The St. Charles County Council met on Monday, August 10, 2020, at 7:00 p.m. in the County Council Chambers, 100 North Third Street, St. Charles, Missouri. Pastor Bill Sontag with Harvester Christian Church provided the invocation and Councilman Brazil led in the Pledge of Allegiance.

The following roll call was taken by the Clerk:

Councilman Joe Cronin present
Councilman Joe Brazil present
Councilman Mike Elam present
Councilman Dave Hammond present
Councilman Terry Hollander present
Councilwoman Nancy Schneider present
Councilman John White present

County Executive Staff present:

Steve Ehlmann, County Executive
Joann Leykam, Director of Administration

County Counselor’s Office:

John Watson, County Counselor

IN THE MATTER OF

) )

PUBLIC COMMENTS )

Council Chair Hollander requested that anyone who addressed the Council fill out a speaker card for the record prior to the start of the meeting. Hollander opened public comments and requested comments be limited to three minutes per speaker with three alternating pro and con positions on a topic. Hollander requested that the audience be courteous and listen to each speaker without interruption.

Mask Mandate
Traci Martinez, St. Charles city resident, stated she is beginning her 27th year of teaching and asked for leadership and guidance from the Council and Executive for the start of the school year. Martinez explained that guidelines and recommendations on COVID-19 safety practices will not be feasible in her school, that teachers do not have the choice to teach virtually and will be at increased risk of infection and warned of sick teachers and a lack of substitute teachers. Martinez challenged the Executive to lead safely by issuing a recommendation to schools.

Marcia Behr, St. Charles County resident, stated she has 21 years of experience in special education and will substitute teach at the Washington Early Learning Center this fall (in close contact with 2 to 5-
year-olds). Behr asked that the County not make a recommendation and stated that individual school districts should make the decisions because they are closest to the situation. Behr thanked the County Executive and Council for continuing to stand by no county-wide mandates for masks as they do very little to stop aerosolized particles of the virus.

Anita Kuchner, Cottleville resident, stated Lincoln and St. Louis County Health Departments have recommended a virtual start to the school year. Kuchner requested a recommendation from Executive Ehmann to that effect and requested Ehmann meet with teachers to answer questions concerning a lack of contact tracing, spending of CARES funds and access to quick testing. Kuchner stated people in schools will get sick and requested guidance from the County Executive.

Maryann Boatright, O’Fallon city resident, stated St. Charles County is successful because of good policies that don’t trample on constitutional rights. Boatright questioned if COVID-19 is as widespread or as dangerous as is touted and stated the numbers are misrepresented. Boatright expressed concerns for our democracy and thanked County Government for making decisions that allow residents to remain free.

Christine Nanney, O’Fallon city resident and representative for the Fort Zumwalt Education Association, requested the Council institute a county-wide mask ordinance and provide expert guidance for decision making. Nanney stated data concerning the number of COVID-19 diagnoses and deaths of those under 18 in each district are crucial yet missing. Nanney requested the positivity rate at which the schools would move to a virtual learning model. Nanney stated little is being done to mitigate health risks in the school community and requested the County Government show concern for students and teachers with a mask requirement.

Brenda Webb, St. Charles County resident, played video of the Illinois Department of Health Director stating that deaths of a clear alternate cause are listed as a COVID-19 death if a patient was positive at time of death. Webb stated a mask mandate shouldn’t be based on the reported numbers. Webb thanked the Council for standing for liberty and individual constitutional rights.

Gary Feller, St. Charles city resident and founder of Committee to Restore America 912, stated we are being lied to with the reported number of COVID-19 deaths which could be inflated by as much as 90%. Feller shared concerns that the FDA and CDC have never evaluated test kits, that hospitalizations for other primary reasons are listed as COVID-19 related, that masks are not effective, that the importance of exercise and good nutrition is not put above social distancing and that numbers of predicted deaths due to COVID-19 are wildly inaccurate and shouldn’t justify lockdowns.

Traffic Regulations
Kenny Biermann, St. Charles County resident, requested caution striping and no parking signs at 701 Clarence, where a new walking route empties into a parking lot behind Discovery School. Biermann also requested caution signs at the intersection of Apricot and Mango Drives and expressed his concern for the safety of walking children at these sites.

Bill No. 4872
Tyler Martin, St. Charles County resident, stated he is applying for residential rezoning with Bill No. 4872, but if a gravel road is not approved for the property, then the rezoning request may be withdrawn. Councilman Brazil stated he would research the road requirements and be in touch with the applicant.
Bill No. 4873
Jeff Simmons, of BAX engineering, stated he would be available for any questions regarding Bill No. 4873. Simmons stated Habitat for Humanity is requesting rezoning of 307 Lorene for a single-family home. Simmons explained the property is owned by the City of O’Fallon, was the site of former water cistern and currently has public sewer lines.

Miscellaneous
Arnie Dienoff, O’Fallon city resident, requested Council deny Bill No. 4868 and described the bill as a taxpayer rip-off and senseless use of CARES funding at the airport. Dienoff requested the County Executive staff meet with teacher’s groups concerning COVID-19 concerns. Dienoff stated he wouldn’t be intimidated by letters from the County Counselor’s office regarding his lawsuit with the Election Authority.

IN THE MATTER OF
ORAL REPORT
FROM THE COUNTY EXECUTIVE

County Executive Ehlmann, updated local COVID-19 statistics stating the curve of positive confirmed case counts has flattened. Ehlmann stated death rates are improving over the average and noted 83.5% of all deaths occurred in long term care facilities and in hospitals involving people over the age of 80. Hospitalizations have decreased and confirmed cases in the past 2-week period are down 24%. The Health Department continues to contact trace and is noting where the virus is spreading. County Government has experienced outbreaks among employees and is enforcing mask wearing. Ehlmann along with local mayors and alderman did a press conference to ask residents and businesses to voluntarily wear masks. The County has given out 30,000 masks with another 30,000 to be given out at the Family Arena on August 13th. Ehlmann noted that nearly 6,000 responsible County residents have voluntarily quarantined in compliance with state law. Ehlmann displayed an area map (with percentage of mask usage by location) to demonstrate that mask mandates don’t ensure compliance. Ehlmann stated education is more effective at convincing citizens to voluntarily wear masks, social distance and wash hands.

Councilman Brazil stated the CDC supports kids in school and that he knows of no confirmed cases of child-to-teacher spread of the virus. Brazil also stated the Council has no control over the decision-making process of school boards.

Ehlmann stated he has passed along information to school superintendents from an NEA lobbyist and the Health Department has shared information with the school boards for decision making. Ehlmann stated it is important to weigh medical risks against the risk of kids not being in school for 2-3 more months.

Councilman Cronin, although sympathetic with plight of teachers, stated the Council was not the legal or appropriate board to make school decisions. Croning stated the Council’s power is limited by Article III, Section 40, Item 24 of the State Constitution which he has sworn to uphold.

IN THE MATTER OF
CONSENT AGENDA
Council Chair Hollander asked if there were any items to be removed from the Consent Agenda. Seeing none, Councilman White made a motion to approve the Consent Agenda seconded by Councilman Elam and unanimously approved. The items approved are as follows:

**Approval of Journal of the previous meetings** – 7-27-2020 closed and regular meeting

**Approval of Bids**
- Highway - Weiss Rd. at Rte. N Intersection Improvements/Krupp Construction/$1,959,510.59
- Duello Rd. Phase II B Construction/Build Pro STL Construction/$877,117.83

**Nominations and Appointments**
- Community Assistance Board
  - Melinda McAliney of the city of Lake St. Louis/term expires 6-30-23/reappointment
  - Pat Leone of the city of St. Peters/term expires 6-30-23/reappointment

**Miscellaneous**

**IN THE MATTER OF**

**BILLS FOR FINAL PASSAGE**

**Bill No. 4868** – Sponsored by Nancy Schneider – AN ORDINANCE AUTHORIZING EXECUTION OF MISSOURI HIGHWAYS AND TRANSPORTATION COMMUNITY’S CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (C.A.R.E.S. ACT) AGREEMENT, PROJECT NO.: 20-116A1, TO PROVIDE C.A.R.E.S. ACT FINANCIAL ASSISTANCE UNDER THE STATE BLOCK GRANT PROGRAM AND TO MAINTAIN SAFE AND EFFICIENT AIRPORT OPERATIONS, INCLUDING THE AIRPORT’S OPERATIONAL AND MAINTENANCE EXPENSES OR DEBT SERVICE PAYMENT AND OTHER EXPENSES DIRECTLY RELATED TO THE AIRPORT INCURRED NO EARLIER THAN JANUARY 20, 2020, AND TO ACCEPT A GRANT NOT TO EXCEED SIXTY-NINE THOUSAND DOLLARS ($69,000), WHICH REPRESENTS ONE HUNDRED PERCENT (100%) OF FUNDING AVAILABLE FOR QUALIFYING EXPENSES, AND AMENDING ORDINANCE 19-108 FOR SUPPLEMENTAL APPROPRIATIONS TO THE BUDGET OF THE CORONAVIRUS RELIEF FUND FOR AIRPORT IMPROVEMENTS

Councilman Hammond stated the county airport flooded in 2019, 2008 and 1993, in response to a citizen statement/concern that the airport floods every other year.

There being no further discussion, Council Chair Hollander requested the following roll call vote:
- Councilman Cronin – yes, Councilman Brazil – yes, Councilman Elam – yes, Councilman Hammond – yes, Councilman Hollander – yes, Councilwoman Schneider – yes and Councilman White – yes. Bill No. 4868 was unanimously approved.

**Bill No. 4869** – Sponsored by Terry Hollander – AN ORDINANCE AUTHORIZING EXECUTION OF THE REVISED ST. CHARLES COUNTY REGIONAL SWAT TEAM AGREEMENT WITH MUNICIPALITIES WHO ARE SIGNATORIES THERETO

There being no discussion, Council Chair Hollander requested the following roll call vote:
Bill No. 4869 was unanimously approved.

**Bill No. 4870** – Sponsored by Council as a Whole – AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE OR HIS DESIGNEE TO EXECUTE DOCUMENTS FROM THE MISSOURI STATE EMERGENCY MANAGEMENT AGENCY (“SEMA”) FOR RECEIPT OF FUNDS FROM THE FY2020 EMERGENCY MANAGEMENT PERFORMANCE GRANT

There being no discussion, Council Chair Hollander requested the following roll call vote: Councilman Cronin – yes, Councilman Brazil – yes, Councilman Elam – yes, Councilman Hammond – yes, Councilman Hollander – yes, Councilwoman Schneider – yes and Councilman White – yes. Bill No. 4870 was unanimously approved.

**IN THE MATTER OF**

**BILLS FOR INTRODUCTION**

**Bill No. 4871** - Sponsored by: Joe Brazil - AN ORDINANCE OF THE COUNTY OF ST. CHARLES, MISSOURI, APPROVING THE PRELIMINARY PLAT OF VILLAS AT LAKE ST. LOUIS

Councilman Brazil motioned to table Bill No. 4871 at the request of the applicant, seconded by Councilman White and unanimously approved. Bill No. 4871 is tabled.

**Bill No. 4872** – 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, PER APPLICATION RZ20-08

The applicant, Tyler Martin, stated his concern that a requirement for more than a gravel road through this subdivision may negate the rezoning request. Mike Hurlbert, Director of Community Development, and Councilman Brazil agreed to discuss road issues and be in touch with the applicant.

**Bill No. 4873** – Sponsored by: Joe Cronin - AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING LAND FROM C2, GENERAL COMMERCIAL DISTRICT, TO R1C, SINGLE-FAMILY RESIDENTIAL DISTRICT, PER APPLICATION RZ20-09

Councilman Cronin stated he knows the property and has heard of no opposition or controversy and he in favor of approval. The only issue on the property concerns a NID fee for the sewer which is between applicant and City of O’Fallon.

**Bill No. 4874** – Sponsored by: Council as a Whole - AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF ST. PETERS FOR USE OF ST. CHARLES COUNTY TRANSPORTATION SALES TAX FUNDS FOR ROAD IMPROVEMENTS NEEDED TO SUPPORT THE ECONOMIC DEVELOPMENT PROJECT SMILE
Councilman Cronin stated the mayor of St. Peters is excited about this project which will benefit St. Peters and the County.

**Bill No. 4875** – Sponsored by: Council as a Whole - **AN ORDINANCE APPROVING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE GATEWAY GREEN LIGHT PROGRAM, FEDERAL PROJECT CMAQ-5414(633)**

**Bill No. 4876** – Sponsored by: Nancy Schneider - **AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN INTERGOVERNMENTAL SKYWALK LICENSE AGREEMENT WITH THE CITY OF ST. CHARLES**

Councilwoman Schneider commented on calls from constituents who were unhappy with the look of a skywalk and wanted a tunnel. Schneider explained that a tunnel is not feasible with the current infrastructure and elevations of the buildings. Schneider noted a tunnel was refused by the County Commissioners 30 years ago when the courthouse was built. Since then transportation of prisoners from the jail has been a huge problem and results in delays. Schneider wants to see the skywalk built efficiently and aesthetically.

**Bill No. 4877** - Sponsored by: Terry Hollander - **AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE CERTAIN CONTRACTS WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, FOR THE PLACEMENT OF A BREATHE ALCOHOL INSTRUMENT PURCHASED THROUGH THE ALCOHOL IMPAIRED DRIVING COUNSTERMEASURE GRANT PROGRAM WITH THE MISSOURI SAFETY CENTER**

**IN THE MATTER OF**
**ANNOUNCEMENTS AND**
**MISCELLANEOUS**

Steve Ehlmann congratulated councilmembers Brazil, Hammond and Schneider who recently won re-election, and thanked Nancy Schneider for agreeing to serve and her great effort to be re-elected.

Councilman Elam stated the Fort Zumwalt School Board is delaying their school start date to August 31st. Executive Ehlmann commented with the downward trend of cases that the decision might make a difference.

Councilman Brazil stated there are choices for schooling and for the first time has enrolled one of his children in a charter school that is offering full time classroom instruction.

Councilman Cronin stated two of his family members have COVID-19 with varying symptoms, and although he doesn’t like masks, he is encouraging social distancing at his home and at his business.

Councilwoman Schneider stated her daughter teaches in St. Charles city schools where she will be required to simultaneously teach in person and virtually, keep 2nd graders socially distanced and wearing masks. Schneider feels this is an impossible task and hopes cases don’t increase.

Councilman Brazil shared stories about COVID-19 testing fraud. Joann Leykam, Director of Administration, said documented cases could be turned over to the state for investigation.
Council Chair Hollander requested a work session in two weeks on the Capital and Strategic Plan. The work session was agreed upon by all councilmembers.

Councilman Brazil asked for an update on the Port Authority. Executive Ehlmann noted because of the virus the Port Authority had been placed on hold, but stated he was meeting with representatives this week.

Councilman Elam motioned to adjourn, seconded by Councilman Hammond and unanimously agreed. The meeting adjourned at 8:14 p.m.

Examined and Approved

[Signature]

Terry Hollander, Council Chair
St. Charles County, Missouri

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