

BOARD OF ALDERMEN
REGULAR MEETING
TUESDAY, JANUARY 21, 2020
(JOURNAL AND MINUTES)

The Board of Aldermen for the City of Lake Saint Louis, Missouri met in regular session on Tuesday, January 21, 2020 at 7:00 p.m. in the Board Room at City Hall, 200 Civic Center Drive, Lake Saint Louis, Missouri.

ROLL CALL:

Mayor Kathy Schweikert was present and presided over the meeting. Aldermen present were: Mike Potter, Ward II; John Pellerito, Ward III; Karen Vennard, Ward II; Gary Turner, Ward I; and Jason Law, Ward III. Alderman Gary Torlina, Ward I, was absent. Also present were: Paul Markworth, City Administrator; Donna Daniel, City Clerk; Matthew Reh, City Attorney; Louis Clayton, Community Development Director; George Ertle, Assistant City Administrator; Renee Camp, Finance Director; Darren Noelken, Parks and Recreation Director; Chris DiGiuseppi, Police Chief; and Derek Koestel, Public Works Director.

INVOCATION: Pastor Lu-Anne Connor, Episcopal Church of the Transfiguration, offered the invocation.

ANNOUNCEMENTS:

COMMITTEE REPORTS:

Administrative/Finance/Public Works Committee – Alderman Pellerito gave a report on the January 21, 2020 meeting.

City Image Advisory Committee – Alderman Vennard gave a report on the meeting.

Mayor Schweikert gave a report on the Western St. Charles County Chamber of Commerce's meeting and the Mayors and City Administrators meeting.

PUBLIC HEARINGS:

- **South Ridge Shoppes Amended Development Standards:** Consideration of a request by Mark Harriman, BFA, Inc. for TAUC Properties LLC, applicant on behalf of Neil Kersten, Manager for SR Development, LLC, owner, to amend the adopted Development Standards for the South Ridge Shoppes Planned Development District as it relates to allowable signage.

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Mayor Schweikert opened the meeting to a Public Hearing as duly advertised in a legal publication on the above topic.

Joe Godfrey, Total Access Urgent Care (TAUC), said he discussed their request for a specific sign with Mr. Kerstein. Mr. Kerstein approved their sign and went on to say he was okay with an amendment to the Development Standards that designate their sign as the standard for the entire center.

Hearing no further comment, Mayor Schweikert stated the Public Hearing will be continued.

- **A Public Hearing, pursuant to Section 71.015 of the Revised Statutes of Missouri regarding a proposed Plan of Intent for future annexations and the proposed annexation of the following real estate parcels into the City of Lake Saint Louis, to wit:**

Parcel A: A 2.438-acre parcel located at 8551 Orf Road and described as St. Charles County Parcel ID 4-0060-0825-00-0015.3000000.

Parcel B: A 15.088-acre parcel located at 5 Dobbs Lane and described as St. Charles County Parcel ID 4-0061-1801-00-0005.1400000.

Mayor Schweikert opened the meeting to a Public Hearing as duly advertised in a legal publication on the above topic.

Paul Markworth, City Administrator, said the advertised real estate parcel labeled "B" (5 Dobbs Lane) was dropped from the plan of intent. He gave a presentation and answered questions about the Plan of Intent for future annexations and the proposed annexation of a real estate parcel labeled "A" that was advertised in the notice. Mr. Markworth stated the City can provide services to the property located at 8551 Orf Road.

CALENDAR:

Paul Markworth, City Administrator, identified dates of interest on the City calendar including:

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- Park Board – January 22, 2020
- Tree Board – January 22, 2020
- Municipal Court – January 28, 2020
- Polar Bear Plunge – February 1, 2020
- Board of Aldermen Work Session – February 3, 2020
- Board of Aldermen Meeting – February 3, 2020

MINUTES: December 19, 2019 Regular Meeting

MOTION TO APPROVE THE MINUTES FROM THE DECEMBER 19, 2019 REGULAR BOA MEETING.

Alderman Pellerito made a motion to waive the reading of the minutes from the December 19, 2019 Regular BOA Meeting and approve same as submitted. The motion was seconded by Alderman Turner and passed unanimously.

THE MINUTES FROM THE DECEMBER 19, 2019 REGULAR BOA MEETING STAND APPROVED AS SUBMITTED.

CONSENT AGENDA:

MOTION TO APPROVE THE CONSENT AGENDA:

Alderman Vennard made a motion to approve the Consent Agenda. The motion was seconded by Alderman Turner and passed unanimously. The following items were approved:

- 12/31/19 Balance Sheet and Income Statement
- Budget Transfer dated January 21, 2020
- Warrant dated January 21, 2019 in the amount of \$425,565.11
- Amusement Center or Arcade License
 - Justin Grey – **Game On Arcade and Axe Throwing**

APPOINTMENTS:

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PUBLIC COMMENT:

Mike Turner, representing Sherman Towing located at 1163 Muller Road, expressed concern about the City's contract for towing services. He stated it was his opinion that the contract had too many loopholes which could lead to the public being scammed. He suggested the contract should include "legitimate pricing". He went on to say legitimate pricing would include pricing for all services that might be performed by the tow company including tows for stranded motorist, automobile accidents and impound fees, regardless of who pays for the tow. Mr. Turner stated he believes that the City doesn't get very many bidders for tow services because the contract is not fair.

Alderman Law asked if he was suggesting that if the price for the services listed in the contract were artificially low then the tow company could make up their costs by charging higher amounts on other services? Mr. Turner replied, "Yes".

Paul Markworth, City Administrator, informed the Board that the City contract requires the Police Department to conduct audits to ensure the company complies with the terms of the contract.

Rodney Sherman, Budget Towing, informed the Board he has been in this business (towing service) for 27 years and he understands that the Police Department has a need for a company that can respond fast so the officer can clear the scene and get back on the street. He noted he has supplied that type of service for many years with no complaints. Mr. Sherman went on to say he is one of only two authorized AAA service providers in St. Charles County. AAA has very strict requirements for their providers, we have never failed their audits. He agreed the contracts should be fair but went on to say you can't legislate everything. Mr. Sherman noted there have been very few issues in St. Charles County. He did not believe there was a problem that needed to be fixed.

Alderman Tuner said he had no problem with adding a stranded motorist fee and an automobile accident fee in the towing services contract.

Chris DiGiuseppi, Police Chief, noted the Police Department's concern is to clear vehicles off of roadways to elevate traffic hazards and/or secure vehicles/property of subjects who have been detained. Chief DiGiuseppi said his department's experience with Budget Towing has been good, they have provided a good response time.

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He noted the City of Wentzville uses Sherman Towing and they said they have a good response time from Sherman Towing.

Alderman Potter suggested if it is necessary to amend the contract it should be at a later date, not this evening.

A general discussion was held about the Towing Services Contract.

TABLED:

Bill No. 4270 – An ordinance amending the Development Standards for Lot 1 of the South Ridge Shoppes Planned Development District related to signage requirements.

MOTION TO REMOVE FROM THE TABLE:

Alderman Turner made a motion to remove Bill No. 4270 from the table. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 4270 was removed from the table.

MOTION TO REFER TO PLANNING AND ZONING COMMISSION:

Alderman Tuner made a motion to refer Bill No. 4270 to the Planning and Zoning Commission. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 4270 was referred to the Planning and Zoning Commission.

OLD BUSINESS:

NEW BUSINESS:

Bill No. 4274 – An ordinance to authorize the Mayor and/or City Administrator to enter into a one-year agreement, renewable annually for two (2) additional one-year periods, with Rodlin Enterprises Inc., DBA Budget towing & services for Towing Services for the Lake Saint Louis Police Department.

FIRST READING:

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Alderman Law made a motion to authorize the first reading of Bill No. 4274. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 4274 was read.

SECOND READING:

Alderman Law made a motion to authorize the second reading of Bill No. 4274. The motion was seconded by Alderman Turner and passed unanimously. Bill No. 4274 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 4274 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 4064.

Alderman Law made a motion to approve the second reading of Bill No. 4274 and pass same by assigning Ordinance No. 4064. The motion was seconded by Alderman Turner; the poll of the Board being ayes: Pellerito, Potter, Vennard, and Turner. Nays, Law. Alderman Torlina was absent. The motion passed.

Bill No. 4275 – An ordinance to authorize the Mayor and/or City Administrator to enter into a one (1)-year agreement, renewable annually for two (2) additional one (1)-year periods, with Firestone Complete Auto Care for vehicle maintenance services of City vehicles.

FIRST READING:

Alderman Vennard made a motion to authorize the first reading of Bill No. 4275. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 4275 was read.

SECOND READING:

Alderman Vennard made a motion to authorize the second reading of Bill No. 4275. The motion was seconded by Alderman Turner and passed unanimously. Bill No. 4275 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 4275 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 4065.

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Alderman Vennard made a motion to approve the second reading of Bill No. 4275 and pass same by assigning Ordinance No. 4065. The motion was seconded by Alderman Turner; the poll of the Board being ayes: Pellerito, Potter, Vennard, Law and Turner. Nays, none. Alderman Torlina was absent. The motion passed.

Bill No. 4276 – An ordinance to authorize the Mayor and/or City Administrator to exercise an additional one (1)-year contract extension with Hochschild, Bloom & Company LLP for fiscal year audits for the City of Lake Saint Louis, Missouri.

FIRST READING:

Alderman Turner made a motion to authorize the first reading of Bill No. 4276. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 4276 was read.

SECOND READING:

Alderman Turner made a motion to authorize the second reading of Bill No. 4276. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 4276 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 4276 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 4066.

Alderman Turner made a motion to approve the second reading of Bill No. 4276 and pass same by assigning Ordinance No. 4066. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Pellerito, Potter, Vennard, Law and Turner. Nays, none. Alderman Torlina was absent. The motion passed.

Bill No. 4277 – An ordinance adopting the December 2019 Plan of Intent for future expansion and development of the City of Lake Saint Louis, Missouri.

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Alderman Pellerito made a motion to authorize the first reading of Bill No. 4277. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 4277 was read.

SECOND READING:

Alderman Pellerito made a motion to authorize the second reading of Bill No. 4277. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 4277 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 4277 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 4067.

Alderman Pellerito made a motion to approve the second reading of Bill No. 4277 and pass same by assigning Ordinance No. 4067. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Pellerito, Potter, Vennard, Law and Turner. Nays, none. Alderman Torlina was absent. The motion passed.

Bill No. 4278 – An ordinance providing for the extension of the City limits of the City of Lake Saint Louis, Missouri, by embracing and including unincorporated real property located in the County of St. Charles, State of Missouri, lying north of Orf Road in the City of Lake Saint Louis, Missouri, and hereinafter particularly described.

FIRST READING:

Alderman Potter made a motion to authorize the first reading of Bill No. 4278. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 4278 was read.

SECOND READING:

Alderman Potter made a motion to authorize the second reading of Bill No. 4278. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 4278 was read.

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MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 4278 AND
ADOPT SAME BY ASSIGNING ORDINANCE NO. 4068.

Alderman Potter made a motion to approve the second reading of Bill No. 4278 and pass same by assigning Ordinance No. 4068. The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Pellerito, Potter, Vennard, Law and Turner. Nays, none. Alderman Torlina was absent. The motion passed.

Bill No. 4279 – An ordinance calling for a Municipal Election in the City of Lake Saint Louis, St. Charles County, Missouri, on Tuesday the seventh day of April, 2020, and directing the City Clerk to prepare the ballot for the question of approval of the involuntary annexation of one (1) parcel of unincorporated land to be annexed into Lake Saint Louis, and to notify the Election Authority of St. Charles County of said notice of annexation election.

FIRST READING:

Alderman Law made a motion to authorize the first reading of Bill No. 4279. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 4279 was read.

SECOND READING:

Alderman Law made a motion to authorize the second reading of Bill No. 4279. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 4279 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 4279 AND
ADOPT SAME BY ASSIGNING ORDINANCE NO. 4069.

Alderman Law made a motion to approve the second reading of Bill No. 4279 and pass same by assigning Ordinance No. 4069. The motion was seconded by Alderman Turner; the poll of the Board being ayes: Pellerito, Potter, Vennard, Law and Turner. Nays, none. Alderman Torlina was absent. The motion passed.

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Bill No. 4280 – An ordinance authorizing the Mayor and/or City Administrator to execute an escrow agreement with Creekside Landing Development, LLC, providing for continued maintenance of streets and storm sewer system to be dedicated to the City on the site of Creekside Landing Plat One.

FIRST READING:

Alderman Turner made a motion to authorize the first reading of Bill No. 4280. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 4280 was read.

SECOND READING:

Alderman Turner made a motion to authorize the second reading of Bill No. 4280. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 4280 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 4280 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 4070.

Alderman Turner made a motion to approve the second reading of Bill No. 4280 and pass same by assigning Ordinance No. 4070. The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Pellerito, Potter, Vennard, Law and Turner. Nays, none. Alderman Torlina was absent. The motion passed.

Bill No. 4281 – An ordinance authorizing the acceptance of the streets and stormwater collection systems located in the Creekside Landing Plat One subdivision.

FIRST READING:

Alderman Vennard made a motion to authorize the first reading of Bill No. 4281. The motion was seconded by Alderman Turner and passed unanimously. Bill No. 4281 was read.

SECOND READING:

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Alderman Vennard made a motion to authorize the second reading of Bill No. 4281. The motion was seconded by Alderman Turner and passed unanimously. Bill No. 4281 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 4281 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 4071.

Alderman Vennard made a motion to approve the second reading of Bill No. 4281 and pass same by assigning Ordinance No. 4071. The motion was seconded by Alderman Turner; the poll of the Board being ayes: Pellerito, Potter, Vennard, Law and Turner. Nays, none. Alderman Torlina was absent. The motion passed.

Bill No. 4282 – An ordinance authorizing the Mayor and/or City Administrator to execute an Escrow Agreement with SR Development, LLC guaranteeing completion of subdivision improvements for the South Ridge Shoppes subdivision.

FIRST READING:

Alderman Pellerito made a motion to authorize the first reading of Bill No. 4282. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 4282 was read.

SECOND READING:

Alderman Pellerito made a motion to authorize the second reading of Bill No. 4282. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 4282 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 4282 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 4072.

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Alderman Pellerito made a motion to approve the second reading of Bill No. 4282 and pass same by assigning Ordinance No. 4072. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Pellerito, Potter, Vennard, Law and Turner. Nays, none. Alderman Torlina was absent. The motion passed.

Bill No. 4283 – An ordinance to adopt a budget revision for the City of Lake Saint Louis' budgets for the fiscal year beginning July 1, 2019 and ending June 30, 2020.

FIRST READING:

Alderman Potter made a motion to authorize the first reading of Bill No. 4283. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 4283 was read.

SECOND READING:

Alderman Potter made a motion to authorize the second reading of Bill No. 4283. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 4283 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 4283 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 4073.

Alderman Potter made a motion to approve the second reading of Bill No. 4283 and pass same by assigning Ordinance No. 4073. The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Pellerito, Potter, Vennard, Law and Turner. Nays, none. Alderman Torlina was absent. The motion passed.

Bill No. 4284 – An ordinance to authorize the Mayor and/or City Administrator to enter into an agreement with Ravid Lake St. Louis II, LLC, to accept a donation of a certain tract of land to be used for a City park.

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MOTION TO AMEND AGENDA AND AUTHORIZE FIRST READING:

Alderman Vennard made a motion to amend the agenda by replacing Bill No. 4284 with the substitute amended Bill No. 4284 and to authorize the first reading of same. The motion was seconded by Alderman Turner and passed unanimously. The agenda was amended and substitute amended Bill No. 4284 was read.

SECOND READING:

Alderman Vennard made a motion to authorize the second reading of substitute amended Bill No. 4284. The motion was seconded by Alderman Turner and passed unanimously. Substitute amended Bill No. 4284 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF SUBSTITUTE AMENDED BILL NO. 4284 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 4074.

Alderman Vennard made a motion to approve the second reading of substitute amended Bill No. 4284 and pass same by assigning Ordinance No. 4074. The motion was seconded by Alderman Turner; the poll of the Board being ayes: Pellerito, Potter, Vennard, Law and Turner. Nays, none. Alderman Torlina was absent. The motion passed.

Resolution No. 01-21-20 (1) – A resolution authorizing City officials to submit a grant application for Old Highway N Intersection Improvement Project requesting funds from East-West Gateway on behalf of the City of Lake Saint Louis, Missouri.

Mayor Schweikert read Resolution No. 01-21-20 (1).

MOTION TO APPROVE RESOLUTION NO. 01-21-20 (1):

Alderman Turner made a motion to approve Resolution No. 01-21-20 (1). The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Pellerito, Potter, Vennard, Law and Turner. Nays, none. Alderman Torlina was absent. The motion passed.

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Resolution No. 01-21-20 (2) – A resolution authorizing City officials to submit a grant application for Old Highway N Reconstruction Project requesting funds from East-West Gateway on behalf of the City of Lake Saint Louis, Missouri.

Mayor Schweikert read Resolution No. 01-21-20 (2).

MOTION TO APPROVE RESOLUTION NO. 01-21-20 (2):

Alderman Pellerito made a motion to approve Resolution No. 01-21-20 (2). The motion was seconded by Alderman Turner; the poll of the Board being ayes: Pellerito, Potter, Vennard, Law and Turner. Nays, none. Alderman Torlina was absent. The motion passed.

BOARD COMMENTS:

Alderman Potter said he believes the City should consider adding more services to the next towing services contract. Alderman Potter also commented on the passing of his sister-in-law and his friend Frank Guerretaz.

Alderman Pellerito concurred with Alderman Potter's comments, we need more information about the towing contract in the future. Alderman Pellerito said it is very exciting news that The Meadows has donated land for a City Park. He complimented Paul Markworth, City staff the City's attorneys for all of the preliminary work to get this contract before the Board. Alderman Pellerito announced he will be absent for the second meeting in February. Alderman Pellerito informed the Board that there was a lot of talk in the community about the Dollar General store moving into the space formerly occupied by Family Video. All of the comments he received from residents were opposed to the Dollar General store locating at that site, but the business community (in that area) was not.

Alderman Vennard dittoed the Aldermen's comments about the towing contract. She noted she had a conversation with Chief DiGiuseppi about the contract and he wants it to be fair also. She suggests the Chief meet with Mr. Turner to discuss his concerns.

Mayor Schweikert said she has heard comments, not all were negative, about the Dollar General Store moving into the former Family Video building. She anticipates

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that the public may believe that the Board can deny Dollar General Store's application just because the public may not want them there. She and the Board members will have to explain that the Board cannot be arbitrary and capricious in their decision. If the Dollar General Store meets the criteria for an approved use in that Zoning District then the Board cannot deny their application without cause.

Alderman Turner informed the Board he will be not be physically present at the February meetings but he plans to skype the meetings. Alderman Turner noted he has no problem with the Dollar General Store moving into the Family Video building.

Alderman Law said he voted against approval of the towing services contract because he needs more information about the issues raised by Mr. Turner.

Mayor Schweikert offered the following comments:

- Thanked the Board for their donations to the gift basket for "Volunteers in Medicine"
- The Police Department provides residential property 'vacation or safety' checks
- Western St. Charles County Chambers' Annual Celebration Ball is February 28th if anyone is interested in attending
- Appreciate Police Department's work on the report of attempted abduction – they determined it was not valid, just a person asking for directions

STAFF COMMENTS:

Louis Clayton, Community Development Director, gave a report on the next Planning and Zoning meeting.

EXECUTIVE SESSION: Legal RSMO 610.021.1 Real Estate RSMO 610.021.2, and Personnel RSMO 610.021.3 exemptions.

GENERAL DISCUSSION:

ADJOURNMENT:

There being no further business to come before the Board in regular session, the meeting was, on motion duly made, seconded and unanimously voted on, adjourned.

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Donna F. Daniel, City Clerk