

**St. Charles County Council Journal
Regular Meeting – April 24, 2023**

The St. Charles County Council met on Monday, April 24, 2023, at 7:00 p.m. in the Council Chambers at 100 North Third Street, St. Charles, MO 63301.

Council Chair Hollander introduced Gwenda Plummer with Assembly of God Church who provided the invocation and Council Member Nancy Schneider led the Pledge of Allegiance.

The following roll call was taken by the clerk:

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| 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

Council Member Elam made a motion to amend the agenda to bring up Resolution No. 23-01, seconded by Council Member Baker and unanimously approved by the members present.

IN THE MATTER OF)
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RESOLUTIONS)

Resolution No. 23-01 – Sponsored by Council as a Whole – A RESOLUTION RECOGNIZING JUNE 3, 2023 AS “636 DAY” IN ST. CHARLES COUNTY

Councilman Elam introduced Ed Akers, a local citizen who has embraced the “636 Day” was instrumental in the first event in 2022 and was surprised with the estimated crowd of 1,500 people. Akers stated the organizers of “636 DAY” in Frenchtown, St. Charles City are excited to have more talent scheduled along with other activities and surprises for the day of June 3rd. Akers explained this type of recognition is happening in various communities in the country and noted it brings the community together.

There being no further 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 – absent, Council Member Hollander – yes, Council Member Schneider – yes and Council Member Baker – yes. Resolution No. 23-01 was approved by a vote of 6-0.

IN THE MATTER OF)
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PUBLIC PRESENTATIONS)

Scott Shipman, County Assessor and Travis Welge, County Assessor-Elect presented information regarding the 2023 reassessment of real estate taxes. Shipman shared information with slides to review what citizens will be receiving and to interrupt the information. Shipman pointed out they work with local real estate markets, reviews all building permits as well as all the sales throughout the county to get the best assessed value on homes. Shipman reviewed the notices that individuals will be receiving along with the Projected Tax Liability Notice that alerts the taxpayers of their probable tax for the 2023 tax cycle. Shipman explained the hearing process that their office conducts regarding individuals who disagree with the assessment received. Shipman pointed out the hearings will be taking place at the Election Authority Building at 397 Turner Blvd., St. Peters to allow for easier access and it is centrally located.

Council Member Brazil questioned Shipman if there are any type of real estate tax relief for senior citizens and Shipman replied that is a decision that must come from the MO State Legislature. Shipman pointed out real estate tax relief for seniors happens all over the United States in various manners.

IN THE MATTER OF)
CONDITIONAL USE PERMIT)
BILLS FOR FINAL PASSAGE)

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

Council Member Brazil stated this was a maintenance facility and is now a storage building to keep the lawn care equipment inside and noted he has no problem with this CUP application.

Council Member Elam stated he was also in support of this application and noted speakers from the last meeting had issues with the boat storage application, but not the lawn care business application.

There being no further discussion, Council Chair Hollander requested the following roll call vote: Council Member Swanson – no, Council Member Brazil – yes, Council Member Elam – yes, Council Member Hammond – absent, Council Member Hollander – yes, Council Member Schneider – yes, Council Member Baker – yes. Bill No. 5163 was approved by a vote of 5-1 with one member absent.

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

Council Member Brazil stated he did not support this bill as it would be a commercial business near residential areas and placed on the property in such a manner that there would be a very tall fence and no room for a berm. Brazil noted it was not a good location for this type of usage and pointed out the Council denied the same type of request recently due to its location to residential areas.

There being no further discussion, Council Chair Hollander requested the following roll call vote: Council Member Swanson – no, Council Member Brazil – no, Council Member Elam – no, Council Member Hammond – absent, Council Member Hollander – no, Council Member Schneider – no and Council Member Baker – no. Bill No. 5164 was denied by a vote of 0-6 with one member absent.

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

Council Member Baker noted this was in his District, he has not heard of any opposition and supported the bill.

There being no further 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 – absent, Council Member Hollander – yes, Council Member Schneider – yes, Council Member Baker – yes. Bill No. 5165 was approved by a vote of 6-0 with one member absent.

**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 questioned St. Charles County Administrators if they were able to reach out to O’Fallon and try to have them join St. Charles County and the other municipalities to reduce the duplication of services. Dienoff shared what the program money will be used for.

There being no additional speakers, Council Chair Hollander closed the Public Hearing.

**IN THE MATTER OF A PUBLIC)
HEARING ON THE COUNTY’S)
SUBSTANTIAL AMENDMENT ON THE)
CDBG-CV PROGRAM)**

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

Arnie C. AC Dienoff, County resident reviewed the various items and funding this amendment will provide.

There being no additional speakers, Council Chair Hollander closed the Public Hearing.

IN THE MATTER OF)
)
PUBLIC COMMENTS)

Appointment of Prosecuting Attorney

Donald Van, president of the Fraternal Order of Police Lodge 15, announced the organizations support for Joe McCulloch as St. Charles County Prosecuting Attorney. Van continued saying Mr. McCulloch has a vast knowledge of law enforcement being a police officer for 20 years, then a defense attorney and now a prosecuting attorney. Van pointed out the fairness of which McCulloch operates.

Bill No. 5169

Dan Dozier, St. Charles County resident and board member for the DDRB, stated he was in the audience if anyone had questions.

Jessica Howell, Rose Hill Lane resident, stated her opposition to this rezoning. Howell explained their yard caught very little water years ago and with the additional building of subdivisions in the surrounding area her back yard is now completely useless due to standing water. Howell requested the Council deny this bill due to drainage issues.

Peg Capo, St. Charles County resident and Executive Director of the DDRB, stated she was in the audience if anyone had questions.

Lindsey Weidner, Rose Hill Land resident, stated she was unaware of what the DDRB wants to do with the land as there is no plan for the property. Weidner noted the list of concerns she provided the Council previously and asked the Council to put people over profit.

Appointment of Prosecuting Attorney

Arnie C. AC Dienoff, O'Fallon resident stated his concerns with the appointment of Joe McCulloch as County Prosecutor due to his past affiliation with the democratic party and is now serving as a republican. Dienoff requested in his position as prosecuting attorney he be tough on crime, corruption, political games and favoritism.

Bill No. 5163 and 5164

Susan Goris, Hopewell Road resident stated her concerns with the accessory buildings for the lawn care business as well as the lighting and questioned if they are in compliance with current County Ordinances.

Criminal Justice

Laura Buddemeyer, resident of St. Charles, MO, shared her concerns as it relates to her grandson being assaulted on a school parking lot by a person who has evaded law enforcement and is currently at large. Buddemeyer pointed out the court system is not doing their job to charge and try this individual to get him off the streets.

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

There was no Oral Report.

**IN THE MATTER OF)
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CONSENT AGENDA)**

Council Chair Hollander asked if there were any items to be removed from the Consent Agenda. Council Member Baker motioned to remove the Professional Services for the Dardenne Creek Blueway Stream Restoration Project, seconded by Council Member Elam and unanimously approved by the members present. Council Member Elam made a motion to approve the Consent Agenda as modified, seconded by Council Member Schneider and unanimously approved by the members present. The approved items are as follows:

Approval of Journal of the previous meeting – 4-10-2023

Approval of Purchases

Information Systems – Prosecuting Attorney Case Management Host System/Karpel Solutions/\$235,000.00

Nominations and Appointments

Prosecuting Attorney – Joseph G. McCulloch – term ending 12/31/24

Miscellaneous

Finance – Property/Casualty Insurance Renewal for 2023

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

Parks & Recreation – Professional Services – Dardenne Creek Blueway Stream Restoration Project Intuition and Logic/\$677,901.50

Council Member Baker pointed out that the Parks and Recreation Department is fortunate to have the funds for stream restoration and stated there are so many streambanks failing in St. Charles County where individuals cannot afford to fix them. Baker stressed something needs to be done to help with these situations.

There being no additional discussion, Council Member Brazil made a motion to approve the Professional Services – Dardenne Creek Blueway Stream Restoration Project, seconded by Council Member Elam and unanimously approved by the members present.

Council Chair Hollander took time to congratulate Joe McCulloch on his new appointment as the St. Charles County Prosecuting Attorney and invited him to say a few words.

Joe McCulloch thanked the County Executive for putting his name forward to the County Council for approval. McCulloch stated he had longed for this opportunity and did not think it would ever happen due to timing. McCulloch pointed out he has unique qualifications for this position as he was a police officer for 20 years, a defense attorney for 20 years and is ready for this next challenge. County Executive Ehlmann thank McCulloch and welcomed him to this new position.

IN THE MATTER OF)
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BILLS FOR FINAL PASSAGE)

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

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 – absent, Council Member Hollander – yes, Council Member Schneider – yes and Council Member Baker – yes. Bill No. 5166 was approved by a vote of 6-0 with one member absent.

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 made a motion to amend Bill No. 5167 and replace it with Substitute Bill No. 5167 due to receiving a legal remonstrance requiring a super majority of the Council for passage. The motion was seconded by Council Member Elam and unanimously approved by the members present.

Council Member Brazil made a motion to table Substitute Bill No. 5167, seconded by Council Member Elam and unanimously approved by the members present. Substitute Bill No. 5167 was tabled.

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

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 – absent, Council Member Hollander – yes, Council Member Schneider – yes and Council Member Baker – yes. Bill No. 5168 was approved by a vote of 6-0 with one member absent.

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 Elam invited Dan Dozier and Peg Capo to answer some questions. Elam questioned if the applicants were planning on building or developing this land. Dozier stated there are no plans for building at this time, this is just to rezone. Dozier pointed out the DDRB board must decide what to do with the home as it is not livable at this time.

Council Member Brazil stated he is not supportive of this rezoning due to not having any plans for the future of the property.

Discussion continued with what the plans would be for the land. Dozier indicated the plan was to rezone now to allow for more options and possibly market the property or rebuild the home. Robert Myers, Planning and Zoning Division Director stated if the rezoning is approved, they would have to come before the Planning and Zoning Commission to subdivide the property and ultimately, the County Council.

There being no further discussion, Council Chair Hollander requested the following roll call vote: Council Member Swanson – yes, Council Member Brazil – no, Council Member Elam – yes, Council Member Hammond – absent, Council Member Hollander – yes, Council Member Schneider – yes and Council Member Baker – no. Bill No. 5169 was approved by a vote of 4-2 with one member absent.

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

Council Member Swanson asked if the applicant was in the audience. There was no one to represent this application. Council Chair Hollander explained many of the property owners along the rivers are rezoning their land to Riverfront District, so they do not have to go before the Planning and Zoning Commission and Council to expand their campground, add a building or a restaurant. Hollander pointed out this is common practice.

There being no further 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 – absent, Council Member Hollander – yes, Council Member Schneider – yes and Council Member Baker – yes. Bill No. 5170 was approved by a vote of 6-0 with one member absent.

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

There being no discussion, Council Chair Hollander requested the following roll call vote: Council Member Swanson – yes, Council Member Brazil – no, Council Member Elam – yes, Council Member Hammond – absent, Council Member Hollander – yes, Council Member Schneider – yes and Council Member Baker – yes. Bill No. 5171 was approved by a vote of 5-1 with one member absent.

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

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 – absent, Council Member Hollander – yes, Council Member Schneider – yes and Council Member Baker – yes. Bill No. 5172 was approved by a vote of 6-0 with one member absent.

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

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 – absent, Council Member Hollander – yes, Council Member Schneider – yes and Council Member Baker – yes. Bill No. 5173 was approved by a vote of 6-0 with one member absent.

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

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 – absent, Council Member Hollander – yes, Council Member Schneider – yes and Council Member Baker – yes. Bill No. 5174 was approved by a vote of 6-0 with one member absent.

IN THE MATTER OF)
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BILLS FOR INTRODUCTION)

Bill No. 5175 – Sponsored by Terry Hollander – AN ORDINANCE (1) AUTHORIZING THE AMENDMENT OF THE ST. LOUIS HOME CONSORTIUM CONSOLIDATED PLAN (2016-2020) AND AMENDING THE 2019 ANNUAL ACTION PLAN FOR ST. CHARLES COUNTY, MISSOURI, IN ITS CAPACITY AS AN URBAN COUNTY UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM OF THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND (2) AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE ALL RELATED DOCUMENTS, CERTIFICATIONS, AND CONTRACTS

Bill No. 5176 – Sponsored by Mike Elam – AN ORDINANCE GRANTING THE GREAT RIVERS GREENWAY DISTRICT A LICENSE TO INSTALL A PORTABLE RESTROOM AT THE TRAILHEAD PARKING LOT OFF RESEARCH PARK DRIVE

IN THE MATTER OF)
)
TABLED BILLS)

There are no tabled bills.

IN THE MATTER OF)
ANNOUNCEMENTS AND)
MISCELLANEOUS)

Council Chair Hollander asked if there were any announcements or miscellaneous from Council Members. Council Member Swanson wished Council Member Elam a Happy Birthday.

There being no further announcements Councilman Elam motioned to adjourn, seconded by Councilman Baker and approved by all present. The meeting adjourned at 8:19 p.m.

Examined and Approved



Terry Hollander, Council Chair
St. Charles County, Missouri

/djv