved.

Bill No. 4827 – Sponsored by Joe Cronin, Joe Brazil and Dave Hammond – AN ORDINANCE AMENDING SECTIONS 410.070, 410.100, 410.330, 410.350, 410.370, 410.390 AND 425.020 OF THE ORDINANCES OF ST. CHARLES COUNTY MISSOURI, (OSCCMo.) AND ADDING A NEW SECTION 410.105 TO THE ORDINANCES OF ST. CHARLES COUNTY MISSOURI TO CREATE A NEW CATEGORY OF MINOR SUBDIVISIONS AND PROVIDE SPECIFIC MINOR SUBDIVISION REGULATIONS GOVERNING SAID MINOR SUBDIVISIONS

Council Member Cronin explained there are generational landowners that wish to sell their land to their family however to do that in five acre tracts with the current land development rules in place is too costly. Cronin explained he has several landowners in his district affected by these rules as does Council Member Brazil whose districts has large land parcels. Cronin explained by revising the land development rules for subdivisions with lots of 5 acres or more, it makes it a less dense development that people want.

Council Member Cronin made a motion to amend Bill No. 4827 and replace it with Substitute Bill No 4827, seconded by Council Member Elam. There was no additional discussion and the motion was unanimously approved.

Substitute Bill No. 4827 – Sponsored by Joe Cronin, Joe Brazil, Mike Elam, Dave Hammond and Terry Hollander – AN ORDINANCE AMENDING SECTIONS 410.070, 410.100, 410.330, 410.350, 410.370, 410.390 AND 425.020 OF THE ORDINANCES OF ST. CHARLES COUNTY MISSOURI, (OSCCMo.) AND ADDING A NEW SECTION 410.105 OSCCMo TO CREATE A NEW CATEGORY OF MINOR SUBDIVISIONS AND PROVIDE SPECIFIC MINOR SUBDIVISION REGULATIONS GOVERNING SAID MINOR SUBDIVISIONS

There being no further discussion on Substitute Bill No. 4827, Council Chair Hollander 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 and Council Member White – yes. Substitute Bill No. 4827 was unanimously approved.

IN THE MATTER OF )
) BILLS FOR INTRODUCTION )
Bill No. 4832 – Sponsored by Joe Brazil – AN ORDINANCE VACATING A PORTION OF OLD DUELLO ROAD PURSUANT TO SECTION 228.160 RSMo AND APPROVING A REAL PROPERTY EXCHANGE AGREEMENT RELATED THERETO

Bill No 4833 – Sponsored by Terry Hollander – AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT FOR FINANCIAL ASSISTANCE, GRANT AGREEMENT NO. #2020003, BETWEEN ST. CHARLES COUNTY AND THE ST. LOUIS-JEFFERSON SOLID WASTE MANAGEMENT DISTRICT FOR RECEIPT OF FUNDS IN AN AMOUNT UP TO $60,000

IN THE MATTER OF )
) )
TABLED BILLS )
)

Council Member Elam made a motion to remove Bill No. 4816 from the table, seconded by Council Member Hammond and the motion was unanimously approved.

Bill No. 4816 – Sponsored by Mike Elam – AN ORDINANCE AFFIRMING THE BOARD OF ZONING ADJUSTMENT’S DECISION ON APPLICATION VAR19-06

Council Member Elam requested clarification on the vote from the County Counselor, John Watson. Watson explained a “yes” vote means that you affirm or agree with the Board of Zoning Adjustment’s decision to deny the water tower variance and a “no” vote would mean you do not affirm or agree with the Board of Zoning Adjustment’s decision on denying the water tower variance.

Council Member Elam explained there has been much discussion regarding this variance request and Missouri-American Water Company has tried to answer as many questions as possible. Elam noted a 40 ft. tower with pumps would be more acceptable than a 140 ft. tower that no one was expecting. Elam encourage a yes vote from his fellow council members.

Council Member White shared some photos of subdivision areas with towers very near to the properties and explained he spoke to residents of the various locations. White shared that some of the residents were upset at first with the construction of the towers but after time do not even notice them. White contacted a real estate agent on a home that was for sale very near a tall tower and the agent explained the homes sell very fast even with a tall tower close by. White indicated he was in support of the water tower as areas within the County depend on it.

Council Members Brazil and Hammond both agree if Missouri-American Water Company would have been more proactive in placing notification that at some point in the future they were going to build a 140 ft. storage tank it would have been beneficial to the nearby residents.

Council Member Cronin explained a similar story regarding construction of a tall tower and agreed with Council Member White and as he sympathizes with the neighbors, he is in support of the tower.

There being no further discussion, Council Chair Hollander requested the following roll call vote: Council Member Cronin – no, Council Member Brazil – yes, Council Member Elam – yes, Council Member Hammond – yes, Council Member Hollander – yes, Council Member Schneider – yes and Council Member White – no. Bill No. 4816 was approved by a vote of 5-2.
IN THE MATTER OF
ANNOUNCEMENTS AND
MISCELLANEOUS

County Counselor John Watson shared that Council Staff received public comments up until 5:00 p.m. on Monday, March 30, 2020 which is allowable under the COVID-19 Pandemic regarding the Sunshine Law.

Joann Leykam, Director of Administration reviewed the coronavirus cases and explained how helpful St. Charles County Ambulance District, area Police, Fire and Emergency Management personnel have all been during this pandemic. Along with those to thank were the very few but dedicated hard working epidemiologists, school nurses and the various detectives who have volunteered.

Council Member Hammond requested Administration review the progress along Westwood Drive where the work has for some reason stopped and the ditches left are full of water. Council Member Elam explained he spoke with Asst. Director of Administration John Greifzu who was going to contact one of the landowners and set up a meeting to discuss.

Council Member Elam motioned to adjourn, seconded by Council Member Hammond and unanimously approved.

The meeting adjourned at 8:31 p.m.

Examined and Approved

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Terry Hollander, Council Chair

/djv
St. Charles County, Missouri