St. Charles County Council Journal
Closed Meeting – March 9, 2020

The St. Charles County Council met on Monday, March 9, 2020 at 6:40 p.m. in the County Council Chambers, 100 North Third Street, St. Charles, Missouri. Council Chair Hollander requested a motion to go into Closed Session. Council Member Elam made a motion to go into Closed Session pursuant to State Statute RSMo 610.021 (1) seconded by Council Member Hammond. Council Chair Hollander requested the following roll call vote to go into the Closed Sessin: 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 – absent at roll – arrived at 6:47 p.m.

There were no votes taken during the Closed Session.

At 7:05 p.m. Council Member Elam made a motion to go back into Open Session, seconded by Council Member Hammond and approved by a vote of 6-0 with Councilman Brazil absent.

St. Charles County Council Journal
Regular Meeting – March 9, 2020

The St. Charles County Council met on Monday, March 9, 2020, at 7:06 p.m. in the County Council Chambers, 100 North Third Street, St. Charles, Missouri. Steve Florez with First Assembly Church provided the invocation and Council Member Elam 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
- 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 HEARING OF A
LICENSE RENEWAL FOR
THE CALHOUN FERRY
COMPANY

Council Chair Hollander opened the Public Hearing on the License Renewal for the Calhoun Ferry Company and welcomed anyone to come forward.

Arnie C. A.C. Dienoff, County resident stated he has repeatedly asked the County to waive the permitting fees for the City of Grafton to apply for this renewal similar to waiving the liquor license for the City of St. Charles Parks and Recreation. Dienoff noted the ferry transportation promotes commerce and is good for the economy.

There being no additional speakers, the public hearing was closed at 7:10 pm.

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. 4816

Renee Lawrence, representative with Missouri American Water Company provided an update of a map showing what areas of the proposed water tower would benefit including new proposed development and areas around the city of Weldon Spring. Lawrence also pointed out on the map the three (3) existing water towers and the proposed tower.

Council Member Cronin requested a copy of the maps be sent to the Council Staff for inclusion in future Agenda Packets.

Donna Bleeckert, resident of the Berkshire Downs Subdivision, stated her opposition to the water tower as it will affect her property values and she is concerned with the structure’s safety. Bleeckert requested the water company should find a different location.

Drew Weber, attorney with Hamilton and Weber representing the Missouri American Water Company stated the water company is concerned about being a good neighbor and explained this approval is part of the process. Weber explained the water company is in the process of organizing a meeting with the Berkshire Downs Subdivision residents to help explain the subject.

Pam Siddle, resident of the Berkshire Downs Subdivision explained her opposition to the water tower. Siddle stated she understands that people need the water, however her concern is the 140’ tower vs the 40’ tower. Siddle noted the water company can build the tower at 40’ or go to a different location.
Miscellaneous

Owen Peters, resident of St. Charles County shared his concerns of the ambulances treating patients with the synthetic painkiller called Fentanyl vs the natural painkiller of morphine and requested the word get out to the health care industry to use morphine. Also Peters had concerns regarding the election of board members on the Central County Fire Protection board and a vacant piece of ground toward the end of North Fifth Street that is within the city limits, however owned by St. Charles County. Owens suggested the County should deed the parcel to the City of St. Charles.

Bill No. 4822

Rick Rehm, resident of St. Charles County stated he supports the BZA’s decision on the Variance to revise the setback at 3300 North Highway 94 from 35 ft. to 10 ft. Rehm explained he has the same type of storage and keeps his property maintained as the property at the applicant’s other storage property on N. Highway 94 is unkept.

Lawrence Weisz, resident of St. John, MO stated he was one of the applicants for this variance. Weisz explained the original request was for a 10’ setback from 35’ and they are now requesting the Council amend the variance to a 20’ setback which is similar to the neighbor right next door that has the same type of storage. Weisz explained there is a drainage ditch that runs through the property that makes it unusable. Weisz stated he would be in the audience if anyone had any questions when the bill comes up for discussion.

Mary Ann Ohms, St. Charles City Council Member explained the area of North Highway 94 is evolving and stated the businesses along the corridor should remain kept up. Ohms requested consideration on adding conditions to the parcel to maintain a nice venue.

Gary Heinike, St. Charles County resident stated the lot full of tractor trailers is poorly kept and damages property values.

Gerry Prinster, St. Charles County resident stated as the chairman of the Board of Zoning Adjustment, this applicant did not meet the four (4) items of criteria for the Board of Zoning Adjustment to approve the variance request. Prinster stated the applicant should keep his place and the Highway 94 Corridor clean.

William Kish, resident of St. Charles County stated he was notified when the property was rezoned, however had not seen any notification since then. Kish noted the area looks like a junk yard and explained the land next to the river having storage had to install a fence to hide the view.

Bill No. 4815

Dale Bax, Engineer for South Meiners Land Development, LLC requested Bill No. 4815 be removed from the table, discussed and voted on. Bax showed a drawing of the parcel stating they were asking for the land to be rezoned from A to RR for the development of 28 single family homes on 3+ acres of land all with private wells and sewers. Bax pointed out there will be 0.30 acres of tree removal and the developer has every intention to follow the rules and regulations of County government.
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Bill McNair, resident of St. Charles County stated he grew up on a large parcel of land and explained how a 3 acres development is a very nice place for kids to grow up. McNair explained there are chores to be done on larger pieces of land and it is a good place to raise kids. McNair also pointed out how close it is to the city limits of Wentzville.

Brad Goss, Attorney representing South Miners Land Development, LLC stated the Planning and Zoning Commission and the Community Development, Planning and Zoning Division both approved this development. Goss shared information from the County’s Master Plan that the Council approved and the area of South Point Prairie is within the planned “RR” Rural Residential District. Goss also pointed out the topography on this parcel is very small. Goss stated the developer relied on the 2030 Master Plan when applying for this rezoning.

Bill No. 4827

Ryan Burris, St. Charles County resident stated his support for this bill. Burris explained his family has land and the current rules in place for St. Charles County development of five acres makes it extremely difficult for him to build or sell his parcel of land. Burris requested the current rules be amended to enable owners to develop lots large.

Miscellaneous

Arnie C. A.C. Dienoff, County resident explained he was in support of refinancing the bonds and commended the Finance Director for his work on Resolution No. 20-01 and requested the Council to uphold the Board of Zoning Adjustment’s decision on Bill No. 4822, 4800 and 4816. Dienoff questioned if the County Health Department was ready for the Coronavirus issues and asked if the County would consider a centralized jail. Dienoff also urged citizens to consider running for public office as the time to put your name on the ballot is now and will expire on March 31st at 5:00 p.m.

There being no additional speakers, Public Comments ended at 7:56 p.m.

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

County Executive Steve Ehlmann yielded his time to the County’s Public Health Director Demetrius Cianci-Chapman to provide an update on the Coronavirus. Cianci-Chapman explained there are 110,000 cases of the Covid19 virus with 300 cases in the United States. Cianci-Chapman urged citizens to wash their hands, cough and sneeze in your sleeve or a tissue and be mindful of touching your face. Cianci-Chapman also reminded citizens to stay home if they feel ill. Cianci-Chapman explained the Health Department has reached out to the schools, churches and community organizations regarding this virus.

County Executive Ehlmann shared that St. Louis County Executive Sam Page complimented the County’s Health Department of their work being down on this virus.

Joann Leykam Director of Administration stated there is substantial material on this outbreak and the testing involved on the County’s website.
IN THE MATTER OF

CONSENT AGENDA

Council Chair Hollander asked if there were any items to be removed from the Consent Agenda. Hearing none, Council Chair Hollander requested a motion to approve. Council Member Brazil made a motion to approve the Consent Agenda as presented, seconded by Council Member Elam and unanimously approved. The approved items are as follows:

Approval of Journal of the previous meeting – 2-24-2020 Meeting

Approval of Bids
Highway - Asphalt Surface Treatment/Innovative Roadway, LLC/$373,781.52
- Microsurface Treatment/Missouri Petroleum/$293,110.90
- 75 HP Skid Loader (2 qty.)/Heavy Duty Equipment/$58,196.22
- 1.5 Ton Service Truck (2 qty.)/Behlmann CJDR/Knapheide/$226,056.00
Information Systems - Spectrum VoIP SIP Call Paths/Spectrum/$59,758.00
Parks and Recreation - 2020 Chevy Tahoes 4wd (2 qty.)/Don Brown Chevrolet/$73,444.00

Nominations and Appointments

Miscellaneous
Registrar - License Renewal for Calhoun Ferry Company/Grafton
- Records Destruction Request - Emergency Communications
Transportation – Professional Services, I-70 Lane Addition and Interchange Studies at Route 70 to Bryan Road/Lochmueller Group/$123,000.00
- Professional Services, Missouri Route A Roadway and Signal Improvements/EFK Moen, Inc./$457,504.00

IN THE MATTER OF
BILLS REMOVED
FROM THE CONSENT AGENDA

There were no items removed from the Consent Agenda.

IN THE MATTER OF

RESOLUTIONS

Resolution No. 20-01 – Sponsored by Council as a Whole – A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF SPECIAL OBLIGATION REFUNDING BONDS OF ST. CHARLES COUNTY, MISSOURI

Council Member Cronin thanked Bob Schnur, Finance Director for watching the rates and bringing this to the Council’s attention.

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 – yes, and Council Member White – yes. Resolution No 20-01 was unanimously approved.
IN THE MATTER OF  

BILLS FOR FINAL PASSAGE  

Bill No. 4820 - Sponsored by: Terry Hollander - AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE MISSOURI SECRETARY OF STATE FOR A GRANT AWARDED TO THE ELECTION AUTHORITY FOR AN ELECTION EFFICIENCY GRANT TO ASSIST WITH ELECTION ACTIVITIES, SYSTEMS AND EQUIPMENT MAINTENANCE, VOTING EQUIPMENT PURCHASES, MAINTAINING VOTER LISTS, AND POLLING PLACE ACCESSIBILITY

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. 4820 was unanimously approved.

Bill No. 4821 – Sponsored by: Terry Hollander - AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE OR HIS DESIGNEE TO EXECUTE A PROGRAM SERVICES CONTRACT WITH THE MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES FOR HEPATITIS A OUTBREAK REIMBURSEMENT

Council Member Elam made a motion to amend Bill No. 4821 and replace it with Substitute Bill No. 4821 and seconded by Council Member Cronin and unanimously approved.

Substitute Bill No. 4821 – Sponsored by Terry Hollander – AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE OR HIS DESIGNEE TO EXECUTE A PROGRAM SERVICES CONTRACT AND ANY ANCILLARY AGREEMENTS WITH THE MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES FOR HEPATITIS A OUTBREAK REIMBURSEMENT

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 – yes, and Council Member White – yes. Substitute Bill No 4821 was unanimously approved.

IN THE MATTER OF  

BILLS FOR INTRODUCTION  

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

Council Member Schneider stated she has received several phone calls and e-mails from area residents who are against this variance request. Schneider pointed out the applicant did not meet the four (4) criteria items to have a variance granted and if they want to amend the distance should go back to the Board of Zoning Adjustment process. Schneider indicated she is not in support of overruling the Board of Zoning Adjustment’s decision.
Council Member Brazil stated this property is already zoned to allow this type of usage. Brazil questioned if the Council can make amendments and add conditions to the variance request.

Council Member Cronin stated amending the distance from 10’ to 20’ is a good start and to consider natural landscaping such as berms to make the site more pleasant.

Mike Hurlbert, Director of Community Development indicated the UDO allows the Council to amend or modify a variance appeal. Also discussed was the setback lines in the County vs what the City of St. Charles allows which is 25’. Discussion continued on various methods to include natural landscaping, water issues and possible fencing.

**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

**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

**Bill No. 4825** – Sponsored by Council as a Whole – AN ORDINANCE AUTHORIZING THE NONBINDING 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)

**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

**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 stated there has been an issue with five (5) acre developments for several years in that the current County rules makes it extremely expensive and tedious to development a parcel of land with a private road. Cronin pointed out there are several landowners in District 1 that
would like to sell their land in 5+ acre parcels and this bill will make that much more efficient. Cronin noted by making these changes, it gives incentives for landowners to develop larger lot subdivisions.

Council Member Brazil requested staff closely review these changes.

Council Member Hammond stated he was in support of this bill.

IN THE MATTER OF

TABLED BILLS

Council Member Brazil made a motion to remove Bill No. 4798 from the table, seconded by Council Member Hammond and unanimously approved.

**Bill No. 4798** – Sponsored by Joe Brazil – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING A TRACT OF LAND FROM A, AGRICULTURAL DISTRICT, TO RR, SINGLE-FAMILY RESIDENTIAL DISTRICT, PER APPLICATION RZ19-14

Council Member Brazil as sponsor of the bill, motioned to withdraw Bill No. 4798 from the Agenda. He received concurrence from all six (6) Council Members. Bill No. 4798 was withdrawn.

Council Member Brazil made a motion to remove Bill No. 4799 from the table, seconded by Council Member Elam and unanimously approved.

**Bill No. 4799** – Sponsored by Joe Brazil – AN ORDINANCE OF THE COUNTY OF ST. CHARLES, MISSOURI, APPROVING A PRELIMINARY PLAT FOR THE HYMAN KAY TRACT

Council Member Brazil as sponsor of the bill, motioned to withdraw Bill No. 4799 from the Agenda. He received concurrence from all six (6) Council Members. Bill No. 4799 was withdrawn.

Council Member Brazil made a motion to remove Bill No. 4800 from the table, seconded by Council Member Cronin and unanimously approved.

**Bill No. 4800** – Sponsored by Joe Brazil – AN ORDINANCE AFFIRMING THE BOARD OF ZONING ADJUSTMENT’S DECISION ON APPLICATION ZAP19-01

Council Member Brazil as sponsor of the bill, motioned to withdraw Bill No. 4800 from the Agenda. He received concurrence from all six (6) Council Members. Bill No. 4800 was withdrawn.

Council Member Brazil made a motion to remove Bill No. 4815 from the table, seconded by Council Member Hammond and unanimously approved.

Council Member Elam made a motion to amend Bill No. 4815 in the last WHEREAS on Page 2 as follows:

WHEREAS, the Planning and Zoning Commission of the County of St. Charles, Missouri, considered this application and on a vote of 4 ayes to 3 nays recommended the matter for approval to
the County Council. [A simple majority of the County Council is required for passage of this bill.]

Over 30% of the owners of real property within one thousand (1,000) feet of the parcel of land, for which the revision is being proposed, have submitted a written protest (legal remonstrance) against the proposed subject rezoning action pursuant to Section 405.535.B.3 of the Ordinances of St. Charles County, Missouri (OSCCMO), therefore, the supermajority vote of five (5) of the total seven (7) Council Members is required to pass this bill.

Council Member Joe Brazil seconded the motion and it was unanimously approved.

Council Member Brazil explained they have reviewed the present and past Master Plans for St. Charles County and pointed out the Rural Residential (“RR”) District line was approved and this development is on the northern part of the RR District. Brazil stated he was not in support of this bill, however the developer has done everything the county has asked as it relates to this application.

Discussion was held regarding the construction of water and sewer lines being put in near this area in the next couple of years and the possibility of landowners annexing into the City of Wentzville and developing smaller lots is greater.

There being no further discussion, Council Chair Hollander requested the following roll call vote:
Council Member Cronin – yes, Council Member Brazil – no, Council Member Elam – yes, Council Member Hammond – yes, Council Member Hollander – yes, Council Member Schneider – yes and Council Member White – yes. Amended Bill No. 4815 was approved by a vote of 6-1.

Council Member Elam stated he would like Bill No. 4816 to remain on the table as the Missouri-American Water Company is working on organizing a meeting with the neighboring residents.

IN THE MATTER OF
ANNOUNCEMENTS AND
MISCELLANEOUS

There were no announcements.

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

The meeting adjourned at 8:46 p.m.

Examined and Approved

T. Hollander, Council Chair
St. Charles County, Missouri

/djv