

**St. Charles County Council Journal
Regular Meeting – January 8, 2024**

The St. Charles County Council met on Monday, January 8, 2024, at 7:00 p.m. in the Council Chambers at 100 North Third Street, St. Charles, MO 63301.

Corporal Barry Bayles with the St. Charles County Police Department provided the invocation and Councilman Mike Elam 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	absent
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)
ELECTION OF)
COUNCIL CHAIR)

Council Chair Hollander opened the floor for nominations for council chair. Councilman Elam nominated Councilman Hollander for chair, seconded by Councilwoman Schneider. Councilman Baker nominated Councilman Brazil for chair, seconded by Councilman Brazil. Hearing no further nominations, Council Chair Hollander closed the nominations.

Council Chair Hollander requested the following roll call vote for Councilman Hollander as chair. Councilman Swanson – yes, Councilman Brazil – no, Councilman Elam – yes, Councilman Hammond – absent, Councilman Hollander – yes, Councilwoman Schneider – yes, Councilman Baker – no. The vote was 4-2 with one absent.

Council Chair Hollander requested the following roll call vote for Councilman Brazil as chair.

Councilman Swanson – no, Councilman Brazil – yes, Councilman Elam – no, Councilman Hammond – absent, Councilman Hollander – no, Councilwoman Schneider – no, Councilman Baker – yes. The vote was 2-4 with one absent.

Council Chair Hollander was re-elected Chair of the County Council for 2024

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

Council Chair Hollander opened the floor for nominations for council vice-chair. Councilman Elam nominated Councilman Swanson for vice-chair, seconded by Councilwoman Schneider. Hearing no further nominations Council Chair Hollander asked for all in favor. With all members present in favor, Councilman Swanson was elected Vice-Chair of the County Council for 2024.

**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.

Bill No. 5252

Angela Quigley, Heritage subdivision resident, initiated a petition for traffic calming measures on Hudson Landing. Quigley was informed by the highway department the petition fell 3 points short of any action because of a new scoring process/quantitative review. Quigley questioned if points from 5 road accidents should have been added to the review. Quigley stated speeding is a big problem in the neighborhood where there are no sidewalks and urged the council to do something rather than close the books on the issue.

Phil Bassett, Heritage subdivision resident, noted that Heritage Park, Heritage Museum, and the bike trailhead didn't receive points in the review that would have qualified them for traffic calming measures. Bassett agreed that kids should not play in the streets, but noted streets are equally available to bikes and pedestrians when sidewalks aren't present. Bassett noted his kids should be protected when walking to the bus stop, taking a bike ride, or walking to a friend's house. Bassett stated 35 mph is the norm for drivers on the street not the figure stated in the review.

Lisa Tierney, Heritage subdivision resident, was injured by a hit and run driver while walking her dog in Heritage. Tierney stated measures to slow people down will avoid more accidents. Tierney stated she is fearful to walk in neighborhood.

Bill No. 5255

Martin Maxey, Brookfield Crossing subdivision resident, shared concerns about dividing the lot at Duello and Route N. Maxey stated it would endanger resident's views and threaten property values. Maxey noted that construction for the proposed gas station will destroy the existing trees. Maxey urged the council to wait to approve this bill until a traffic study and expansion plans for the roads were complete and asked the council to balance commercial considerations with the well-being of families in area.

Nicholas Oar, Brookfield Crossing subdivision resident, stated safety is his main concern with the proposed development. Oar stated a gas station at the already dangerous intersection will not improve safety. Oar noted increased noise and the negative effect on property values. Oar requested the council oppose the bill.

Mike Falkner, of Sterling Engineering Co. on behalf of the applicant, explained the plan for the lot is to divide it for a C Store and a 16,000 sq. ft. retail space. Falkner explained the lot was already zoned commercial, but the applicant is requesting a variance to allow for direct access to the fronting streets and to avoid subdivision regulations for a cul-de-sac style street with interior entrances to the proposed businesses.

Roger Friedman, Dove Meadows subdivision resident, asked the council to consider if they would vote for the cars, trash, noise, lights and chemicals that a convenience store will generate, to be within 75 feet of their own front yards.

Kelcie Cain, Dove Meadows subdivision resident, stated that dividing the lot is the beginning to many unwanted changes that will affect the health and safety of her neighbors. Cain stated that a convenience store will attract crime, increase noise, light and chemical pollution and is not in the best interest of the neighbors. Cain noted the location for the proposed gas station doesn't allow for a sufficient buffers to neighbors and robs them of their privacy.

Sarah Tipton, Dove Meadows subdivision resident, noted that driveways for the proposed developments would connect to hilly and curvy roads and stated fuel tankers would worsen current safety concerns. Tipton stated the cross-access easement the applicant is requesting will allow for an unofficial cut through across the property. Tipton urged the council to consider the dangers of the proposal and oppose splitting the lot and the variance request.

I3 Broadband

Tony Frisella, Defiance resident, thanked the council for addressing problems with wireless coverage in the rural areas, but noted good governance requires multiple bids to determine the value of the services. Frisella stated he had nothing against the bidder or the councilmember who is employed with them but asked that this item be tabled so more bids could be compared.

Miscellaneous

Arnie Dienoff, O’Fallon resident, requested copies of closed meeting minutes and contracts and reports of county lobbyists. Dienoff stated traffic and speeding are county-wide issues, and if traffic calming measures are used in one subdivision they should be used in all subdivisions. Dienoff voiced concerns on the sole source bid for fiber optic cable, bid change orders that negate the original low bidder status, and requested to view all road project records before destruction. Dienoff applauded local bids for fleet maintenance and Community Assistance Board funding recommendations.

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

No report was presented.

IN THE MATTER OF)
)
CONSENT AGENDA)

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

Councilman Elam motioned to remove Information Systems - Fiber Optic Cable Use Agreement/i3 Broadband/\$3,688,687.50, seconded by Councilman Brazil, and approved by all present.

Councilman Elam motioned to approve the consent agenda as amended, seconded by Councilwoman Schneider and approved by all present.

The approved items are as follows:

Approval of Journal of the previous meeting – 12-18-2023

Approval of Purchases

- Finance - Vehicle Equipment Change-Over Services/EVS, Superior Transport Services, Wireless USA, The Lights and Sirens Guys/\$75,000.00
- Fleet Preventative Maintenance and Repairs/Firestone Complete, Complete Auto Repair, LTS Auto Repair, Superior Transport Services/estimated annual amount \$500,000.00

Highway - Upper Bottom Road Sidewalk/Vision Civil Construction LLC/\$180,753.60

Nominations and Appointments

Miscellaneous

Community Development

Community Assistance Board Funding Recommendations for 2024:

- Preferred Family Healthcare - \$10,000.00, Connections to Success - \$10,000.00, Crisis Nursery – \$10,500.00, Habitat for Humanity - \$13,000.00, LINC - \$13,000.00, NECAC - \$11,000.00, Our Lady’s Inn - \$10,000.00, Sts. Joachim & Ann Care Service - \$30,000.00, The Salvation Army – \$13,750.00, Tri-County Probation & Parole - \$10,000.00, Turning Point Domestic Violence – \$10,000.00, Volunteers in Medicine - \$10,000.00, Youth In Need - \$13,750.00

TOTAL - \$165,000.00

CAB additional recommendations: \$5,000.00 of Project Care funds and \$10,000.00 of 2023 CDBG

Community Services funds be awarded to Sts. Joachim and Ann Care Service and \$25,000.00 of 2023 Homeless Prevention funds be awarded to NECAC

Highway - Change Order No. 3/Gershenson Construction Co./Rte N at Rte Z realignment/\$52,060.00
- Change Order No. 2/M&H Concrete/Concrete Removal and Replacement D/\$10,239.40

Registrar - Record Destruction Request, Highway Department

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

Information Systems - Fiber Optic Cable Use Agreement/i3 Broadband/\$3,688,687.50

Councilman Elam stated he would recuse himself from any discussion or vote on this topic as he has a relationship with the company.

Councilman Brazil stated he would not approve this item because of the lack of competitive bids. Brazil questioned whether rejected bidders would have gone into negotiations if they knew what the final bid was going to be. Brazil clarified that this would not restrict the county to using i3 Broadband on future projects.

Discussion was held concerning the benefits of owning fiber optic including increased safety, connectivity, resiliency, and fewer points of failure. Administration explained that fiber share models are being used across the country. The county utilizes over 200 miles of fiber optic cable and this bid fills gaps in connectivity with speeds not available on the commercial market. Administration further explained that other companies were given the opportunity to make a competitive bid. The county may cost share use of the fiber with other political subdivisions in the future.

Council Chair Hollander motioned to table the item for further explanation, seconded by Councilman Swanson with all present in favor. The above underlined item was tabled.

County Executive Steve Ehlmann explained this item was part of a smart city plan presented to administration. Ehlmann requested that council give administration clearer guidance for how and when they would like to be included in negotiations for agreements of this type.

Highway – Addendum No. 3, Gutermuth Phase 3 Engineering Design Services/GBA, Inc./\$35,9555.00

Councilman Baker motioned to remove this item from the table, seconded by Councilman Brazil with all present in favor.

Councilman Baker stated he received further explanation concerning the scope of the project. Baker stated he would support passage, but still believes the bid cost is high.

Council Chair Hollander called for approval of the item with all present in favor and none opposed. The above underlined item was approved.

IN THE MATTER OF)
)
BILLS FOR FINAL PASSAGE)

Bill No. 5252 – Sponsored by Council as a Whole, AN ORDINANCE OVERTURNING THE DETERMINATION OF THE COUNTY ENGINEER AND ESTABLISHING TRAFFIC CALMING MEASURES.

Councilman Baker stated there wasn't a great solution for this situation noting that speed bumps cause frustration and can increase speeds. Baker didn't get feedback on his proposal of a flashing stop sign or landscape rocks. It was clarified that confirming this determination of the highway engineer would not prevent residents from appealing the decision again. Phil Bassett, Heritage resident, was called to the podium by Councilman Baker to present options for slowing traffic and he requested any measure over doing nothing. Councilman Baker requested further police enforcement on the road and Council Chair Hollander noted the review procedure was thorough but hoped it could be built upon with citizen input.

There being no further discussion, Council Chair Hollander requested the following roll call vote: Councilman Swanson – no, Councilman Brazil – no, Councilman Elam – no, Councilman Hammond – absent, Councilman Hollander – no, Councilwoman Schneider – yes, Councilman Baker – yes. Bill No. 5252 was denied 2-4 with one absent.

IN THE MATTER OF)
BILLS FOR)
INTRODUCTION)

Bill No. 5253 - Sponsored by Tim Baker, AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING LAND FROM R1E, SINGLE FAMILY RESIDENTIAL DISTRICT, TO R1A, SINGLE FAMILY RESIDENTIAL DISTRICT, PER APPLICATION RZ23-16.

Bill No. 5254 - Sponsored by Tim Baker, AN ORDINANCE OF THE COUNTY OF ST. CHARLES, MISSOURI, APPROVING THE PRELIMINARY PLAT OF TOWER SUMMIT.

Bill No. 5255 - Sponsored by: Joe Brazil, AN ORDINANCE OF THE COUNTY OF ST. CHARLES, MISSOURI, APPROVING THE PRELIMINARY PLAT OF THE RESUBDIVISION OF LOT 2 OF LMC SUBDIVISION.

Council Chair Hollander invited Robert Myers, Planning and Zoning Division Director, to explain the bill and clarify how council could act on it. Myers explained this preliminary plat requires council approval because it is not only a subdivision of the plat but also a variance requesting entrances from the two new lots at multiple locations on Duello Rd. and Route N with a cross-access easement connecting two parking lots. Without a variance the builder would be required to build a subdivision street, like a cul-de-sac, providing access to the 2 newly created lots with only one entrance to the fronting road. Direct access to Route N would further require approval from MoDOT, and the approval of 2 entrances off Duello Rd. will require county approval. Myers explained the property is already zoned commercial and a gas station/convenience store on the site doesn't require council approval. Any development of the property, whether it is divided or not, will require an approved site plan with conditions for lighting and landscape buffers. Myers added that the back of the convenience store would face neighboring residential properties.

Discussion was held concerning traffic issues at the proposed site and the need for a traffic light. County Executive Ehlmann noted current convenience marts/gas stations are monstrous and that council may consider the conditional use process for approval. Councilman Swanson noted that citizen concerns should be directed to Councilman Brazil and stated the vote on Bill No. 5255 would take place on January 29, 2024.

Councilman Brazil left the meeting at 8:29 p.m.

Bill No. 5256 - Sponsored by Terry Hollander, AN ORDINANCE AUTHORIZING EXECUTION OF THE REVISED ST. CHARLES COUNTY REGIONAL SWAT TEAM AGREEMENT WITH MUNICIPALITIES WHO ARE SIGNATORIES THERETO

Bill No. 5257 – Sponsored by Terry Hollander, AN ORDINANCE AUTHORIZING CONTRACTS FOR PROPERTY AND SERVICES NECESSARY TO THE OPERATION OF THE FAMILY ARENA AND THE NATIONAL EQUESTRIAN CENTER

IN THE MATTER OF)
ANNOUNCEMENTS AND)
MISCELLANEOUS)

Councilman Elam noted the present snowy and icy road conditions, thanked the highway department for their work and cautioned safe driving home.

Councilman Baker congratulated the Police Department on increased apprehensions of criminals. Baker noted he is continually impressed by and proud of our police department. Council Chair Hollander acknowledged how it can sound deceptive - clarifying that crime is not up but the police are catching more criminals.

Councilman Swanson stated Michigan is up 17-10 at half. (College Football Championship v. Washington)

There being no further announcements, Councilman Elam thanked Council Chair Hollander for his continued service as Chairman then motioned to adjourn, seconded by Councilman Baker and approved by all present. The meeting adjourned at 8:33 p.m.

Examined and Approved

/csf

Terry Hollander, Council Chair
St. Charles County, Missouri

DRAFT