St. Charles County Council Journal - Amended

Work Session – February 10, 2020
A work session of the St. Charles County Council was called to order at 6:31 p.m. to discuss the issues that vaping has created in our community. Council Chair Hollander explained the discussion was meant to increase awareness and come up with possible solutions to a problem.

Council Member Cronin had conversations with administration officials from the Francis Howell School District who stated vaping is not a problem, it is an “epidemic” in our schools. FHSD sees vaping at the elementary level and approximately 600 students throughout the district have been suspended due to possession. Cronin shared that FHSD has joined a lawsuit against Juul and welcomes any assistance combatting the problem. Cronin also shared the District has had some success with showing educational videos to students and the District is talking with County Prosecutor, Tim Lohmar, for assistance in handling underage use.

County Counselor, John Watson, explained the FDA has made it unlawful to sell to anyone under 21, which was raised from 18 years of age, and prohibited all but two types of flavored pods. Watson said single use pods are still available.

It was discussed that kids can buy online and purchase from older siblings making enforcement difficult. It was also mentioned that some of the online pods are not regulated and have tested positive for marijuana, CBD, and THC.

Cronin mentioned St. Peters is enforcing a law against teenage possession of vaping products and he will try to get a copy of the law.

Public Health Director, Demitrius Cianci-Chapman, said on the national level there have been 60 deaths and 2,700 lung injuries associated with vaping pods, some of which may have been contaminated. Cianci-Chapman said that nicotine is the addictive property in the e-cigarettes and research shows young brains are more susceptible to addiction. Cianci-Chapman said there has been a push to legitimize the harm reduction approach of e-cigarettes as compared to tobacco, but the addiction to nicotine is still the problem.

Deterrents to vaping were discussed including a warning/penalty system and educational videos to spot signs of use and dangers associated with use.

The work session closed at 6:37 57 p.m.

Regular Meeting – February 10, 2020

The St. Charles County Council met on Monday, February 10, 2020 at 7:00 p.m. in the County Council Chambers, 100 North Third Street, St. Charles, Missouri. Reverend John Carnett with the Restoration Church of St. Peters 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
Council Member Joe Brazil present
Council Member Mike Elam present
Council Member Dave Hammond absent
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
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 COMMENTS

Council Chair Hollander opened public comments. He requested comments be limited to three minutes per speaker with three alternating pro and con positions on a 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.

Bill No. 4815 – Rezone land from A to RR (for development of 3-acre lot subdivision)
William Zollmann, St. Charles, stated the Missouri and Mississippi river levels used to be low in the winter but aren’t anymore. Zollmann cited the worsening flooding problems are due to high levies, building in the flood plain, and development. Zollmann stated to control this problem, run-off should be managed when developing real estate. Zollmann noted more rooftops and roads increase run-off and the proposed plan has no retention basin. Zollmann stated he is opposed to the rezoning request.

Dale Bax, BAX Engineering - engineer for the project, stated the preliminary plat had been approved by the Planning and Zoning Commission. Bax spoke to storm water management concerns saying there would be engineered swales, engineered soils, and underdrain systems to reduce run-off.

Barbara Heidolph, St. Charles, stated the area doesn’t have public water or the infrastructure to support this development. Heidolph noted increased run-off will impact aquifers, her drinking water, deplete water supplies, cause erosion and increased flooding. Heidolph questioned if school districts, fire and police departments are prepared for the impact of continued development. Heidolph noted the 2030 land use plan calls for rural residential zoning, but the area is not currently ready for it.

Sabrina Wren, St Charles, spoke against the development. Wren stated her concerns with the 28 individual septic systems on each lot. Wren said the dense clay soil causes failure and quoted an MU
Extension survey that says “70% of individual septic systems aren’t functioning properly” which is important to public health. Wren stated zoning requests to develop this area must be better dealt with or our infrastructure will be overrun.

Bill McNair, St. Charles, owner of proposed land for development, stated he has owned the land for 20 years and has lived in St. Charles County since 1965. McNair stated this 3-acre lot subdivision would be a good mix on country living and community living, similar to what he experienced when he bought a 3-acre lot in the area in 1997 to raise his family. McNair stated growth was coming to the area and 3-acre lot sizes seems reasonable.

Bill No. 4816 – affirming BZA decision on VAR19-06 for a 140 ft. water tower on Knaust Rd. Stephanie Owens, St. Charles, stated she is a nearby resident and expressed concerns about a large water tower just off her back yard. Owens stated she received no notification of the proposed tower and noted the variance from 40 ft to 140 ft elevation was huge Owens shared there must be land available for the tower closer to Cottleville whose residents will be serviced by the tower.

Renee Lawrence, Missouri American Water Co. – Senior Project Manager, stated this water tower would provide service to 30,500 residents in Unincorporated St. Charles County, Cottleville, St. Peters, O’Fallon and Weldon Spring and the fire districts of Cottleville, O’Fallon, Central County, and St. Charles. Lawrence explained that gravity does not fail and elevated tanks ensure water delivery in the event of electrical outages. Lawrence stated there is no current storage in the western part of the service district and explained height benefits and the current underground infrastructure that make this site ideal. Lawrence stated Missouri American Water purchased this property in 1989 to support elevated storage and if a tower is not approved it could affect development in St. Charles County.

Roger Arizzi, O’Fallon, stated the water tower won’t serve nearby residents but unfairly affects the neighboring property values. Arizzi was concerned that problems may arise during construction and servicing the tower and wanted in writing that the homeowners or their insurance companies would not be held liable. Arizzi stated the water company is using the easiest and cheapest option and urged them to look at other locations in a more suitable area.

Ryan Roberts, Assistant Chief - Cottleville Fire District, explained that increased water pressure from an elevated water tower greatly benefits the fire districts and can lower homeowner insurance rates. Roberts is in favor of this project due to the elevation of the site and noted it will keep water supply ahead of future development demands.

Arno Wulfert, St. Charles, stated American Water has been a good neighbor other than their work trailers occasionally impeding access to his driveway. Wulfert questioned the time frame of the project and how much turmoil construction would cause in addition to how it would affect his view from his home. Wulfert stated the tower should be located closer to the service area.

Dennis Mayer, O’Fallon, questioned the sudden need for additional water and stated the tower should be located closer to the residents it will serve. Mayer stated Missouri American Water could explore other options, not in a residential area, even though another location may not be as easy or quick. Mayer requested the Council consider if they would like it if they were in his position.
Council Member Elam motioned to add 3 additional speakers on this topic, seconded by Council Member Schneider and unanimously approved. Council Member Elam urged the additional speakers to only address issues that had not already been discussed.

Gary Hartnell, St. Charles, requested information about the impact of water towers on property values and requested American Water provide alternative sites for the project with pros and cons.

Mark Siddle and Bradley Whitford were called to speak but stated concerns had already been presented.

Misc.
Arnie Dienoff, O’Fallon, stated he has filed suit against St. Charles City and County, the City of O’Fallon and the Election Authority for wording on a “Use Tax” ballot issue. Dienoff expressed his relief that Police Chief Todd had retired and urged the new Chief, Kurt Frisz, to seek input from county residents, clean up the department with leadership and honesty, follow standard operating procedure, and end all harassment. Dienoff stated the regional airport should be closed and located elsewhere because of flooding and urged smart growth in Council District 2. Dienoff stated he was opposed to the MO American water tower on Knaust Rd.

IN THE MATTER OF  
ORAL REPORT  
FROM THE COUNTY EXECUTIVE  

The County Executive yielded his time to the Director of Public Health, Demetrius Cianci-Chapman, who addressed the County’s plan for monitoring and responding to the Coronavirus. Cianci-Chapman stated the virus has affected 42,500 people worldwide with a 2% death rate of 113 deaths. Cianci-Chapman explained his department is in daily contact with the Centers for Disease Control and the Department of Health and Senior Services to track updates on the virus.

Council Member Cronin stated the virus has been under reported from the Chinese. Director of Administration, Joann Leykam, stated the County is prepared to respond quickly if the virus becomes significant in our area.

IN THE MATTER OF  
CONSENT AGENDA  

Council Member John White motioned to approve the Consent Agenda, seconded by Council Member Elam and unanimously approved. The following items were approved:

Approval of Journal of the previous meeting – 1-27-2020 Meeting Minutes
Approval of Bids –
Information Systems - Dell Storage Systems/CDW/$392,141.19
- Cloud Connect Services/Spectrum/$75,020.00
- Dell Servers/SHI International Corp./$121,660.64
Police - Omnigo Software (ITI) Annual Support/Omnigo Software/$103,936.56
Transportation – CMAQ-5414(632) Gateway Green Light Phase 4/Gerstner Electric/$1,140,270.75
Nominations and Appointments
St. Charles County Police Department – Chief of Police, Kurt L. Frisz/effective March 12, 2020
Industrial Development Authority – Keith Schneider/re-appointment/term expires 12/15/2025
Metropolitan Parks and Recreation District
Dr. Bernard DuBrey/re-appointment/term expires 1/1/2023
Chuck Gross/new appointment to fill vacancy/partial term expires 1/1/2021
Miscellaneous
Workforce and Business Development – Acceptance of surplus items from MO DHEWD to St. Charles County MO Job Center
Community Development – VAC20-01/application to vacate Lot 50 and Lot 51 of Martell Subdivision/Doris Avenue/Benson Automotive Group owners

Council Member Cronin acknowledged and welcomed the new Police Chief, Kurt Frisz.

IN THE MATTER OF

BILLS FOR FINAL PASSAGE

Bill No. 4813 – Sponsored by Council as a Whole - AN ORDINANCE APPROVING EXECUTION OF FIRST SUPPLEMENTAL COST APPORTIONMENT 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 I-70 IN ST. CHARLES COUNTY, WHICH INCLUDES MOWING AND LITTER PICK UP ALONG I-70, FROM THE WARREN COUNTY LINE TO THE MISSOURI RIVER, JOB NO. WMSCF18Q

Council Member Cronin expressed displeasure that County taxpayers are paying for MODOT’s responsibility and questioned if 4 yearly mows wouldn’t be enough? Assistant. Director of Administration, John Greifzu, responded that litter and highway debris require the extra pick-ups.

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 – absent, Council Member Hollander – yes, Council Member Schneider – yes and Council Member White – yes. Bill No. 4813 was approved 6-0.

Bill No. 4814 – Sponsored by Terry Hollander – AN ORDINANCE AUTHORIZING EXECUTION OF MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION’S STATE BLOCK GRANT AGREEMENT, AMENDMENT #3, AIRPORT IMPROVEMENT PROGRAM GRANT – PROJECT 16-111A-1, TO EXTEND THE PROJECT TIME PERIOD TO ALLOW FOR COMPLETION OF THE WORK FOR DESIGN AND CONSTRUCTION OF APRON REHABILITATION AT SMARTT FIELD AIRPORT

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 – absent, Council Member Hollander – yes, Council Member Schneider – yes and Council Member White – yes. Bill No. 4814 was approved 6-0.
IN THE MATTER OF

BILLS FOR INTRODUCTION

Bill No. 4815 – 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 RR, SINGLE-FAMILY RESIDENTIAL DISTRICT, AS PER APPLICATION RZ19-16.

Council Member Brazil noted a remonstrance is being submitted to the County Registrar, signed by 30% of property owners within the prescribed 1000 ft. Brazil explained a remonstrance requires a supermajority of the Council to pass the bill. Council Member Brazil discussed a long-term development plan to maintain rural areas in the County and stated many people in his district want to remain rural. Brazil noted that there have not been any 3-acre developments approved in recent years.

Dale Bax, Bax Engineering - engineer for the proposed subdivision, stated the Community Development staff supported the rezoning and the proposal meets all the County requirements for a 3-acre lot subdivision. Bax stated the proposal was a good fit for the area noting Wentzville expansion is coming, the 2030 land use plan call for rural residential, County parks are being built nearby, the development plan has a safe entrance and the water run-off differential is only 2.86% compared to a 5-acre subdivision.

Bill McNair, land owner for proposed development, noted that the opposition to this project is from people wishing to deny others what they already have. McNair stated 5-acre lots are not as community oriented, have gravel roads, are harder to maintain, and are unaffordable for young families.

Council Member Cronin stated 5-acre lots require less excavation, cause less impact and preserve topsoil. Cronin stated that the run-off from 3-acre lots in St. Paul have caused muddy ditches and murky lakes. Cronin warned that if Wentzville annexes this property there could be 4 homes per acre but stated he currently doesn’t support 3-acre lots.

Council Member Brazil recognized a speaker in the audience who stated the area’s plastic soil is a primary concern for septic systems and wells.

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

Discussion was held concerning the proposed elevated water tower. The County Executive clarified that the height of the tower proportionately affects water pressure and that the current plan would have no restrictions if the site was annexed into O’Fallon.

It was established that the proposed site is the second highest point along the water transmission line. The site was purchased by Missouri American Water in 1989 when the surrounding area was farmland. The County Ordinances in 1989 stated this land could be used for elevated storage, which was defined as being above 40 ft. Missouri American Water had earlier plans to develop the site which were put aside when County development tapered off in the 2000’s, the need has resurfaced. It was also
explained that alternative means to increase water supply like bladders and pumps require electricity. The proposed elevated tank will store 2 million gallons of water, pumped from St. Louis to provide coverage to the main zone through the existing distribution system.

It was stated that maintenance to the tank is only performed after water levels are at 10% and the extra water is either drained into the sewer or dechlorinated and emptied into the storm drain.

Council Members requested information on the location of the transmission line, alternative tower sites or a possible compromise plan. It was explained by the utility company representative that they are not looking at any other locations, the utility needs to provide water and interconnections are located at or near the proposed site. It was stated that no other storage towers exist in the Western part of the water district. If the variance is not approved the leadership at Missouri American Water will have to re-evaluate or take to the next level of appeal. Other points of discussion included lower rates on home and business insurance because of good water supply, an existing taller tower located at Laura Hill in a residential area, a lower tower would not supply the needed pressure, a lower tower would require cutting down trees for a 200 ft base, as opposed to an 85 ft pedestal and any other site would be a $20 million project.

Council Members acknowledged complaints that this variance request is very large and affects the esthetics of the residential area.

Council Member Schneider acknowledged about 30 audience members in the room who were there to protest the variance request.

**Bill No. 4817** – Sponsored by: Council as a Whole - AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE ST. CHARLES REGION’S WORKFORCE DEVELOPMENT BOARD AND THE ST. CHARLES COUNTY DEPARTMENT OF WORKFORCE & BUSINESS DEVELOPMENT AND ITS PARTNERS PROVIDING SERVICES THROUGH THE MISSOURI JOB CENTER OF ST. CHARLES COUNTY.

**Bill No. 4818** – Sponsored by Terry Hollander - AN ORDINANCE SETTING FINAL SPECIAL ASSESSMENTS ON PROPERTIES WITHIN THE GUTERMUTH ROAD/WOOD GLEN ESTATES SANITARY SEWER NEIGHBORHOOD IMPROVEMENT DISTRICT, AND GUTERMUTH ROAD/WOOD GLEN ESTATES SANITARY SEWER NEIGHBORHOOD IMPROVEMENT DISTRICT II (COLLECTIVELY, “GUTERMUTH ROAD/WOOD GLEN ESTATES, SANITARY SEWER NEIGHBORHOOD IMPROVEMENT DISTRICTS”), FINDING THAT THE GUTERMUTH ROAD/WOOD GLEN ESTATES SANITARY SEWER NEIGHBORHOOD IMPROVEMENT DISTRICTS PROJECTS ARE COMPLETED, AND ASSESSING THE COSTS OF SUCH PROJECTS AGAINST THE PROPERTIES LIABLE THEREFOR, AND PROVIDING FOR THE COLLECTION OF SUCH FINAL SPECIAL ASSESSMENTS

**Bill No. 4819** – Sponsored by Terry Hollander - AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF ST. PETERS AND THE DARDENNE CREEK DRAINAGE DISTRICT #3 FOR MAINTENANCE OF DARDENNE CREEK
Council Member Cronin noted keeping debris cleared from Dardenne Creek will alleviate localized flooding and encouraged more agreements like it.

IN THE MATTER OF  
)  
TABLED BILLS  
)  
There were no bills removed from the table.

IN THE MATTER OF  
)  
ANNOUNCEMENTS AND  
)  
MISCELLANEOUS  
)  
County Executive Ehlmann thanked the Council for approving the new Chief of Police.

There being no further discussion, Council Chair Hollander made a motion to adjourn, seconded by Council Member Brazil and unanimously approved. The meeting ended at 8:44 p.m.

Examined and Approved

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Terry Hollander, Council Chair
St. Charles County, Missouri