BOARD OF ALDERMEN
REGULAR MEETING
APRIL 20, 2015
(JOURNAL AND MINUTES)

The Board of Aldermen for the City of Lake Saint Louis, Missouri met in regular session on Monday, April 20, 2015, at 7:00 p.m. in the Board Room at City Hall, 200 Civic Center Drive, Lake Saint Louis, Missouri.

ROLL CALL:

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

INVOCATION: Robert N. Thompson, Pastor Emeritus First Baptist Church, offered the invocation.

EXECUTIVE SESSION: Legal RSMO 610.021.1 exemptions

Alderman Pellerito 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 Torlina: the poll of the Board being ayes: Law, Torlina, Pellerito, Potter and Vennard. Nays, none. Alderman Zito was absent. The motion passed.

Regular Session recessed and Executive Session convened at approximately 7:02 p.m.

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

Executive Session recessed and Regular Session reconvened at approximately 7:26 pm.

ANNOUNCEMENTS:

COMMITTEE REPORTS:

Administrative/Finance/Public Works Committee – Alderman Law gave a report on the April 20, 2015 meeting.

Green Environmental Advisory Committee - Alderman Pellerito announced members of the Green Committee will attend the Lake Saint Louis Community Association water testing on April 28th.

Other - Mayor Schweikert said she attended a meeting with the legislators in Jefferson City to discuss local issues of concern.

Alderman Pellerito announced the Missouri University-St. Charles County Extension Council will hold its regular meeting on May 7, 2015 and the annual dinner on May 8, 2015; the St. Charles County Municipal League will hold their meeting April 30, 2015.

PUBLIC HEARINGS:

Application for a proposed Zoning Amendment to rezone from NU (Non-Urban) to SR1 (Single-Family Residential, 15,000 square foot minimum) and for a proposed Preliminary Subdivision Plat to create a twenty (20) lot single-family residential development. The property is on 19.03 acres and is generally located at the terminus of Silver Fern Court in Villas at Crimson Oaks subdivision, east of Duello Road, west of Highway 40, south of Prospect Road. Application submitted by Jeremy Malensky, Dutchman Homes LLC.

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

Jeff Igou, Berger, Cohen & Brandt, L.C., representing the applicant, said he was engaged to look at the title issue. He noted he previously provided a letter outlining his legal analysis of the title to the "property" and the effect, if any, of certain restrictive covenants alleged to encumber the property. Mr. Igou said the "licensing agreement" does not affect the property his client is proposing to develop. Mr. Igou noted they sat down with residents to answer questions and hear their concerns. He thought the meeting was productive and that they were able to address a number of the residents' concerns. Mr. Igou asked the Board to approve the proposed zoning

amendment which is consistent with the City's development plans and it was recommended by the Planning and Zoning Commission and it is in the best interest of the residents.

Dennis Zimmer, 11 Hickory Glen Court, stated his opposition to the proposed Zoning Amendment to rezone from NU (Non-Urban) to SR1 (Single-Family Residential), and the proposed Preliminary Subdivision Plat to create a twenty (20) lot single-family residential development. Mr. Zimmer said all of the 226 acres (including the proposed development) are within the boundary governed by the licensing agreement. Mr. Zimmer referenced an unsuccessful voluntary annexation and rezoning proposal in 2001 which he said supports his position.

Alderman Elect Gary Turner, 2186 Hawks Landing, stated his opposition to the approval of the proposed Zoning Amendment to rezone from NU (Non-Urban) to SR1 (Single-Family Residential), and the proposed Preliminary Subdivision Plat to create a twenty (20) lot single-family residential development. He read a prepared statement and asked the Board to consider other options, including rejecting the proposal, seeking a revised plan and/or remanding back to the Planning and Zoning Commission for its complete review of all of the facts.

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

Application for a Preliminary Subdivision Plat to subdivide the parcel into two lots. The total acreage of the parcel is 5.67 acres creating 2.92 acre and 2.75 acre lots. An application for a Site Plan Review to create a senior apartment facility on 2.75 acres. The parcel is zoned HC (Highway Commercial) and is generally located at the southwest corner of the intersection of Technology Drive and Feise Commercial Drive. Application submitted by Lake Ridge LSL Senior, LP.

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

Eric Kirchner, Cochran Engineering, representing the applicant, said he would not repeat the presentation he made on April 6th about the Preliminary Subdivision Plat and Site Plan to create a senior apartment facility, but he was available to answer questions. He asked the Board for its approval.

Steve Schertel, Community Development Director, recommended continuing the

Public Hearing until the Planning and Zoning Commission forwards its recommendation on the Preliminary Subdivision Plat.

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

Application for a proposed Site Plan Review to construct a restaurant development to be known as Panda Express. The parcel is 1.04 acres and zoned PD (Planned Development). The property is located at the southwest corner of the intersection of Lila Lane and Ronald Reagan Drive in The Shoppes at Hawk Ridge. Application submitted by Henry Klover with Klover Architects.

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

Hearing no comment, Mayor Schweikert stated the Public Hearing will be tabled (continued).

Application for proposed Code Amendments to clarify uses that are seemingly allowed in the City's HC (Highway Commercial) zoning district and establish standards for the procedure and development of "Independent Living Residential Units for Seniors (age 55+)" and "Skilled nursing care facilities" on properties within that zone. Application submitted by City of Lake Saint Louis.

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

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

Application for a proposed Special Use Permit to allow a senior apartment facility to be known as Lake Ridge Senior Apartments. The parcel is 2.75 acres and zoned HC (Highway Commercial). The property is generally located at the southwest corner of the intersection of Technology Drive and Feise

Commercial Drive. Application submitted by Lake Ridge LSL Senior, LP.

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

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

CALENDAR:

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

- Architectural Review Board – April 21, 2015 and April 28, 2015.
- Tree Board – April 21, 2015
- Park Board – April 21, 2015
- Municipal Court – April 28, 2015
- Green Environmental Advisory Committee – April 29, 2015
- Board of Aldermen Work Session – May 4, 2015
- Board of Aldermen Meeting – May 4, 2015

MINUTES: April 6, 2015 Regular Meeting

MOTION TO APPROVE THE MINUTES FROM THE APRIL 6, 2015 REGULAR BOA MEETING AS SUBMITTED.

Alderman Pellerito made a motion to waive the reading of the minutes from the April 6, 2015 Regular BOA Meeting and approve same as submitted. The motion was seconded by Alderman Torlina and passed unanimously.

THE MINUTES FROM THE APRIL 6, 2015 REGULAR BOA MEETING STAND APPROVED AS SUBMITTED.

CONSENT AGENDA:

Warrant dated April 20, 2015 in the amount of $861,416.60

Budget Transfers dated April 20, 2015

Tabled Item: Site Plan – Lake Ridge LSL Senior, LP

MOTION TO AMEND THE CONSENT AGENDA:

Alderman Torlina made a motion to amend the Consent Agenda by removing the tabled item from the agenda "Site Plan – Lake Ridge LSL Senior, LP". The motion was seconded by Alderman Pellerito and passed unanimously. The Site Plan for Lake Ridge LSL Senior, LP was removed from the agenda.

MOTION TO APPROVE AS AMENDED:

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

Warrant dated April 20, 2015 in the amount of $861,416.60
Budget Transfers dated April 20, 2015

APPOINTMENTS:

PUBLIC COMMENT:

Mark Gilford, Wildwood, Missouri, asked the Board to favorably consider his request to modify the Code to remove the $10.00 per day peddler/solicitation fee, or to add an exemption or a lower cost seasonal or annual fee. Mayor Schweikert directed staff to place this issue on the next Work Session for discussion.

TABLED:

Bill No. 3568 – An ordinance amending the zoning map of the City of Lake Saint Louis by changing the zoning district designation from NU (Non-Urban) to SR1(Single Family Residential) on an approximate 19.03 acre tract of land for the purpose of developing a 20 lot single-family residential subdivision, pursuant to a specific preliminary plat; said property being generally located at the terminus of Silver Fern Court in the Villas at Crimson Oaks subdivision in

unincorporated St. Charles County.

MOTION TO REMOVE FROM THE TABLE:

Alderman Pellerito made a motion to remove Bill No. 3568 from the table. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Law, Torlina, Pellerito, Potter and Vennard. Nays, none. Alderman Zito was absent. The motion passed.

SECOND READING:

Alderman Pellerito made a motion to authorize the second reading of Bill No. 3568. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 3568 was read.

DISCUSSION:

Alderman Potter asked Jeremy Malensky, Dutchman Homes, LLC, if he would be willing to modify the side-yard setbacks which would reduce the number of homes in the development from 20 to 17.

Mr. Malensky replied, "If the Board's approval was contingent on the modification, he would entertain the request," if he could make the numbers work. He noted the site is a very expensive site to develop.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3568 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3399.

Alderman Pellerito made a motion to approve the second reading of Bill No. 3568 and pass same by assigning Ordinance No. 3399. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Law, Pellerito, Potter and Vennard. Nays, Torlina. Alderman Zito was absent. The motion passed.

OLD BUSINESS:

NEW BUSINESS:

Bill No. 3592 – An ordinance polling and declaring the votes of the General Municipal Election held in the City of Lake Saint Louis, Missouri on Tuesday, April 7, 2015.

MOTION TO REMOVE FROM THE AGENDA:

Alderman Law made a motion to remove Bill No. 3592 from the agenda. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 3592 was removed from the agenda.

Bill No. 3593 – An ordinance authorizing the Mayor and/or City Administrator to sign and enter into a Utility Relocation Agreement with CenturyTel, LLC for the Civic Center Drive Reconstruction Project.

FIRST READING:

Alderman Pellerito made a motion to authorize the first reading of Bill No. 3593. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 3593 was read.

SECOND READING:

Alderman Pellerito made a motion to authorize the second reading of Bill No. 3593. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 3593 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3593 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3400.

Alderman Pellerito made a motion to approve the second reading of Bill No. 3593 and pass same by assigning Ordinance No. 3400. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Law, Torlina, Pellerito, Potter and Vennard. Nays, none. Alderman Zito was absent. The motion passed.

Bill No. 3594 – An ordinance authorizing City Staff to conduct an auction to dispose of one (1) surplus Public Works Department 2007 F550 dump truck for the City of Lake Saint Louis, Missouri.

FIRST READING:

Alderman Torlina made a motion to authorize the first reading of Bill No. 3594. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 3594 was read.

SECOND READING:

Alderman Torlina made a motion to authorize the second reading of Bill No. 3594. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 3594 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3594 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3401.

Alderman Torlina made a motion to approve the second reading of Bill No. 3594 and pass same by assigning Ordinance No. 3401. The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Law, Torlina, Pellerito, Potter and Vennard. Nays, none. Alderman Zito was absent. The motion passed.

Bill No. 3595 – An ordinance authorizing the Mayor and/or City Administrator to sign an agreement with Multi-Bank Securities, Inc. (MBS) for multi-bank securities investing.

FIRST READING:

Alderman Vennard made a motion to authorize the first reading of Bill No. 3595. The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 3595 was read.

SECOND READING:

Alderman Vennard made a motion to authorize the second reading of Bill No. 3595. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3595 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3595 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3402.

Alderman Vennard made a motion to approve the second reading of Bill No. 3595 and pass same by assigning Ordinance No. 3402. The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Law, Torlina, Pellerito, Potter and Vennard. Nays, none. Alderman Zito was absent. The motion passed.

Bill No. 3596 – An ordinance to authorize the Mayor and/or City Administrator to issue change orders to Wehmeyer Farms, Inc. for services related to the Marche Drive Stormwater Improvement Project for the City of Lake Saint Louis, Missouri.

FIRST READING:

Alderman Pellerito made a motion to authorize the first reading of Bill No. 3596. The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 3596 was read.

SECOND READING:

Alderman Pellerito made a motion to authorize the second reading of Bill No. 3596. The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 3596 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3596 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3403.

Alderman Pellerito made a motion to approve the second reading of Bill No. 3596 and pass same by assigning Ordinance No. 3403. The motion was seconded by Alderman Torlina; the poll of the Board being ayes: Law, Torlina, Pellerito, Potter and Vennard. Nays, none. Alderman Zito was absent. The motion passed.

Bill No. 3597 – An ordinance amending provisions of Title IV. Land Use, of the Lake Saint Louis Municipal Code revising and updating regulations governing the approval of independent living residential units for seniors in the City's HC (Highway Commercial) zoning district.

FIRST READING:

Alderman Torlina made a motion to authorize the first reading of Bill No. 3597. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3597 was read.

SECOND READING:

Alderman Torlina made a motion to authorize the second reading of Bill No. 3597. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 3597 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3597 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3404.

Alderman Torlina made a motion to approve the second reading of Bill No. 3597 and pass same by assigning Ordinance No. 3404. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Law, Torlina, Pellerito, Potter and Vennard. Nays, none. Alderman Zito was absent. The motion passed.

Bill No. 3598 – An ordinance amending Title V: Building Code of the Lake Saint Louis Municipal Code, specifically altering the minimum insulation values of attics and of basement walls, and the maximum fenestration values of windows, as regulated by the 2009 International Residential Code for one-and two-family dwellings.

DISCUSSION:

Alderman Pellerito asked the Board to table this Bill until such time as a full Board was present. Alderman Pellerito noted that, during the Board Retreat, we set a goal – one of the long term goals – which was the review of the code. Alderman Pellerito said this amendment needs further discussion, noting that he believes the costs that were attributed to the energy efficiency items outlined in the Bill were exaggerated. He feels the Board needs to take a step back and carefully review and consider these amendments.

MOTION TO TABLE:

Alderman Pellerito made a motion to table Bill No. 3598. The motion was seconded by Alderman Potter and passed unanimously. Bill No. 3598 was tabled.

Bill No. 3599 – An ordinance to adopt a budget revision for the City of Lake Saint Louis' budgets for the fiscal year beginning July 1, 2014 and ending June 30, 2015.

FIRST READING:

Alderman Law made a motion to authorize the first reading of Bill No. 3599. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 3599 was read.

SECOND READING:

Alderman Law made a motion to authorize the second reading of Bill No. 3599. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3599 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3599 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3405.

Alderman Law made a motion to approve the second reading of Bill No. 3599 and pass same by assigning Ordinance No. 3405. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Law, Torlina, Pellerito, Potter and Vennard. Nays, none. Alderman Zito was absent. The motion passed.

Resolution No. 04-20-15 (1) – A resolution approving a grant application requesting funds from the U.S. Department of Justice for a Bulletproof Vest Grant on behalf of the City of Lake Saint Louis, Missouri.

Mayor Schweikert read Resolution No. 04-20-15 (1).

MOTION TO APPROVE RESOLUTION NO. 04-20-15 (1):

Alderman Pellerito made a motion to approve Resolution No. 04-20-15 (1). The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Law, Torlina, Pellerito, Potter and Vennard. Nays, none. Alderman Zito was absent. The motion passed.

Resolution No. 04-20-15 (2) – A resolution authorizing the issuance of a Special Use Permit to Lake Ridge LSL Senior, LP for the construction, occupancy and operation of an apartment facility providing independent living residential units for seniors (age 55+) on a 2.75 acre property carrying an HC (Highway Commercial) zoning district designation and located at the southwest corner of the intersection of Technology Drive and Feise Commercial Drive.

Mayor Schweikert read Resolution No. 04-20-15 (2).

MOTION TO APPROVE RESOLUTION NO. 04-20-15 (2):

Alderman Pellerito made a motion to approve Resolution No. 04-20-15 (2). The motion was seconded by Alderman Torlina; the poll of the Board being ayes: Law, Torlina, Pellerito, Potter and Vennard. Nays, none. Alderman Zito was absent. The motion passed.

BOARD COMMENTS:

Mayor Schweikert said she will present a plaque on behalf of the Board of Aldermen in appreciation for his service to the City to outgoing Alderman Tony Zito, who unfortunately could not be here this evening. Mayor Schweikert noted he did a lot for his Ward I constituents and it was his idea to hold a Board Retreat facilitated by an outside consultant. It was a great idea and beneficial to the entire City.

Alderman Potter said, "Let's go Blues!"

Alderman Vennard wished congratulations to the Mayor and Aldermen Elect.

Mayor Schweikert thanked the residents for their support. She noted Lake Saint Louis had a 17% voter turnout. Mayor Schweikert thanked the Board for its support and said she is looking forward to the next two (2) years of serving the City.

Mayor Schweikert noted she would be out-of-pocket for a few days for personal reasons, although she will be available by phone.

STAFF COMMENTS:

Mike Force, Police Chief, stated the date and time for the recognition of First Responders will be May 30th at 10 a.m. The event details will be finalized and available by the middle of May.

EXECUTIVE SESSION:

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