

BOARD OF ALDERMEN  
REGULAR MEETING  
APRIL 7, 2014  
(JOURNAL AND MINUTES)

The Board of Aldermen for the City of Lake Saint Louis, Missouri met in regular session on Monday, April 7, 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; Kathy Schweikert, Ward II; Gary Torlina, Ward I; Tony Zito, Ward I; Karen Vennard, Ward II; and John Pellerito, Ward III. Also present were: Paul Markworth, City Administrator; Donna Daniel, City Clerk; Matthew Reh, City Attorney; Steve Schertel, Community Development Director; Mike Force, Police Chief; Renee Roettger, Finance Director; and Derek Koestel, Public Works Director.

INVOCATION: Reverend Chris Jackson Dumas, Gambrell Gardens Chaplain, offered the invocation.

ANNOUNCEMENTS:

Mike Force, Police Chief, introduced newly-hired police officers Derek Atkins, Tyler Christeson and Richard Frauenfelder. Chief Force administered the Oath of Honor to Officers Atkins, Christeson and Frauenfelder.

COMMITTEE REPORTS:

Community Association (CA) Report – Tom Pollihan, Lake Saint Louis Community Association (LSLCA) Board of Directors, gave a report. Comments included:

- Suspended three (3) individuals' CA amenity rights due to code violations
- Installed a new flag pole at Deloire Drive
- Removed a lot of tree limbs and debris from the lake
- Installed outdoor shower at Jefferson Point
- Music on the Patio will begin soon
- Charlie Mann will be at the CA Saturday

Alderman Torlina thanked the CA for its assistance with Code Enforcement efforts.

Mayor Sidebottom asked for clarification about whether the ski show is open to the public. Mr. Pollihan answered, "Yes, the public is invited to attend."

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Planning and Zoning Commission – Alderman Vennard gave a report on the April 3, 2014 meeting.

Park Board – Alderman Schweikert gave a report on the March 18, 2014 meeting.

Tree Board – Alderman Morris gave a report on the March 18, 2014 meeting.

Administrative/Finance/Public Works Committee – Alderman Vennard gave a report on the April 7, 2014 meeting.

Architectural Review Board – Alderman Zito gave a report on the March 25, 2014 and April 1, 2014 meetings.

Green Environmental Advisory Committee – Alderman Pellerito gave a report on the March 26, 2014 meeting.

PUBLIC HEARINGS:

**Application for proposed Amendments to the Preliminary Development Plan and Final Development Plan for Heritage at Hawk Ridge to develop Phase 2 and Phase 6 into single family detached lots. Phase 2 is on 16.4 acres and Phase 6 is on 14.9 acres totaling 31.3 acres. The property is zoned PR (Planned Residential) and is generally located south of Interstate 64, north of Orf Road, and west of Lake Saint Louis Boulevard. Application submitted by Pulte Homes of St. Louis, LLC.**

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 continued.

**Application for a Special Use Permit, designating a new owner/operator for the Mobil Gas Station/Convenience Store located at the southeast corner of Veterans Memorial Parkway and Freymuth Road. Application submitted by Jay Petro, Inc.**

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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.

CALENDAR:

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

- Municipal Election – April 8, 2014
- Tree Board – April 15, 2014
- Next Board of Aldermen Work Session – April 21, 2014
- Next Board of Aldermen Meeting – April 21, 2014

MINUTES: March 14, 2014 Special BOA Meeting  
March 17, 2014 Regular Meeting

MOTION TO APPROVE THE MINUTES FROM THE MARCH 14, 2014 SPECIAL BOA MEETING AND THE MARCH 17, 2014 REGULAR BOA MEETING AS SUBMITTED.

Alderman Schweikert made a motion to waive the reading of the minutes from the March 14, 2014 Special Meeting and the March 17, 2014 Regular Meeting and approve same as submitted. The motion was seconded by Alderman Vennard and passed unanimously.

THE MINUTES FROM THE MARCH 14, 2014 SPECIAL BOA MEETING AND THE MARCH 17, 2014 BOA MEETING STAND APPROVED AS SUBMITTED.

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CONSENT AGENDA:

Warrant dated April 7, 2014 in the amount of \$767,743.35

Delinquent Tax Listing

Budget Transfers dated April 7, 2014

Liquor License New:

- Liquor License Caterer – **Max and Erma's** Special Event at The Meadows concert series June 12, 2014 and July 10, 2014.

MOTION TO AMEND AGENDA:

Alderman Pellerito made a motion to amend the Consent Agenda by removing the second item "Delinquent Tax Listing" from the Consent Agenda, placing it on the agenda after Executive Session. The motion was seconded by Alderman Schweikert and passed unanimously. The second item "Delinquent Tax Listing" was removed and relocated on the agenda after Executive Session.

MOTION TO APPROVE AS AMENDED:

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

Warrant dated April 7, 2014 in the amount of \$767,743.35

Budget Transfers dated April 7, 2014

Liquor License New:

- Liquor License Caterer – **Max and Erma's** Special Event at The Meadows concert series June 12, 2014 and July 10, 2014.

APPOINTMENTS:

PUBLIC COMMENT:

Mitch Armer, 621 Lakeview Road, complained about the Lakeview Project. He showed the Board photos of his property which he said depict the poor condition of his property as a result of the Lakeview Project. Mr. Armer complained that they

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were told by Maria King that, during the construction of the Lakeview Project, if their property was disturbed it would be repaired and returned to its original condition. He said the damage from the contractors of the Lakeview Project exceeded the agreed upon amount. He said his rear yard would need to be regarded to correct the damage. Mr. Armer also complained that the contractor didn't disclose that the material that was needed to restore his property was not available. He also complained that Public Works Department employees just make excuses.

Mr. Armer said he believes that monies from liquidated damages charged to the contractor should go to the residents who were inconvenienced and/or harmed by the Project. He went on to say that the City's Public Works Department is punishing the residents while claiming the Project came in under budget.

Alderman Pellerito said, after speaking with Mr. Armer, he recommends setting up a meeting for Mr. Armer, the City Administrator, the Public Works Department staff and himself to discuss issues and options or solutions.

Alderman Morris expressed his sympathy and suggested the residents should get something - a reasonable offer - to alleviate their problems resulting from the Lakeview Project.

Mayor Sidebottom thanked Mr. Armer for sharing his photos with the Board.

TABLED:

Bill No. 3443 – An ordinance amending the Municipal Code of the City of Lake Saint Louis, Title V: Building Code, Chapter 510: Streets, Sidewalks, and Other Public Places, Article V. Procedures for Dedication of Private Streets, Section 510.310: Declaration of Policy, and deleting Section 510.329: Definitions, and Section 510.330: Public Funding Available To Plow Private Streets, in their entirety.

Mayor Sidebottom informed the Board that Alderman Pellerito asked the Board to leave this item on the table.

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Bill No. 3442 – An ordinance amending the Municipal Code of the City of Lake Saint Louis, Title III: Traffic Code, Chapter 340: Miscellaneous Driving Rules, Article I. In General, by adding a new Section 340.145: Prohibiting Texting and Electronic Messaging While Operating A Motor Vehicle.

Mayor Sidebottom informed the Board that Alderman Pellerito asked the Board to table this item.

Resolution No. 03-17-14 (4) – A resolution granting a Special Use Permit to Jay Petro, Inc. for the operation of a convenience store/gas station at 11410 Veterans Memorial Parkway.

MOTION TO REMOVE FROM THE AGENDA:

Alderman Schweikert made a motion to remove Resolution No. 03-17-14 (4) from the agenda. The motion was seconded by Alderman Pellerito and passed unanimously. Resolution No. 03-17-14 (4) was removed from the agenda.

OLD BUSINESS:

NEW BUSINESS:

Bill No. 3446 – An ordinance authorizing City staff to conduct an auction to dispose of one (1) surplus Public Works Department Bobcat Hydraulic Breaker and two (2) surplus Police Department Ford Crown Vic vehicles for the City of Lake Saint Louis, Missouri.

FIRST READING:

Alderman Vennard made a motion to authorize the first reading of Bill No. 3446. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3446 was read.

SECOND READING:

Alderman Vennard made a motion to authorize the second reading of Bill No. 3446. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3446 was read.

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MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3446 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3258.

Alderman Vennard made a motion to approve the second reading of Bill No. 3446 and pass same by assigning Ordinance No. 3258. The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Vennard, Torlina, Schweikert, Morris, Pellerito, and Zito. Nays, none. The motion passed.

Bill No. 3447 – An ordinance to authorize the Mayor and/or City Administrator to renew the second year of a five (5)-year contract for fiscal year audits for the City of Lake Saint Louis, Missouri.

FIRST READING:

Alderman Schweikert made a motion to authorize the first reading of Bill No. 3447. The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 3447 was read.

SECOND READING:

Alderman Schweikert made a motion to authorize the second reading of Bill No. 3447. The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 3447 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3447 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3259.

Alderman Schweikert made a motion to approve the second reading of Bill No. 3447 and pass same by assigning Ordinance No. 3259. The motion was seconded by Alderman Torlina; the poll of the Board being ayes: Vennard, Torlina, Schweikert, Morris, Pellerito, and Zito. Nays, none. The motion passed.

Bill No. 3448 – An ordinance to authorize the Mayor and/or City Administrator to sign and enter into an Easement Agreement with CCATT, LLC, dba Crown Castle, for a utility easement in Founders Park.

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FIRST READING:

Alderman Pellerito made a motion to authorize the first reading of Bill No. 3448. The motion was seconded by Alderman Schweikert and passed unanimously. Bill No. 3448 was read.

SECOND READING:

Alderman Pellerito made a motion to authorize the second reading of Bill No. 3448. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 3448 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3448 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3260.

Alderman Pellerito made a motion to approve the second reading of Bill No. 3448 and pass same by assigning Ordinance No. 3260. The motion was seconded by Alderman Torlina; the poll of the Board being ayes: Vennard, Torlina, Schweikert, Morris, Pellerito, and Zito. Nays, none. The motion passed.

Bill No. 3449 – An ordinance to authorize the Mayor and/or City Administrator to enter into a three (3) year agreement, renewable annually, with Top Turf, LLC to provide Mowing/Property Maintenance Services related to code enforcement activity for the City of Lake Saint Louis, Missouri.

FIRST READING:

Alderman Vennard made a motion to authorize the first reading of Bill No. 3449. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3449 was read.

SECOND READING:

Alderman Vennard made a motion to authorize the second reading of Bill No. 3449. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3449 was read.

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MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3449 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3261.

Alderman Vennard made a motion to approve the second reading of Bill No. 3449 and pass same by assigning Ordinance No. 3261. The motion was seconded by Alderman Torlina; the poll of the Board being ayes: Vennard, Torlina, Schweikert, Morris, Pellerito, and Zito. Nays, none. The motion passed.

Bill No. 3450 – An ordinance to authorize the Mayor and/or City administrator to enter into an Intergovernmental Agreement with the City of O’Fallon, Missouri for improvements to the Hawk Ridge Trail and Highway N intersection.

FIRST READING:

Alderman Schweikert made a motion to authorize the first reading of Bill No. 3450. The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 3450 was read.

DISCUSSION:

The Board held a general discussion about the terms of the agreement.

SECOND READING:

Alderman Schweikert made a motion to authorize the second reading of Bill No. 3450. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 3450 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3450 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3262.

Alderman Schweikert made a motion to approve the second reading of Bill No. 3450 and pass same by assigning Ordinance No. 3262. The motion was seconded by Alderman Torlina; the poll of the Board being ayes: Vennard, Torlina, Schweikert, Morris, Pellerito, and Zito. Nays, none. The motion passed.

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Bill No. 3451 – 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 Vennard made a motion to authorize the first reading of Bill No. 3451. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3451 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. 3451.

SECOND READING:

Alderman Vennard made a motion to authorize the second reading of Bill No. 3451. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3451 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3451 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3263.

Alderman Vennard made a motion to approve the second reading of Bill No. 3451 and pass same by assigning Ordinance No. 3263. The motion was seconded by Alderman Torlina; the poll of the Board being ayes: Vennard, Torlina, Schweikert, Morris, Pellerito, and Zito. Nays, none. The motion passed.

Resolution No. 04-07-14 (1) – A resolution to ratify the acceptance of the donation of ten (10) to fifteen (15) Norway Spruce trees, for landscaping in the City of Lake Saint Louis, Missouri.

Mayor Sidebottom read Resolution No. 04-07-14 (1).

MOTION TO APPROVE RESOLUTION NO. 04-07-14 (1):

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Alderman Pellerito made a motion to approve Resolution No. 04-07-14 (1). The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Vennard, Torlina, Schweikert, Morris, Pellerito and Zito. Nays, none. The motion passed.

Resolution No. 04-07-14 (2) – A resolution granting a Special Use Permit to Jay Petro, Inc. for the renovation and operation of a convenience store/gas station at 11410 Veterans Memorial Parkway.

Mayor Sidebottom read Resolution No. 04-07-14 (2).

MOTION TO APPROVE RESOLUTION NO. 04-07-14 (2):

Alderman Schweikert made a motion to approve Resolution No. 04-07-14 (2). The motion was seconded by Alderman Torlina; the poll of the Board being ayes: Vennard, Torlina, Schweikert, Morris, Pellerito and Zito. Nays, none. The motion passed.

BOARD COMMENTS:

Alderman Pellerito welcomed Paul Markworth, City Administrator. He said he was glad to have Mr. Markworth back and cautioned him to eat fruit and veggies.

Alderman Pellerito reminded the audience that tomorrow is the Municipal election and urged everyone to vote.

Alderman Vennard dittoed Aldermen Pellerito's remarks, except the fruits and veggies - noting its chocolate, not fruit and veggies. She then said, "Please vote tomorrow."

Alderman Schweikert said she really appreciated the list of candidates and is glad to see individuals who are interested in doing their civic duty. She asked everyone to exercise their right to vote.

Alderman Morris noted it is good to have a diverse Board. He encouraged everyone to vote in the Municipal election tomorrow.

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Alderman Torlina wished the candidates “good luck” in the election and encouraged everyone to vote in the Municipal election tomorrow.

Mayor Sidebottom thanked those present for attending the meeting. He added that the Municipal election is the ultimate hometown political system - it gives an opportunity to citizens to practice government at the City level. Mayor Sidebottom thanked the audience for its interest and willingness to take time to attend the meeting. He further urged citizens to exercise their sacred, well-earned right to vote and he wished all the candidates well in the election tomorrow.

Mayor Sidebottom said he is proud to announce that refinancing the bonds will result in approximately \$630,000 in savings for City tax payers.

STAFF COMMENTS:

Mike Force, Police Chief, asked everyone to exercise their right to vote and wished the candidates good luck.

Derek Koestel, Public Works Director, wished the candidates good luck.

Paul Markworth, City Administrator, commented on the County’s policy decision to not support the tax to upgrade “911” equipment. Mr. Markworth noted the tax could help us pay for this upgrade, noting our cost could be \$100,000 to \$200,000. Alderman Vennard concurred and added that there are 14 counties that don’t have “911”, and as funds decrease (tax for “911” is on landlines only), the problem will get worse.

EXECUTIVE SESSION:

MOTION TO RECESS REGULAR SESSION AND CONVENE EXECUTIVE SESSION:

Alderman Vennard 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 Zito; the poll of the Board being ayes: Vennard, Torlina, Schweikert, Morris, Pellerito and Zito. Nays, none. The motion passed.

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Regular Session recessed and Executive Session convened at approximately 8:07 p.m.

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

GENERAL DISCUSSION:

MOTION TO APPROVE THE AMENDED DELINQUENT TAX LIST:

Alderman Vennard made a motion to remove Lakeside and approve the amended Delinquent Tax List. The motion was seconded by Alderman Torlina and passed unanimously. The amended list was approved:

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