

BOARD OF ALDERMEN
REGULAR MEETING
OCTOBER 20, 2014
(JOURNAL AND MINUTES)

The Board of Aldermen for the City of Lake Saint Louis, Missouri met in regular session on Monday, October 20, 2014, 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 Gary Torlina, Ward I; John Pellerito, Ward III; Karen Vennard, Ward II; Jason Law, Ward III; Mike Potter, Ward II; and Tony Zito, Ward I. Also present were: Paul Markworth, City Administrator; Donna Daniel, City Clerk; Matthew Reh, City Attorney; Steve Schertel, Community Development Director; Renee Roettger, Finance Director; Mike Force, Police Chief; Derek Koestel, Public Works Director; and Eric Sterman, Assistant City Administrator.

INVOCATION: Richard Moore, Deacon, St. Gianna Catholic Church offered the invocation.

ANNOUNCEMENTS:

COMMITTEE REPORTS:

Architectural Review Board (ARB) – Alderman Zito gave a report on the ARB meeting(s).

PUBLIC HEARINGS:

Application for a proposed Site Plan Review to construct a building addition onto the current Phillips 66 Convenience Market off Lake Saint Louis Boulevard. The parcel is 0.83 acres and zoned HC (Highway Commercial). The property is south of Veterans Memorial Parkway, west of Lake Saint Louis Boulevard, east of Windjammer Point, and north of Lake Saint Louis. Application submitted by Shree Gayatri LLC.

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.

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Application for a proposed Preliminary and Final Subdivision Plat to adjust the southern property line approximately 15 feet south to allow for a building expansion of Phillips 66 Convenience Market off Lake Saint Louis Boulevard. The parcel is being adjusted from 0.608 acres to 0.665 acres and zoned HC (Highway Commercial). The property is south of Veterans Memorial Parkway, west of Lake Saint Louis Boulevard, east of Windjammer Point, and north of Lake Saint Louis. Application submitted by Shree Gayatri LLC.

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:

- Tree Board – October 21, 2014
- Park Board – October 21, 2014
- Green Environmental Advisory Committee – October 29, 2014
- Board of Aldermen Work Session – November 3, 2014
- Board of Aldermen Meeting – November 3, 2014

MINUTES: October 6, 2014 Regular Meeting

MOTION TO APPROVE THE MINUTES FROM THE OCTOBER 6, 2014 REGULAR BOA MEETING AS SUBMITTED.

Alderman Vennard made a motion to waive the reading of the minutes from the October 6, 2014 Regular BOA Meeting and approve same as submitted. The motion was seconded by Alderman Pellerito and passed unanimously.

THE MINUTES FROM THE OCTOBER 6, 2014 REGULAR BOA MEETING STAND APPROVED AS SUBMITTED.

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CONSENT AGENDA:

MOTION TO APPROVE AS SUBMITTED:

Alderman Vennard 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 October 20, 2014 in the amount of \$654,228.75
Budget Transfer
Site Plan – Phillips 66 Gas Station and Convenience Store

APPOINTMENTS:

PUBLIC COMMENT:

TABLED:

Bill No. 3509 – An ordinance authorizing the subdivision of Lot 9 in the LSL Bayside Estates No. 1 residential subdivision and the creation of two condominium units from the existing duplex structure on the lot, generally located on the south side of Veterans Memorial Parkway approximately 100 feet east of Deloire Drive, the resulting plat to be known as Lake Saint Louis Plat 285.

Steve Schertel, Community Development Director, informed the Board that the applicant has not submitted the needed materials.

OLD BUSINESS:

Bill No. 3522 – An ordinance amending the Municipal Code of the City of Lake Saint Louis, Missouri, Title III: Traffic Code, Chapter 340: Miscellaneous Driving Rules, Article I. In General, by adding two new Sections: 340.145 and 340.147 to prohibit texting while driving for all age groups in the City of Lake Saint Louis., Missouri.

DISCUSSION:

Alderman Zito asked several questions:

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- Can Police Officers confiscate your cell phone? Matthew Reh, City Attorney replied, "No."
- How would the officer know if the person was texting (prohibited by this Bill) instead of using the phone for one of the other permitted uses? Matthew Reh, City Attorney replied, "By observation." Mr. Reh went on to say the burden of proof falls on the Prosecuting Attorney.
- Does this language in the Bill match state law? Mr. Reh replied, "Yes, in regard to the prohibition against driving and texting for those under 21 years of age."

SECOND READING:

Alderman Pellerito made a motion to authorize the second reading of Bill No. 3522. The motion was seconded by Alderman Torlina and passed by a vote of five (5) "ayes" to one (1) "nay" (Zito). Bill No. 3522 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3522 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3332.

Alderman Pellerito made a motion to approve the second reading of Bill No. 3522 and pass same by assigning Ordinance No. 3332. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Law, Torlina, Pellerito, Zito, Potter and Vennard. Nays, none. The motion passed.

NEW BUSINESS:

Bill No. 3523 – An ordinance to authorize the Mayor, City Administrator, City Clerk and City staff to perform all acts necessary to acquire the easements for the Oak Terrace Stormwater Improvement Project.

FIRST READING:

Alderman Vennard made a motion to authorize the first reading of Bill No. 3523. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3523 was read.

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SECOND READING:

Alderman Vennard made a motion to authorize the second reading of Bill No. 3523. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3523 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3523 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3333.

Alderman Vennard made a motion to approve the second reading of Bill No. 3523 and pass same by assigning Ordinance No. 3333. The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Law, Torlina, Pellerito, Zito, Potter and Vennard. Nays, none. The motion passed.

Bill No. 3524 – 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 Torlina made a motion to authorize the first reading of Bill No. 3524. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3524 was read.

SECOND READING:

Alderman Torlina made a motion to authorize the second reading of Bill No. 3524. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3524 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3524 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3334.

Alderman Vennard made a motion to approve the second reading of Bill No. 3524 and pass same by assigning Ordinance No. 3334. The motion was seconded by Alderman Zito; the poll of the Board being ayes: Law, Torlina, Pellerito, Zito, Potter and Vennard. Nays, none. The motion passed.

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Bill No. 3525 – An ordinance to authorize the Mayor and/or City Administrator to execute a Bill of Sale to Public Water Supply District No. 2 for improvements constructed during the Lakeview 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. 3525. The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 3525 was read.

SECOND READING:

Alderman Pellerito made a motion to authorize the second reading of Bill No. 3525. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 3525 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3525 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3335.

Alderman Pellerito made a motion to approve the second reading of Bill No. 3525 and pass same by assigning Ordinance No. 3335. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Law, Torlina, Pellerito, Zito, Potter and Vennard. Nays, none. The motion passed.

Bill No. 3526 – An ordinance authorizing the Mayor and/or City Administrator to execute an Escrow Agreement with National Information Solutions Cooperative, Inc. guaranteeing completion of grading, installation and maintenance of erosion control measures, and installation of site improvements related to the construction of a two-story, 44,000 square-foot building addition on the site of the company's office campus at #1 Innovation Circle in Lake Saint Louis.

FIRST READING:

Alderman Torlina made a motion to authorize the first reading of Bill No. 3526. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3526 was read.

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SECOND READING:

Alderman Torlina made a motion to authorize the second reading of Bill No. 3526. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 3526 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3526 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3336.

Alderman Torlina made a motion to approve the second reading of Bill No. 3526 and pass same by assigning Ordinance No. 3336. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Law, Torlina, Pellerito, Zito, Potter and Vennard. Nays, none. The motion passed.

Bill No. 3527 – An ordinance authorizing a boundary adjustment for two adjacent parcels owned by Center on the Lake, LLC and Shree Gayatri, LLC, transferring 2,463 square feet from the former to the latter, which parcels are generally located south of Veterans Memorial Parkway and Lake Saint Louis Boulevard, east of Windjammer Point, and north of the big lake (Lake Saint Louis).

FIRST READING:

Alderman Vennard made a motion to authorize the first reading of Bill No. 3527. The motion was seconded by Alderman Zito and passed unanimously. Bill No. 3527 was read.

SECOND READING:

Alderman Vennard made a motion to authorize the second reading of Bill No. 3527. The motion was seconded by Alderman Zito and passed unanimously. Bill No. 3527 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3527 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3337.

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Alderman Vennard made a motion to approve the second reading of Bill No. 3527 and pass same by assigning Ordinance No. 3337. The motion was seconded by Alderman Torlina; the poll of the Board being ayes: Law, Torlina, Pellerito, Zito, Potter and Vennard. Nays, none. The motion passed.

BOARD COMMENTS:

Alderman Law said he thought it was a great “retreat.” He anticipates great things in our future and says these are exciting times.

Alderman Vennard expressed her concern about traffic jams on Whitekirk Drive due to people trying to get closer to view a house fire in her neighborhood. Alderman Vennard said they were inconsiderate and interfering and/or creating a dangerous situation for Firemen, Police, rescue teams and residents.

Alderman Torlina agreed with Alderman Law – it was a great “retreat.” Alderman Torlina noted the Police Department and staff received excellent reviews from the Elected Officials.

Mayor Schweikert agreed – the “retreat” was beneficial. The facilitator was very good and helpful.

STAFF COMMENTS:

Mike Force, Police Chief, noted the turmoil in the region is not limited to St. Louis County. He has attended several meetings to discuss this situation with other law enforcement officials in St. Charles County.

Chief Force also thought the “retreat” was good.

EXECUTIVE SESSION:

Alderman Potter made a motion to recess Regular Session to convene an Executive Session, pursuant to the real estate 610.021.2 exemption in the RSMo 610.021. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Law, Torlina, Pellerito, Zito, Potter and Vennard. Nays, none. The motion passed.

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Regular Session recessed at approximately 7:25 p.m. Executive Session convened at approximately 7:26 p.m.

Having no further real estate 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: Law, Torlina, Pellerito, Zito, Potter and Vennard. Nays, none. The motion passed.

Executive Session adjourned and Regular Session reconvened at approximately 7:40 p.m.

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: Law, Torlina, Pellerito, Zito, Potter and Vennard. Nays, none. The motion passed.

Regular Session recessed and Executive Session reconvened at approximately 7:41 p.m.

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

Executive Session adjourned and Regular Session reconvened at approximately 7:45 p.m.

GENERAL DISCUSSION:

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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