

**St. Charles County Council Journal
Regular Meeting – April 10, 2023**

The St. Charles County Council met on Monday, April 10, 2023, at 7:00 p.m. in the Council Chambers at 100 North Third Street, St. Charles, MO 63301.

Council Chair Hollander introduced Manny Macias with United Pentecostal Church who provided the invocation and Councilman Dave Hammond 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	present
Councilman Terry Hollander	present
Councilwoman Nancy Schneider	absent
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)
CONDITIONAL USE PERMIT)
BILLS FOR INTRODUCTION)

Bill No. 5163 – Sponsored by Tim Baker – AN ORDINANCE GRANTING CONDITIONAL USE PERMIT CUP22-15(A) FOR A LAWN CARE SERVICE TO HURST INVESTMENTS, LLC, AND JAMES HURST, BLCS, LLC, APPLICANT

Staff swore in Robert Myers, Planning and Zoning Division Director for the St. Charles County Community Development Department. Myers reviewed both CUP22-15 (A) and CUP22-15 (B). Myers explained he will combine the review for both applications as they are at the same location. Myers stated the site is a former St. Charles County Highway Department facility that has a salt dome on the property and is graded as per County specifications for drainage. The location had been approved for previous conditional use permits for a nursery and a storage facility, however the businesses were not in place and the permits expired. Myers continued saying the first application is for a lawn care business which allows for grass cutting only and all vehicles, except employee vehicles are to be kept inside a building. The second application is for boat storage only due to the property

being zoned agricultural. The Planning and Zoning Commission held two separate public hearings and voted 8-0 in support of the permits with specific conditions.

Myers introduced James Hurst, owner and applicant and Hurst was sworn in by staff. Hurst stated he has met all the requirements for these two permits and agreed to move the gate back 40'.

Councilman Brazil questioned Hurst if all of the equipment will be stored inside. The applicant replied that is correct. Brazil questioned the plan for the outside storage. Hurst replied they are planning on putting up a fence for 51 spots with screening and a 6 ft. chain link fence with black mesh. Also a buffer will be put in place on one side of the lot. Brazil pointed out he has received many complaints regarding this application and noted storage lots are not attractive.

Councilman Swanson questioned the lighting and if there was something in place regarding that. Robert Myers replied after the site plan is submitted that is when they review the lighting. Myers pointed out there is a condition on both permit bills dealing with lighting.

Council Chair Hollander opened the Public Comment part of Bill No. 5163 and 5164.

Tammy Kneib – Hopewell Road resident was sworn in by staff. Kneib stated her opposition to the boat storage permit saying the entrance is between two 90 degree turns on Hopewell Road and trucks hauling boats and/or trailers in and out of the entrance, will cause more traffic issues. Kneib noted it will be people who live out of the area who utilize the storage facility and are unfamiliar with the road conditions which will make it more dangerous. Kneib also noted boat storage facilities are unsightly.

Councilman Elam questioned if she was in support of the lawn care permit. Kneib explained there are already vehicles in and out of that location blocking traffic. Kneib noted she was not in favor of the lawn care business.

Paul Bay, Hopewell Road resident, was sworn in by staff. Bay stated his opposition to the boat storage lot saying there are currently seven (7) driveways near the gate area and traffic is a huge issue. Bay noted he was not opposed to the lawn care business. Bay also pointed out the possibility of flooding from a nearby creek could be an issue due to past flooding and the possibility of more flooding with the construction of the new Harvest Subdivision.

Arnie C. AC Dienoff, County resident, was sworn in by staff. Dienoff stated he is highly opposed to the lawn care business as it is not the best use of the land. Dienoff pointed out this area currently has the most growth in the State of MO. Dienoff pointed out Hopewell Road is a major thoroughfare and is not the place for this type of business. If approved, Dienoff suggested the following conditions, (1) mowers should only run from 7:00 a.m. to 7:00 p.m., (2) no unlicensed vehicles, (3) no outdoor storage, (4) no yard waste storage and (5) implementation of a Type 3 barrier.

Susan Goris, Hopewell Road resident was sworn in by staff. Goris explained her opposition to the lawn care business and boat storage facility. Goris stated her concerns regarding the 24/7 access for the gate, which is covered with unsightly black mesh and only 6 ft. tall. Goris stated the current fencing is not compliant with the 2030 Master Plan. Goris also noted the small amount of space for the boats to maneuver in the lot. Goris pointed out the 2030 Master Plan shows this area to be used in an agricultural fashion and listed examples.

James Hurst, applicant, responded to the comments saying there is already traffic in the area and he is willing to move the gate back more if the neighbors would feel better about that. Hurst noted because of the driveway being between the two 90 degree turns, the vehicles are already going slow. Hurst explained he wants his business area to be very cleanly and has a buffer in place and is willing to add more if necessary. Hurst also noted he has 10 employees for his lawn care business.

Bill No. 5164 – Sponsored by Joe Brazil – AN ORDINANCE GRANTING CONDITIONAL USE PERMIT CUP22-15(B) FOR AN OUTDOOR STORAGE YARD FOR BOATS TO HURST INVESTMENTS, LLC, AND JAMES HURST, BLCS, LLC, APPLICANT

Arnie C. AC Dienoff, County resident stated in the hearing under Bill No. 5165 that he would like his comments for Bill No. 5164 – boat storage to be noted with the comments listed under Bill No. 5163.

Bill No. 5165 – Sponsored by Tim Baker – AN ORDINANCE GRANTING CONDITIONAL USE PERMIT CUP23-02 FOR A HOUSING UNIT OR UNITS IN THE “R1E” DISTRICT WITH A MINIMUM LOT WIDTH OF SIXTY FEET AND A MINIMUM SIDE YARD SETBACK OF SIX FEET TO IPX THOMPSON 422-296, LLC, PROPERTY OWNER, AND MJA PROPERTIES, LLC, APPLICANT

Robert Myers, Planning and Zoning Division Director for the St. Charles County Community Development Department still being under oath reviewed the CUP saying the application is for one lot in Hickory Dale subdivision that was platted in 1950. Myers continued saying the developer would like to build two homes and the setbacks are necessary for that. These two lots are long and narrow. Myers noted the Planning and Zoning Commission held a public hearing and voted 8-0 for approval.

Myers invited the applicant Michael Thompson to comment. Mr. Thompson was not in the audience.

Council Chair Hollander opened the Public Comment part of Bill No. 5165.

Arnie C. AC Dienoff, County resident stated he was in support of this bill.

**IN THE MATTER OF A PUBLIC)
HEARING ON COMMUNITY HOUSING)
NEEDS & INPUT ON A 2023 ANNUAL)
ACTION PLAN USING FEDERAL CDBG)
FUNDS)**

Council Chair Hollander opened the floor for anyone interested in speaking on this Public Hearing.

Arnie C. AC Dienoff, County resident stated the CDBG program helps lower-income families maintain their homes and pointed out the City of O’Fallon is the only municipality not in this group. Dienoff suggested St. Charles County Administrators work very diligently to get O’Fallon to join them so there is not a duplication of services.

Councilman Brazil questioned Robert Myers with Community Development on what the 2023 funding package includes. Myers responded saying there is money available to low-income residents, elderly and veterans to help maintain their homes and money to transport low income residents to necessary

care appointments. Brazil questioned if there was any money for tax abatements, etc. and the answer was no.

IN THE MATTER OF)
)
PUBLIC COMMENTS)

Bill No. 5166

Brad Goss, attorney representing the applicant stated in 2005 there was a CUP approved to allow a greenhouse and was in the audience if anyone had any questions.

Jim Kelley, Ebert Lane resident, stated he was against this bill as it started out with two people employed at the nursery and now there are five or six. Kelley had additional questions regarding prairie restoration that was addressed privately with staff.

Vernon Jackson, Ebert Lane resident, stated he is in support of this bill. Jackson stated his property joins at the east side. Jackson pointed out the owner of Loutre Prairie Farms has been maintaining their private road for years and his business does not have a lot of traffic.

Jon Wingo, applicant stated he has been a resident and business owner there for 18 years and has maintained the roadway for 15 years. Wingo pointed out in 2005 the Council approved the original conditional use permit along with approval for a pole barn, however he was not able to construct it due to high costs.

Bill No. 5167

Kelly Roth, South Hwy. 94 resident, stated her opposition to RZ23-01. Roth pointed out she lives within 1,000' from the property and noted it was not appropriate to rezone due to the area is for homes not businesses and would have a negative impact. Roth also pointed out what future commercial business could be there if the owners sold the property.

Tiffany Winkler and husband Larry, applicant, stated the Planning and Zoning Division was helpful and explained Commercial zoning was what they needed to apply for. Larry Winkler stated he raises cattle and is wanting to utilize this property to sell his beef. The Winklers explained there was a home on this property which was destroyed in the Dec. 2021 tornado. The Winklers said the traffic is already there and this location is the cornerstone of Defiance. Also noted was they will make it appealing in sight.

Lawrence Crain, South Hwy. 94 resident, stated he lies approximately 150' from the proposed rezoning and is in opposition. Crain explained he and his wife are retired and this would be a negative impact on the neighborhood.

Dan Tripp, South Hwy. 94 business owner, stated his support for this rezoning. Tripp explained the Winklers are very active in the Defiance Merchants Association and its welcoming to have a local business open up in the area.

Tracy Pieper, County resident, stated she lives within 1,000' of the property and can see it from her back window. Pieper pointed out the area is residential not commercial and was concerned about what would be at this location in the future.

Elizabeth Bland, County resident, stated her opposition to this rezoning. Bland explained she can see the property from her home and also noted this request is going against the 2030 Master Plan. Bland pointed out staff denied the application due to spot zoning.

Council Chair Hollander allowed two additional speakers.

Larry Smith, Hwy. F resident, stated he was in support of this rezoning. Smith liked the small business aspect of it and noted it is not quiet in the area due to a nearby quarry, a bar that caters to several hundred loud motorcycles each weekend in nice weather along with the several wineries.

Karen Lyons, County resident, stated her support for this rezoning. Lyons stated she has been a local resident for 45 years and this is progress. Lyons supported the farm stand concept and noted it would not bring in much traffic. Lyons noted she supports local business owners.

Bill No. 5168

Charles Wardl, engineer with Bax Engineering stated he was in the audience if anyone had any questions.

Bill No. 5169

Carol Pitzer, Rose Hill Lane resident stated her opposition to this rezoning along with two other individuals who were unable to attend. Pitzer pointed out the water issues and the density with regard to this property.

Jim Garofalo, Addyston Pointe resident, stated his opposition to Bill No. 5169. Garofalo stated this is being rezoned to sell the property for many homes to be built. Garofalo was concerned there was no plan for the intended use and thanked Councilman Baker for his no vote at the Planning and Zoning Commission meeting. Garofalo stated there is no intended use listed for this rezoning and if rezoned, they will need to build a road to Knaust which is already heavy with driveways.

Peg Capo, Executive Director of the DDRB and Dan Dozier, Board Member of the DDRB stated this rezoning matches the 2030 Master Plan and three acres is more ground for the DDRB to own and maintain. Capo pointed out if the land is rezoned, it would not be used for housing for the developmentally disabled due to current laws in place.

Community Responsibility

Laurie Nicewaner, Lake St. Louis resident recited the Preamble and Notice for the County Settlement Covenant-St. Charles County

Arnie Dienoff, O'Fallon resident, requested that the Public Comment Card can be filed on-line. Dienoff opposed Bill No. 5160 and requested no fee on Bill No. 5173. Dienoff noted his frustration on not getting any lobbyist reports from his prior requests.

Bill No. 5163 and Bill No. 5164

James Hurst, applicant for the above listed bills stated he is using his property at the highest and best use.

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

There was no Oral Report.

IN THE MATTER OF)
)
CONSENT AGENDA)

Council Chair Hollander asked if there were any items to be removed from the Consent Agenda. There being no items removed, Council Member Elam made a motion to approve the Consent Agenda as presented, seconded by Council Member Hammond and unanimously approved. The approved items are as follows:

Approval of Journal of the previous meeting –3-27-2023

Approval of Purchases

- Facilities Management - Professional Services for Lawn Care, Snow and Ice Mitigation, Tree Service/BLCS, LLC/\$97,790.00 for three years
- Electrical Services and Repair/Rolwes, Kaiser, Reinhold and Benson/ \$150,000.00 for three years

Nominations and Appointments

Planning and Zoning Commission

- Tracy Boehmer, Wentzville/reappointment/term expires 8-31-25
- Craig Frahm, St. Charles County/reappointment/term expires 8-31-25

Miscellaneous

- Information Systems – Amendment #2/Body Camera and In-Car Camera System Solutions Services/Utility Associates, Inc./\$105,093.75

IN THE MATTER OF)
)
BILLS FOR FINAL PASSAGE)

Bill No. 5160 - Sponsored by Tim Baker, AN ORDINANCE AMENDING SECTION 310.010, PROCEDURES FOR TRAFFIC REGULATIONS AND ESTABLISHING EMERGENCY ROAD REGULATION POWERS, ORDINANCES OF ST. CHARLES COUNTY MISSOURI

Council Member Swanson explained he has spoken with the County Highway Engineer and had no concerns with this bill.

There being no further discussion, Council Chair Hollander requested the following roll call vote: Council Member Swanson – yes, Council Member Brazil – absent, Council Member Elam – yes, Council Member Hammond – yes, Council Member Hollander – yes, Council Member Schneider – absent and Council Member Baker – yes. Bill No. 5160 was approved by a vote of 5-2.

Bill No. 5161 - Sponsored by Council as a Whole, AN ORDINANCE APPROVING AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR IMPROVEMENTS NEEDED TO REDUCE CONGESTION ON I-70 BY CONSTRUCTING A NORTH OUTER ROAD EXTENSION AND RELOCATION OF RAMPS FROM ROUTE 94 TO ZUMBEHL ROAD

There being no discussion, Council Chair Hollander requested the following roll call vote: Council Member Swanson – yes, Council Member Brazil – yes, Council Member Elam – yes, Council Member Hammond – yes, Council Member Hollander – yes, Council Member Schneider – absent and Council Member Baker – yes. Bill No. 5161 was approved by a vote of 6-1.

Bill No. 5162 - Sponsored by Council as a Whole, AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE TO ACCEPT FROM THE OFFICE OF WORKFORCE DEVELOPMENT (“OWD”) OF THE DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT (“DHEWD”) TWENTY THOUSAND DOLLARS (\$20,000) OF WORKFORCE INNOVATION AND OPPORTUNITY ACT (“WIOA”) DISCRETIONARY FUNDS AVAILABLE TO THE ST. CHARLES COUNTY DEPARTMENT OF WORKFORCE DEVELOPMENT IN ORDER TO PROVIDE TRAINING TO AT LEAST TEN (10) ELIGIBLE ADULT AND/OR DISLOCATED WORKERS

Council Member Brazil stated his opposition to this funding due to the various items they teach.

There being no discussion, Council Chair Hollander requested the following roll call vote: Council Member Swanson – absent, Council Member Brazil – no, Council Member Elam – yes, Council Member Hammond – yes, Council Member Hollander – yes, Council Member Schneider – absent and Council Member Baker – yes. Bill No. 5160 was approved by a vote of 4-3.

IN THE MATTER OF)
)
BILLS FOR INTRODUCTION)

Bill No. 5166 – Sponsored by Joe Brazil – AN ORDINANCE AMENDING ORDINANCE NO. 05-198 GRANTING CONDITIONAL USE PERMIT NO. 655 FOR A NURSERY TO LOUTRE PRAIRIE FARMS, LLC, PROPERTY OWNER

Council Member Brazil stated this land is currently zoned agricultural and a prairie restoration business and a nursery fit well in this type of zoning. Brazil noted the road was good and he supported the bill.

Bill No. 5167 – 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 C1, NEIGHBORHOOD COMMERCIAL DISTRICT, PER APPLICATION RZ23-01

Council Member Brazil stated the Winklers are cattle farmers with land in both St. Charles County and Miller County. Brazil continued saying with the house torn apart by the tornado, it made a perfect site for a small farm stand to sell beef and locally made items. Council Member Brazil stated he supports this bill.

Council Member Baker stated he voted against this at the Planning and Zoning Commission due to it being spot zoning even though the use meets with the surrounding area. Baker explained a lot of traffic goes by this location, it is a small lot and very visible and noted he would be supporting it.

Council Member Hammond stated he would be supporting this bill.

Bill No. 5168 – 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 R1E, SINGLE-FAMILY RESIDENTIAL DISTRICT, PER APPLICATION RZ23-02

Council Member Brazil questioned if this is the rezoning where there is currently the building of bigger homes. Robert Myers, Community Development stated yes there is a single-family home being constructed in the front. The property owners have stated should it be approved, they would trade or deed land in the back to allow for additional building.

Bill No. 5169 – Sponsored by Mike Elam – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING LAND FROM R1A, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO R1D, SINGLE-FAMILY RESIDENTIAL DISTRICT, PER APPLICATION RZ23-03

Council Member Baker stated the properties to the north of this location are a bit bigger, however the surrounding area has larger lots and noted 10,000 sq. ft. lots would be too dense. Baker pointed out it would be a viable plan for homebuilders and would not be supporting this.

Council Member Elam invited Peg Capo, Executive Director of the DDRB and Dan Dozier, current board member of the DDRB to help answer questions. Elam requested Capo to clarify that no group homes would be build. Capo replied there are rules against group homes with disabilities funded by the State and there are no funds through the state. Elam continued saying the purpose of the 10,000 sq. ft. lots is due to the surrounding area being zoned as such including Addyston Parc. Dozier noted the board of directors for the DDRB has not decided what to do with the property at this point. Discussion was held regarding the flooded property and if new development would come in, those areas would be taken into consideration to eliminate drainage issues. Also it was pointed out, anything that would be developed on this property would need approval by County departments.

Council Member Hammond stated he reviewed the photos and Addyston Parc has both R1A and R1D zoning.

Bill No. 5170 – Sponsored by Nancy L. Schneider – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING LAND FROM A, AGRICULTURAL DISTRICT, WITH FLOODWAY FRINGE OVERLAY DISTRICT, TO RF, RIVERFRONT DISTRICT, WITH FLOODWAY FRINGE OVERLAY DISTRICT, PER APPLICATION RZ23-04

Bill No. 5171 – Sponsored by Nancy Schneider – AN ORDINANCE RELATING TO HOUSING AND COMMUNITY ASSISTANCE AND (1) APPROVING THE 2023 ANNUAL ACTION PLAN FOR ST. CHARLES COUNTY, MISSOURI, IN ITS CAPACITY AS AN URBAN COUNTY FOR FY 2021-2025 UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM OF THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE ALL DOCUMENTS OR CERTIFICATIONS REQUIRED FOR SUBMITAL TO HUD WITH THE ACTION PLAN AND (2) FURTHER AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE FUNDING APPROVAL/AGREEMENTS THAT HUD SHALL REQUIRE UPON APPROVING THE 2023 ANNUAL ACTION PLAN

Bill No. 5172 – Sponsored by Terry Hollander – AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE OR HIS DESIGNEE TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT FOR FINANCIAL ASSISTANCE, GRANT AGREEMENT NO. #2023008, BETWEEN ST. CHARLES COUNTY AND THE ST. LOUIS-JEFFERSON SOLID WASTE MANAGEMENT DISTRICT (“DISTRICT”) FOR RECEIPT OF FUNDS IN AN AMOUNT UP TO \$160,000

Bill No. 5173 – Sponsored by Council as a Whole – AN ORDINANCE AUTHORIZING EXECUTION OF A TRAIL LICENSE AGREEMENT AND INGRESS, EGRESS, BETWEEN ST. CHARLES COUNTY AND THE MISSOURI DEPARTMENT OF NATURAL RESOURCES TO ALLOW THE ST. CHARLES COUNTY PARKS AND RECREATION DEPARTMENT TO ROCK A SECTION OF TRAIL THAT SEPARATES MISSOURI BLUFFS PARK FROM THE KATY TRAIL STATE PARK FOR THE CONSIDERTION OF \$10

Bill No. 5174 – Sponsored by Terry Hollander – AN ORDINANCE AMENDING THE 2023 BUDGET AS ADOPTED BY ORDINANCE 22-087, AS AMENDED, FOR THE REMOVAL OF A WIRELESS COMMUNICATIONS/NETWORK SPEC I POSITION AND THE ADDITION OF A WIRELESS COMMUNICATIONS/NETWORK SPEC III POSITION IN THE DEPARTMENT OF EMERGENCY COMMUNICATIONS OF ST. CHARLES COUNTY

IN THE MATTER OF)
)
TABLED BILLS)

There are no tabled bills.

IN THE MATTER OF)
ANNOUNCEMENTS AND)
MISCELLANEOUS)

Council Chair Hollander asked if there was any announcements or miscellaneous from Council Members. Hearing none, Councilman Elam motioned to adjourn, seconded by Councilman Hammond and approved by all present. The meeting adjourned at 9:04 p.m.

Examined and Approved

A handwritten signature in blue ink, appearing to read "T. Hollander", written over a horizontal line.

Terry Hollander, Council Chair
St. Charles County, Missouri

/djv