

**St. Charles County Council Journal  
Regular Meeting – September 25, 2023**

The St. Charles County Council met on Monday, September 25, 2023, at 7:00 p.m. in the Council Chambers at 100 North Third Street, St. Charles, MO 63301.

Council Chair Hollander introduced Pastor Scott Mayes with Calvary Temple who provided the invocation and Councilman Brazil 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	present
Councilman Tim Baker	present

County Executive Staff present:

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 PERMITS    )**  
**FOR FINAL PASSAGE            )**

**Bill No. 5222** – Sponsored by Tim Baker – AN ORDINANCE GRANTING CONDITIONAL USE PERMIT CUP23-14 FOR AN 88 FOOT TELECOMMUNICATIONS TOWER, TO HUSTER HOLDINGS, LLC, PROPERTY OWNERS, AND NETWORK REAL ESTATE, LLC, APPLICANT

There being no 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 – no, Council Member Hollander – no, Council Member Schneider – no, Council Member Baker – no. Bill No. 5222 was unanimously denied.

**Bill No. 5223** – Sponsored by Joe Brazil – AN ORDINANCE GRANTING CONDITIONAL USE PERMIT CUP23-17 FOR A STORAGE YARD FOR RECREATIONAL VEHICLES, BOATS, TRAILERS, AND TRUCKS TO ARTHUR WILDSCHUETZ, DORIS WILDSCHUETZ, AND OMAR WILDSCHUETZ, PROPERTY OWNERS, AND T AND D OUTSIDE STORAGE, LLC, APPLICANT

Council Member Brazil stated he represents this area and has received no complaints regarding this conditional use permit 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 – yes, Council Member Hollander – yes, Council Member Schneider – yes, Council Member Baker – yes. Bill No. 5223 passed by a vote of 6-1.

**IN THE MATTER OF A                    )**  
**PUBLIC HEARING SETTING        )**  
**THE TAX RATES FOR 2023        )**

Council Chair Hollander opened the public hearing for anyone wishing to address the setting of the tax rates for 2023.

Arnie C. AC Dienoff, O’Fallon resident stated the economy is strong, sales tax income is high in St. Charles County and requested the General Fund, Road and Bridge Fund and Dispatch and Alarm Fund all be set at 0% for 2023.

There being no additional speakers, the public hearing was closed at 7:12 p.m.

**IN THE MATTER OF                    )**  
**)**  
**PUBLIC COMMENTS                    )**

Council Chair Hollander opened the floor for public comments stating Council would hear six speakers on each topic alternating pro and con and allowing three minutes per speaker.

Bill No. 5224

Mary Alice Wright, a Wellsmont Court resident, thanked the Council for denying Bill No. 5222 and stated the rezoning is opposed by 171 homeowners who live in the close proximity. Wright pointed out this will benefit one person and AT & T who will benefit from lease payments on a new tower. Wright noted the AT & T customers in the area are not having issues and a new tower is not necessary.

Emma Ernst, a Wellsmont Drive resident stated the possibility of a new tower will threaten home values and could bring in more commercial business in the residential area. Ernst pointed out this rezoning does not fit the St. Charles County 2030 Master Plan and also noted County staff had concerns regarding road frontage and spot zoning. Ernst requested the Council deny this bill.

Bill No. 5228

Matt Voss, Wentzville resident stated he wanted to enlarge the lawn care business on Josephville Road and was in the audience if anyone had any questions.

Bill No. 5227

Ovi Cotos, Applicant for CARFAN stated he wanted to relocate his business to Lake St. Louis from Washington MO because it will be closer to his home. Cotos presented a concept plan and pointed out the buffer he plans to install between the proposed lot and the residential neighbors. Also Cotos pointed out two entrances, one off of Hawk Ridge Trail and the other off Mingo Lane. Cotos stated the lot would hold approximately 15 cars.

Bill No. 5233

Emily Schwartze Post, representative with the Home Builders Association (HBA) stated they have worked very closely with Rick Meister, St. Charles County Community Development's Building and Code Enforcement Division Director on the building codes and residential building codes. Schwartze Post stated the revisions in the current bill are good except the HBA would like one added which is related to concrete foundation walls. Schwartze Post is requesting an alternative be added to the code which would allow for only horizontal rebar on foundation walls, not both horizontal and vertical, which is what is currently in the code. Schwartze Post stated she was available for any questions along with others from the HBA.

Bill No. 5228

Lester Heppermann, Wilmes Road resident stated the applicant is asking to do more with the land and stated he was going to pass on commenting further allowing his nephews to speak.

Jarod Jacobs, Josephville Road resident requested the Council table this bill to allow time for MO DNR to come out and continue their investigation. Jacobs pointed out the current applicant has violations on the current CUP. Jacobs explained this business started out small and has grown into a large business with concerns regarding property values and the effects on the water table and creek.

Jason Jacobs, Emerald Green Drive resident stated the current applicant is not conforming to the current CUP. Jacobs explained there are easements issues, there should not be any outside storage and noted it is not the right location for this large of a commercial business.

Bill Jacobs, Wilmes Road resident stated this business started in 2007 and one of the conditions was to not allow any outside storage. Jacobs pointed out over time, there was snow removal equipment, dump trucks, heavy equipment and a salt pile. Jacobs also pointed out the large amounts of debris that was put into the creek. Jacobs stated the current situation is too commercial for a lawn care business.

Linda Jacobs, Wilmes Road resident stated this has been going on for 16 years and is unethical. Jacobs questioned if it was allowed to rent out your CUP to other lawncare companies and an underground boring company. Jacobs pointed out in 2019 Bluegrass moved lots of equipment onto the property all being stored outside which is a violation of the current CUP. Jacobs stated her rights are being violated.

St. Charles City-County Library

Sharon Kumnick, Shaelah Ct. resident stated her concerns regarding books at the Kisker Road Library and requested the Council do something to remove the smut books from the libraries. Kumnick pointed out the Kisker Road Library was a very small quaint library with story hours for children and families and computer for others to utilize.

Tax Freeze for Seniors

Walter Trost, Bridlesmith Court resident thanked the Council for approving the tax freeze for seniors, however had concerns regarding comments made at a recent County Council work session that by freezing the taxes there would be a \$9.7 million loss of revenue in the first year and continue after that.

Building/Code Issue

Tom Raga, Hidden Spring Drive resident addressed the Council with concerns he is having with the Building/Code Enforcement Division along with the County Counselor’s office relating to tall grass and various other potential code violations in a neighbor’s yard.

Arnie C. AC Dienoff, O’Fallon resident stated concerns regarding security at the rear entrance to the County Executive Building during Council meetings, the doors to the Council Chambers, thanking the Council for denying Bill No. 5222, parking lot repairs at the Election Authority, Energy Conservation costs on County buildings, his opposition to bond issues and the salary of the Managing Director of the Communications office.

**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.

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 – 9-11-2023**

**Approval of Purchases**

Highway

- Drop Side Truck Body with Snow Equipment/Viking-Cives/\$205,588.00
- 5 Ton Dual Drum Roller/G.W. Van Keppel Co./\$59,485.00
- 2023 Storm Sewer Pipe Condition Assessment using CCTV/Visu-Sewer of Mo, LLC/\$1,250.500.50

Facilities

- Prof. Svcs., Construction Mgr. at Risk for renovation of Corrections Facility/Paric Corp. \$4,047,254.00
- Parking Lot Repairs at various county locations/E. Meier Contracting, Inc./\$105,040.00
- Striping and Sealing of the Family Arena parking lot/E. Meier Contracting, Inc./\$241,952.00
- Information Systems - ServiceNow License Renewal & Maintenance/Carahsoft Technology \$220,201.92
- Genetec Annual Renewal/Dynamic Controls, Inc./\$192,656.00

Police - License Plate Recognition Cameras/Flock Group, Inc./Flock Safety (2 years) - \$51,500.00

**Nominations and Appointments**

Educational Assistance Board

- Travis Welge, Co. Assessor/replacing retired elected official Scott Shipman/term expires 9-15-2026
- Amanda Jennings, Assoc. County Counselor, re-appointment/term expires 9-15-2026

**Miscellaneous**

Highway – Change Order #2, E. Meier Contracting, Inc. Asphalt Overlay 2023/\$101,430.00

Facilities – Change Order #7, Energy Conservation Assessment Project – Highway Bldg. and Air Filters/(\$437,514,00)

Police – Retirement of K9s Fleck and Tyson

**IN THE MATTER** )  
**OF** )  
**RESOLUTIONS** )

**Resolution No. 23-07** - Sponsored by Terry Hollander – A RESOLUTION STATING THE INTENT OF ST. CHARLES COUNTY, MISSOURI TO ISSUE BONDS FOR CERTAIN CAPITAL EXPENDITURES

There being no discussion, Council Chair Hollander requested the following roll call vote: Councilman Swanson – yes, Councilman Brazil – yes, Councilman Elam – yes, Councilman Hammond – yes, Councilman Hollander – yes, Councilwoman Schneider – yes, Councilman Baker – yes. Resolution No. 23-07 was approved 7-0.

**IN THE MATTER OF** )  
 )  
**BILLS FOR FINAL PASSAGE** )

**Bill No. 5224** – Sponsored by Tim Baker – AN ORDINANCE AMENDNG THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING LAND FROM R1E, SINGLE FAMILY RESIDENTIAL DISTRICT, TO C1, NEIGHBORHOOD COMMERCIAL DISTRICT, PER APPLICATION RZ23-13

Council Member Swanson thanked the residents who advocated for denial of this bill.

There being no further discussion, Council Chair Hollander requested the following roll call vote: Councilman Swanson – no, Councilman Brazil – no, Council Member Elam – no, Councilman

Hammond – no, Councilman Hollander – no, Councilwoman Schneider – no and Councilman Baker – no. Bill No. 5224 was unanimously denied.

**Bill No. 5225** – 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, AND C1, NEIGHBORHOOD COMMERCIAL DISTRICT, TO C2, GENERAL COMMERCIAL DISTRICT, PER APPLICATION RZ23-11

There being no 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 – no, Council Member Hollander – yes, Council Member Schneider – yes, Council Member Baker – yes. Bill No. 5225 was approved by a vote of 5-2.

**Bill No. 5226** – Sponsored by Tim Baker – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING LAND FROM C2, GENERAL COMMERCIAL DISTRICT, TO R3B, MULTI-FAMILY RESIDENTIAL DISTRICT, PER APPLICATION RZ23-13

There being no discussion, Council Chair Hollander requested the following roll call vote: Councilman Swanson – yes, Councilman Brazil – yes, Councilman Elam – yes, Councilman Hammond – yes, Councilman Hollander – yes, Councilwoman Schneider – yes, Councilman Baker – yes. Bill No. 5226 was unanimously approved.

**Bill No. 5227** – 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 C2, GENERAL COMMERCIAL DISTRICT, PER APPLICATION RZ23-14

Council Member Brazil questioned the applicant on the location near the area off Hawk Ridge Trail where recently there were houses removed. The applicant replied yes that is the area.

Council Member Schneider stated the applicant had a similar business in a different location with no issues/complaints and noted the Planning and Zoning Commission approved this application

There being no further discussion, Council Chair Hollander requested the following roll call vote: Councilman Swanson – yes, Councilman Brazil – yes, Councilman Elam – yes, Councilman Hammond – yes, Councilman Hollander – yes, Councilwoman Schneider – yes, Councilman Baker – yes. Bill No. 5227 was unanimously approved.

**Bill No. 5228** – Sponsored by Matt Swanson – AN ORDINANCE AMENDING ORDINANCE NO. 07-084 GRANTING CONDITIONAL USE PERMIT NO. 681 FOR A LAWN CARE SERVICE TO MATT VOSS AND DENISE VOSS, PROPERTY OWNERS AND MATTHEW A. VOSS, JR. FOR BLUEGRASS LAWNCARE

Council Member Swanson stated he has walked the property and noted there was a lot going on with this property. Swanson stated he was going to make a motion to table this bill but first requested information from St. Charles County Community Development's Planning and Zoning Division

Director Robert Myers regarding the pending violations. Myers explained there are violations that have not been corrected and are now in Municipal Court. Myers stated the Municipal Judge likes to help the applicant and by doing this the current CUP would have to be amended to allow a new building to be constructed which would store the equipment indoors.

Council Member Schneider stated the applicant has violated the conditions of this permit for years and was not supportive to allow him to continue. Schneider stated she would not support tabling the bill.

Council Member Hammond agreed and stated he would not support tabling the bill.

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 – no, Council Member Hollander – no, Council Member Schneider – no, Council Member Baker – no. Bill No. 5228 was unanimously denied.

**Bill No. 5229** – Sponsored by Mike Elam – AN ORDINANCE AUTHORIZING EXECUTION OF AN AGREEMENT RELATING TO ST. CHARLES COUNTY’S “URBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM” OR “URBAN COUNTY CDBG PROGRAM”, NAMELY: A 2023 SUBRECIPIENT AGREEMENT BETWEEN ST. CHARLES COUNTY AND THE CITY OF ST. PETERS TO OPERATE AND RUN THE CITY’S CDBG PROGRAMS AND SERVICES

There being no discussion, Council Chair Hollander requested the following roll call vote: Councilman Swanson – yes, Councilman Brazil – yes, Councilman Elam – yes, Councilman Hammond – yes, Councilman Hollander – yes, Councilwoman Schneider – yes, Councilman Baker – yes. Bill No. 5229 was unanimously approved.

**Bill No. 5230** – Sponsored by Terry Hollander – AN ORDINANCE FIXING AND ESTABLISHING THE RATE AND LEVYING OF TAXES FOR THE GENERAL REVENUE FUND AND FOR VARIOUS SPECIAL FUNDS OF AND FOR THE COUNTY OF ST. CHARLES, MISSOURI, FOR THE YEAR 2023

There being no discussion, Council Chair Hollander requested the following roll call vote: Councilman Swanson – yes, Councilman Brazil – yes, Councilman Elam – yes, Councilman Hammond – yes, Councilman Hollander – yes, Councilwoman Schneider – yes, Councilman Baker – yes. Bill No. 5230 was unanimously approved.

**IN THE MATTER OF** )  
 )  
**BILLS FOR INTRODUCTION** )

**Bill No. 5231** – Sponsored by Terry Hollander – AN ORDINANCE AUTHORIZING EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR USE OF COUNTY RIGHT-OF-WAY FOR STORM SEWER, UTILITY, AND ROAD WORK AND RELATED DOCUMENTS

**Bill No. 5232** – Sponsored by Matt Swanson and Terry Hollander – AN ORDINANCE AMENDING SECTIONS, 240.201, 240.510, 240.1750, 240.1760 AND 500.500 OF THE ORDINANCES OF ST. CHARLES COUNTY, MISSOURI, OFFENSES CONCERNING PUBLIC SAFETY, SOLID WASTE MANAGEMENT, AND ADOPTION OF PROPERTY MAINTENANCE CODE OF ST. CHARLES COUNTY

Council Member Swanson had concerns regarding the fees from the draft bill to the one just introduced. Rory O’Sullivan, Acting County Counselor stated the fees were inline with the language in the Charter. It was decided to review the bill prior to final passage for any possible changes.

Council Member Brazil stated the fees should be steep due to the large items that people dump onto rural roadways for homeowners to deal with.

**Bill No. 5233** – Sponsored by Dave Hammond – AN ORDINANCE AMENDING CHAPTER 500, BUILDING CODES AND COUNTY BUILDING COMMISSION, ORDINANCES OF ST. CHARES COUNTY, MISSOURI (“OSCCMO”), BY ADOPTING ST. CHARLES COUNTY AMENDMENTS AND MODIFICATIONS OF RELEVANT STANDARDIZED CODES

Council Member Hammond stated the Building Commission met and was supportive of the changes to the current code except the one from the HBA related to the concrete foundation walls. Hammond introduced St. Charles County Community Development Director Mike Hurlbert who presented information on how the building codes are reviewed, beginning with staff, the stakeholders review, staff recommendations to the Building Commission and ultimately to the County Council for review and approval. Hurlbert introduced Rick Meister, St. Charles County Community Development’s Building/Code Enforcement Division Director who explained the proposed change from the HBA. Meister stated the County has adopted an amendment to the Building Code over the last three cycles (approx. 6 years). Specifically on the question from the HBA on the foundation issue. The amendment would allow the removal of vertical rebar reinforcement on foundation walls. Discussion was held regarding horizontal and vertical rebar reinforcement in the foundation walls along with statistics from the Concrete industry. A chart was displayed showing the large number of basement permits taken out in St. Charles County over the past several years showing a large increase in permits in the past few years, which shows the need for more reinforcement in the construction of the foundation walls. Councilmen Swanson and Brazil shared concerns with the added cost going to the homebuyer and the large number of basement permits could be a result of older homes. Council Member Brazil requested some facts and statistics on what the concrete industry sees with foundation walls prior to the next meeting. It was stated by the HBA that depending on the size of the home, the requirement of both vertical and horizontal rebar could add anywhere from \$2,000 to \$8,500 to the cost of the home.


*Editor’s Note: Council Member Brazil left the meeting at 8:20 p.m.*

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



There being no announcements or miscellaneous, Council Member Elam motioned to adjourn, seconded by Council Member Hammond with all in favor. The meeting adjourned at 8:26 p.m.

Examined and Approved



Terry Hollander, Council Chair  
St. Charles County, Missouri

/djv