

BOARD OF ALDERMEN
REGULAR MEETING
FEBRUARY 18, 2014
(JOURNAL AND MINUTES)

The Board of Aldermen for the City of Lake Saint Louis, Missouri met in regular session on Tuesday, February 18, 2014, at 7:00 p.m. in the Board Room at City Hall, 200 Civic Center Drive, Lake Saint Louis, Missouri.

ROLL CALL:

Mayor Sidebottom was present and presided over the meeting. Aldermen present were Richard Morris, Ward III; John Pellerito, Ward III; Kathy Schweikert, Ward II; Gary Torlina, Ward I; and Tony Zito, Ward I. Alderman Karen Vennard, Ward II, was absent. Also present were: Paul Markworth, City Administrator; Donna Daniel, City Clerk; Matthew Reh, City Attorney; Steve Schertel, Community Development Director; Derek Koestel, Public Works Director; Mike Force, Police Chief; Eric Sterman, Assistant City Administrator; Renee Roettger, Finance Director; and Mike Pavlakes, Chief Building Inspector.

INVOCATION: Ken McDonald, Lake Saint Louis Police Department Chaplain, offered the invocation.

ANNOUNCEMENTS:

COMMITTEE REPORTS:

Planning and Zoning – Alderman Schweikert gave a report on the February 6, 2014 meeting.

Administrative/Finance/Public Works Committee – Alderman Morris gave a report on the February 18, 2014 meeting.

Alderman Pellerito gave a report on the St. Charles County Extension Council meeting.

PUBLIC HEARINGS:

Application for a proposed Zoning Amendment to PD (Planned Development) and a proposed Preliminary Development Plan for a residential subdivision of 85 lots having a minimum size of 9,000 square feet. The site is on 35.18 acres and zoned SR1 (Single Family Residential, 15,000 square foot minimum). The property is generally located on the north side of Highway N, approximately 2400' west of Lake Saint Louis Boulevard and approximately 2800' east of Duello Road. Application submitted by Artisan Residential Services, LLC.

CITY OF LAKE SAINT LOUIS
BOARD OF ALDERMEN
REGULAR MEETING
FEBRUARY 18, 2014

(JOURNAL AND MINUTES)

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

Bob Koenig, 58 Mason Circle, stated it was his opinion that we could address both issues by including pavers. He is not aware of any requirement that says the “connection” would need to be a certain type of pavement. Also, the pavers would provide the “second access point”. Mr. Koenig said this amendment would not violate the Code.

Bob Schmersahl, 52 Mason Circle, said the proposed plan could be approved and the “connection” could be reviewed/changed at a later date, closing the gap.

Jane Vancil, 40 Mason Hill Drive, noted the developer has spent a lot of money and time on this proposal, and City staff has too. If you want to grow Lake Saint Louis, you have to negotiate and maybe compromise a little bit.

Hearing no further comment, Mayor Sidebottom stated the Public Hearing will be closed.

Application for a proposed Amendment to the Municipal Code to create a new Section 430.435: Solar Energy Systems under Article IV. Environmental Design Standards of Chapter 430 of Title IV. to allow and regulate the placement of Solar Photovoltaic Power Systems (Solar Panels) on residential and non-residential properties. Application submitted by City of Lake Saint Louis.

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

Mike Pavlakes, Chief Building Inspector, said staff is proposing an amendment to the Code to create reasonable regulations for solar panels that won't be offensive to neighbors. Alderman Zito asked, since this topic was first raised back in December, whether there have been any repercussions from the community. Mr. Pavlakes replied, “No”.

CITY OF LAKE SAINT LOUIS
BOARD OF ALDERMEN
REGULAR MEETING
FEBRUARY 18, 2014

(JOURNAL AND MINUTES)

Mr. Pavlakes went on to say regulations would include Architectural Review Board (ARB) or Development Review Board (DRB) approval. ARB or DRB would review requests and grant approval for the installation of solar panels if the applicant met certain criteria, such as:

- Neighbors must be notified about intent to install
- Panels cannot be added to front of the house
- Colors must be complimentary to existing structure
- Material cannot be overly reflective
- Nothing on the front of the house
- Could be ground-mounted if landscaped

Hearing no further comment, Mayor Sidebottom stated the Public Hearing will be closed.

Application for a proposed Amendment to the Municipal Code to Section 430.470 I. 4. a. to increase the maximum enclosed fence area surrounding a residential swimming pool from three (3) times the pool surface area to four (4) times the pool surface area, under certain circumstances. Application submitted by City of Lake Saint Louis.

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

Hearing no comment, Mayor Sidebottom stated the Public Hearing will be closed.

Application for an Amendment to the Municipal Code that would revise and consolidate in a single location in the Code the City's various regulations governing installation of residential swimming pools to likely be located in Section 430.470: Supplementary Design Standards for Single-Family Residences. Application submitted by City of Lake Saint Louis.

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

Hearing no comment, Mayor Sidebottom stated the Public Hearing will be closed.

CITY OF LAKE SAINT LOUIS
BOARD OF ALDERMEN
REGULAR MEETING
FEBRUARY 18, 2014

(JOURNAL AND MINUTES)

CALENDAR:

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

- Tree Board – February 24, 2014
- Green Environmental Advisory Board – February 26, 2014
- Next Board of Aldermen Work Session – March 3, 2014
- Next Board of Aldermen Meeting – March 3, 2014

MINUTES: February 3, 2014 Regular Meeting

MOTION TO APPROVE THE MINUTES FROM THE FEBRUARY 3, 2014 REGULAR BOA MEETING AS SUBMITTED.

Alderman Pellerito made a motion to waive the reading of the minutes from the February 3, 2014 Regular Meeting and approve same as submitted. The motion was seconded by Alderman Schweikert and passed unanimously.

THE MINUTES FROM THE FEBRUARY 3, 2014 BOA MEETING STAND APPROVED AS SUBMITTED.

CONSENT AGENDA:

MOTION TO APPROVE:

Alderman Schweikert made a motion to approve the Consent Agenda as submitted. The motion was seconded by Alderman Pellerito and passed unanimously. The following items were approved:

Warrant dated February 18, 2014 in the amount of \$220,181.54
January 2014 Balance Sheet and Financial Statement
Budget Adjustments dated February 18, 2014

CITY OF LAKE SAINT LOUIS
BOARD OF ALDERMEN
REGULAR MEETING
FEBRUARY 18, 2014

(JOURNAL AND MINUTES)

APPOINTMENTS:

PUBLIC COMMENT:

TABLED:

Bill No. 3433 – An ordinance establishing a PD (Planned Development) District zoning designation and adopting a Preliminary Development Plan for Mason Glen Phase Three, containing 35.18 acres, to be located on the north side of State Highway N approximately 2,400' west of Lake Saint Louis Boulevard and approximately 2,800' east of Duello Road in the City of Lake Saint Louis.

MOTION TO REMOVE FROM THE TABLE:

Alderman Zito made a motion to remove Bill No. 3433 from the table. The motion was seconded by Alderman Torlina and passed by a vote of three (3) "ayes" to two (2) "nays" (Pellerito and Schweikert). Bill No. 3433 was removed from the table.

DISCUSSION:

Alderman Zito asked if the City Attorney would address the request of an amendment for Bill No. 3433. Matthew Reh, City Attorney, said he was prepared to provide legal advice during the Executive Session.

MOTION TO TABLE:

Alderman Schweikert made a motion to table Bill No. 3433 until after the Executive Session. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3433 was tabled.

***** THIS BILL WAS REMOVED FROM THE TABLE FOR THE SECOND TIME AFTER EXECUTIVE SESSION ADJOURNED AND THE MEETING RECONVENED. *****

CITY OF LAKE SAINT LOUIS
BOARD OF ALDERMEN
REGULAR MEETING
FEBRUARY 18, 2014

(JOURNAL AND MINUTES)

OLD BUSINESS:

NEW BUSINESS:

Bill No. 3437 – An ordinance to adopt a budget revision for the City of Lake Saint Louis' budgets for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

FIRST READING:

Alderman Pellerito made a motion to authorize the first reading of Bill No. 3437. The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 3437 was read.

DISCUSSION:

Alderman Morris asked staff to explain the budget adjustment. Paul Markworth, City Administrator, gave a brief summary of the information identified in Exhibit "A" of Bill No. 3437.

SECOND READING:

Alderman Pellerito made a motion to authorize the second reading of Bill No. 3437. The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 3437 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3437 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3250.

Alderman Pellerito made a motion to approve the second reading of Bill No. 3437 and pass same by assigning Ordinance No. 3250. The motion was seconded by Alderman Torlina; the poll of the Board being ayes: Morris, Pellerito, Zito, Torlina and Schweikert. Nays, none. Alderman Vennard was absent. The motion passed.

Bill No. 3438 – An ordinance to exercise the first year renewal option of the contract with Mande Foods for the 2014 season for Founders Sports Complex concession operations for the City of Lake Saint Louis, Missouri.

CITY OF LAKE SAINT LOUIS
BOARD OF ALDERMEN
REGULAR MEETING
FEBRUARY 18, 2014

(JOURNAL AND MINUTES)

FIRST READING:

Alderman Schweikert made a motion to authorize the first reading of Bill No. 3438. The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 3438 was read.

SECOND READING:

Alderman Schweikert made a motion to authorize the second reading of Bill No. 3438. The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 3438 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3438 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3251.

Alderman Schweikert made a motion to approve the second reading of Bill No. 3438 and pass same by assigning Ordinance No. 3251. The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Morris, Pellerito, Zito, Torlina and Schweikert. Nays, none. Alderman Vennard was absent. The motion passed.

Bill No. 3439 – An ordinance amending Title IV. Land Use, Chapter 430: Additional Development Standards, Article IV. Environmental Design Standards, Section 430.470: Supplemental Design Standards for Single-Family Residences, by adding a new Subsection J. Swimming Pools.

FIRST READING:

Alderman Pellerito made a motion to authorize the first reading of Bill No. 3439. The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 3439 was read.

CITY OF LAKE SAINT LOUIS
BOARD OF ALDERMEN
REGULAR MEETING
FEBRUARY 18, 2014

(JOURNAL AND MINUTES)

SECOND READING:

Alderman Pellerito made a motion to authorize the second reading of Bill No. 3439. The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 3439 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3439 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3252.

Alderman Pellerito made a motion to approve the second reading of Bill No. 3439 and pass same by assigning Ordinance No. 3252. The motion was seconded by Alderman Torlina; the poll of the Board being ayes: Morris, Pellerito, Zito, Torlina and Schweikert. Nays, none. Alderman Vennard was absent. The motion passed.

Bill No. 3440 – An ordinance amending Title IV. Land Use, Chapter 430: Additional Development Standards, Article IV. Environmental Design Standards, by adoption of a new Section 430.435 to be entitled Solar Energy Systems.

FIRST READING:

Alderman Torlina made a motion to authorize the first reading of Bill No. 3440. The motion was seconded by Alderman Schweikert and passed unanimously. Bill No. 3440 was read.

SECOND READING:

Alderman Torlina made a motion to authorize the second reading of Bill No. 3440. The motion was seconded by Alderman Schweikert and passed unanimously. Bill No. 3440 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3440 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3253.

Alderman Pellerito made a motion to approve the second reading of Bill No. 3440 and pass same by assigning Ordinance No. 3253. The motion was seconded by Alderman Torlina; the poll of the Board being ayes: Morris, Pellerito, Zito, Torlina and Schweikert. Nays, none. Alderman Vennard was absent. The motion passed.

CITY OF LAKE SAINT LOUIS
BOARD OF ALDERMEN
REGULAR MEETING
FEBRUARY 18, 2014

(JOURNAL AND MINUTES)

Resolution No. 02-18-14 (1) – A resolution petitioning the Missouri House of Representatives to withdraw from consideration H.B. 1067, amending Chapter 191 RSMo by adding a new section governing tobacco in a private business.

Mayor Sidebottom read Resolution No. 02-18-14 (1).

MOTION TO APPROVE RESOLUTION NO. 02-18-14 (1):

Alderman Schweikert made a motion to approve Resolution No. 02-18-14 (1). The motion was seconded by Alderman Torlina; the poll of the Board being ayes: Morris, Pellerito, Zito, Torlina and Schweikert. Nays, none. Alderman Vennard was absent. The motion passed.

Resolution No. 02-18-14 (2) - A resolution authorizing the Mayor to sign a grant application requesting funds from the Missouri Highway Safety Division on behalf of the City of Lake Saint Louis.

Mayor Sidebottom read Resolution No. 02-18-14 (2).

MOTION TO APPROVE RESOLUTION NO. 02-18-14 (2):

Alderman Pellerito made a motion to approve Resolution No. 02-18-14 (2). The motion was seconded by Alderman Schweikert; the poll of the Board being ayes: Morris, Pellerito, Zito, Torlina and Schweikert. Nays, none. Alderman Vennard was absent. The motion passed.

Resolution No. 02-18-14 (3) – A resolution authorizing the Mayor to sign a grant application requesting funds from the Missouri Highway Safety Division on behalf of the City of Lake Saint Louis.

CITY OF LAKE SAINT LOUIS
BOARD OF ALDERMEN
REGULAR MEETING
FEBRUARY 18, 2014

(JOURNAL AND MINUTES)

Mayor Sidebottom read Resolution No. 02-18-14 (3).

MOTION TO APPROVE RESOLUTION NO. 02-18-14 (3):

Alderman Schweikert made a motion to approve Resolution No. 02-18-14 (3). The motion was seconded by Alderman Torlina; the poll of the Board being ayes: Morris, Pellerito, Zito, Torlina and Schweikert. Nays, none. Alderman Vennard was absent. The motion passed.

Resolution No. 02-18-14 (4) – A resolution authorizing the Mayor to sign a grant application requesting funds from the Missouri Highway Safety Division on behalf of the City of Lake Saint Louis.

Mayor Sidebottom read Resolution No. 02-18-14 (4).

MOTION TO APPROVE RESOLUTION NO. 02-18-14 (4):

Alderman Pellerito made a motion to approve Resolution No. 02-18-14 (4). The motion was seconded by Alderman Torlina; the poll of the Board being ayes: Morris, Pellerito, Zito, Torlina and Schweikert. Nays, none. Alderman Vennard was absent. The motion passed.

BOARD COMMENTS:

Alderman Schweikert said she understands that Mason Glen residents are disappointed that the Board can't make the decision they want on Bill No. 3433. She appreciates their interaction, but there are rules and legal implications for the actions the Board takes. She wants to do things the right way. She also thanked residents for their input and added she is pleased with staff's, developers' and residents' efforts in trying to work through the issues.

Alderman Morris asked residents to have patience; he expects an early Spring right around the corner.

CITY OF LAKE SAINT LOUIS
BOARD OF ALDERMEN
REGULAR MEETING
FEBRUARY 18, 2014

(JOURNAL AND MINUTES)

Alderman Torlina thanked Artisan for their efforts to address residents' concerns with the Mason Glen Phase 3 proposal.

STAFF COMMENTS:

Derek Koestel, Public Works Director, said he will be preparing grant applications for the next Board of Aldermen meeting. Mr. Koestel gave an update on the Lakeview Project - all pipe will be in the ground this week.

EXECUTIVE SESSION:

MOTION TO RECESS REGULAR SESSION AND CONVENE EXECUTIVE SESSION:

Alderman Schweikert made a motion to recess Regular Session to convene an Executive Session, pursuant to the legal 610.021.1 exemption in the RSMo 610.021. The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Morris, Pellerito, Zito, Torlina and Schweikert. Nays, none. Alderman Vennard was absent. The motion passed.

Regular Session recessed and Executive Session convened at approximately 7:50 p.m.

Having no further legal matters to come before the Board in Executive Session, Alderman Schweikert made a motion to adjourn Executive Session and reconvene Regular Session. The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Morris, Pellerito, Zito, Torlina and Schweikert. Nays, none. Alderman Vennard was absent. The motion passed.

TABLED (The Board of Aldermen returned to the tabled item.):

Bill No. 3433 – An ordinance establishing a PD (Planned Development) District zoning designation and adopting a Preliminary Development Plan for Mason Glen Phase Three, containing 35.18 acres, to be located on the north side of State Highway N approximately 2,400' west of Lake Saint Louis Boulevard and approximately 2,800' east of Duello Road in the City of Lake Saint Louis.

CITY OF LAKE SAINT LOUIS
BOARD OF ALDERMEN
REGULAR MEETING
FEBRUARY 18, 2014

(JOURNAL AND MINUTES)

MOTION TO REMOVE FROM THE TABLE:

Alderman Torlina made a motion to remove Bill No. 3433 from the table. The motion was seconded by Alderman Zito and passed unanimously. Bill No. 3433 was removed from the table.

DISCUSSION:

Alderman Morris stated, if the Board turns down the Mason Glen Phase 3 Plan, it causes a setback for the developer, who will have to trust the next Board of Aldermen and how they vote, noting there is a promise for a new amendment down the road. We have to trust builders will make the changes.

Dale Bax, Vice President of Bax Engineering, representing Artisan, said their intent and hope is that the Board will vote on the original Plan as submitted, reviewed and recommended by the Planning and Zoning Commission. That would let Artisan close on the property and start the construction plan. Bax and Artisan intend to submit an amended PDP (2nd submittal recently forwarded to staff) to the Planning and Zoning Commission and, ultimately, the Board of Aldermen.

Mayor Sidebottom noted we can't commit the future Board to a course of action. We can review an amended plan after it has been advertised, reviewed and forwarded with a recommendation by the Planning and Zoning Commission.

SECOND READING:

Alderman Schweikert made a motion to authorize the second reading of Bill No. 3433. The motion was seconded by Alderman Pellerito and passed by a vote of four (4) "ayes" to one (1) "nay" (Zito). Bill No. 3433 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3433 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3254.

CITY OF LAKE SAINT LOUIS
BOARD OF ALDERMEN
REGULAR MEETING
FEBRUARY 18, 2014

(JOURNAL AND MINUTES)

Alderman Schweikert made a motion to approve the second reading of Bill No. 3433 and pass same by assigning Ordinance No. 3254. The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Morris, Pellerito, Torlina and Schweikert. Nays, none. Abstain, Zito. Alderman Vennard was absent. The motion passed.

GENERAL DISCUSSION:

Alderman Morris told the audience that they should hold the City and Board of Aldermen responsible for the truth.

Alderman Torlina said he agrees with the comments made by Alderman Morris.

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.

Donna F. Daniel, City Clerk