

BOARD OF ALDERMEN
REGULAR MEETING
FEBRUARY 16, 2016
(JOURNAL AND MINUTES)

The Board of Aldermen for the City of Lake Saint Louis, Missouri met in regular session on Tuesday, February 16, 2016, 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; John Pellerito, Ward III; Gary Torlina, Ward I; Karen Vennard, Ward II; and Jason Law, Ward III. Alderman Gary Turner, Ward I, was absent. Also present were: Paul Markworth, City Administrator, Donna Daniel, City Clerk; Matthew Reh, City Attorney; Derek Koestel, Public Works Director; Mike Force, Police Chief; Eric Sterman, Assistant City Administrator; and Steve Schertel, Community Development Director.

INVOCATION: Pastor Steve Keith Spaugh, Chapel of the Lake, offered the invocation.

ANNOUNCEMENTS:

COMMITTEE REPORTS:

Lake Saint Louis Community Association (LSLCA) Report – Alderman Torlina read a report from Dee Davenport, LSLCA Board of Directors.

Planning and Zoning Commission – Alderman Torlina gave a report on the February 4, 2016 meeting.

Administrative/Finance/Public Works Committee – Alderman Torlina gave a report on the February 16, 2016 meeting.

Mayor Schweikert informed the Board that she and Alderman Torlina attended the Missouri Municipal League Legislative Conference. She gave a report on the meeting.

PUBLIC HEARINGS:

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Application of a proposed Site Plan Review to construct three (3) 4,800 square foot single-story metal canopy structures, twenty-seven (27) 13.5' x 27.75' concrete storage bins, and new gravel on site at Lake Saint Louis Garden Center. The total acreage of the site is 7.833 acres and zoned CB (Community Business). The property is located south of Waterford Villas subdivision, east of The Meadows at Lake Saint Louis shopping center, and approximately a half mile northwest of MO-364/I-64 interchange. Application submitted by Richard Kopp.

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 continued. **Application of a Zoning Amendment to ratify the zoning district designation for Two Rivers Church properties annexed into the City on January 19, 2016. The proposed zoning, as designated in a Pre-Annexation Agreement, is PR (Planned Residential) on 104.304 acres. Application submitted by City of Lake Saint Louis.**

Application for a proposed Preliminary Subdivision Plat to create a 283 single-family detached lot subdivision to be known as Wyndstone. The parcels total approximately 104 acres (102 acres + 2 acres) and zoned PR (Planned Residential). The properties are generally located east of Duello Road, north of State Highway N, contiguous to the south side of Manors at Crimson Oaks subdivision and contiguous to the west side of Heritage of Hawk Ridge subdivision. Application submitted by McBride Duello, LLC.

Mayor Schweikert opened the meeting for two Public Hearings (because they are closely related), both hearings were duly advertised in a legal publication on the above topics.

Sherry Doney, 740 Harrier Court, expressed her concern about the Planning and Zoning Commission's review and recommendation for the McBride development. Comments included:

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- Planning and Zoning Commission packet was delivered the Monday before the meeting. She did not think that was enough time for them to review the information.
- She asked for a copy of the application, noting she would like to review the application to determine if the application process and the procedures and specifications, as outlined in the Municipal Code, were followed.
- The Commission members did not visit the site as required by Code. They did not perform their due diligence.
- She asked for more information regarding the Heritage at Hawk Ridge {HHR} easement approval.

Steve Schertel, Community Development Director, explained that City staff is working to secure an easement from the HHR Board of Directors or Trustees. Mr. Schertel said staff would like to have it all connected.

Linda Bird, 660 Falconcrest Drive, informed the Board she was an advisor to the Board of Directors of HHR; they have a meeting coming up and maybe the easement will be a topic of discussion at that meeting.

Lawrence Werle, 10 Normandy Drive, expressed his concern that staff has denied his sewer lateral insurance claim. Mr. Werle disagreed with staff's interpretation that his issue was "root intrusion" and went on to say his problem is "pipe separation". He asked the Board to pay his claim.

Alderman Pellerito said the Board would not be able to make a decision on this issue this evening. The Board would take this issue under advisement.

Alderman Torlina said he would contact Mr. Werle with an update.

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

Application for proposed Amendments to Municipal Code Section 410.110 and/or other appropriate sections of the Code allowing basketball goals. Application submitted by City of Lake Saint Louis.

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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 continued.
CALENDAR:

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

- Tree Board – February 17, 2016
- City Image Advisory Committee – February 19, 2016
- Green Environmental Advisory Committee – February 24, 2016
- Planning and Zoning Commission – March 3, 2016
- Board of Aldermen Work Session – March 7, 2016
- Board of Aldermen Meeting – March 7, 2016

MINUTES: February 1, 2016 Regular Meeting

MOTION TO APPROVE THE MINUTES FROM THE FEBRUARY 1, 2016 REGULAR BOA MEETING AS SUBMITTED:

Alderman Pellerito made a motion to waive the reading of the minutes from the February 1, 2016 Regular BOA Meeting and approve same as submitted. The motion was seconded by Alderman Vennard and passed unanimously.

THE MINUTES FROM THE FEBRUARY 1, 2016 REGULAR BOA MEETING STAND APPROVED AS SUBMITTED.

CONSENT AGENDA:

MOTION TO APPROVE:

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

Warrant dated February 16, 2016 in the amount of \$1,808,752.91

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Budget Adjustment dated February 16, 2016

APPOINTMENTS:

PUBLIC COMMENT:

TABLED:

OLD BUSINESS:

NEW BUSINESS:

Bill No. 3709 – An ordinance amending the Municipal Code of the City of Lake Saint Louis, Missouri by deleting Section 135.120: Park Department Fees in its entirety and modifying the Title in Article I Fees For Use of Parks, Recreational Facilities and City-Owned Property, in Chapter 240; and Section 240.030 Fees.

FIRST READING:

Alderman Vennard made a motion to authorize the first reading of Bill No. 3709. The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 3709 was read.

SECOND READING:

Alderman Vennard made a motion to authorize the second reading of Bill No. 3709. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3709 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3709 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3514.

Alderman Vennard made a motion to approve the second reading of Bill No. 3709 and pass same by assigning Ordinance No. 3514. The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Torlina, Pellerito, Potter, Vennard and Law. Nays, none. Alderman Turner was absent. The motion passed.

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Bill No. 3710 – An ordinance to authorize the Mayor, City Administrator, City Clerk and City Staff to perform all acts necessary to acquire the easements for the 16 Harbor View Drive Stormwater Improvement Project.

FIRST READING:

Alderman Torlina made a motion to authorize the first reading of Bill No. 3710. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3710 was read.

SECOND READING:

Alderman Torlina made a motion to authorize the second reading of Bill No. 3710. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 3710 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3710 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3515.

Alderman Torlina made a motion to approve the second reading of Bill No. 3710 and pass same by assigning Ordinance No. 3515. The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Torlina, Pellerito, Potter, Vennard and Law. Nays, none. Alderman Turner was absent. The motion passed.

Bill No. 3711 – An ordinance rescinding Ordinance No. 3481 and terminating any and all agreements with St. Charles County providing Kennel and Animal Control Services and enacting an Ordinance authorizing new agreements on the same subject.

DISCUSSION:

Alderman Pellerito asked if we know how many animals have been sent to the County. Paul Markworth, City Administrator replied, "No, they would not provide that information."

FIRST READING:

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Alderman Law made a motion to authorize the first reading of Bill No. 3711. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 3711 was read.

SECOND READING:

Alderman Law made a motion to authorize the second reading of Bill No. 3711. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 3711 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3711 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3516.

Alderman Law made a motion to approve the second reading of Bill No. 3711 and pass same by assigning Ordinance No. 3516. The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Torlina, Pellerito, Potter, Vennard and Law. Nays, none. Alderman Turner was absent. The motion passed.

Bill No. 3712 – An ordinance to adopt a budget revision for the City of Lake Saint Louis' budgets for the fiscal year beginning July 1, 2015 and ending June 30, 2016.

FIRST READING:

Alderman Pellerito made a motion to authorize the first reading of Bill No. 3712. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 3712 was read.

SECOND READING:

Alderman Pellerito made a motion to authorize the second reading of Bill No. 3712. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 3712 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3712 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3517.

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Alderman Pellerito made a motion to approve the second reading of Bill No. 3712 and pass same by assigning Ordinance No. 3517. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Torlina, Pellerito, Potter, Vennard and Law. Nays, none. Alderman Turner was absent. The motion passed.

Bill No. 3713 – An ordinance establishing the zoning district designation as PR (Planned Residential) for two tracts of property containing 104.304 acres (more or less) recently incorporated into the City pursuant to previously approved Pre-Annexation Agreement with the current fee owner of the property, Two Rivers Church, and with the anticipated owner, McBride Duello, LLC, and adopting a Preliminary Development Plan for the site, currently identified as Wyndstone, approving a Preliminary Plat for the site, and granting to McBride Duello, LLC a Special Use Permit for the development of up to 285 residential lots; said property being located east of Duello Road approximately 3,700 feet north of Orf Road.

MOTION TO AMEND:

Alderman Pellerito made a motion to amend Bill No. 3713 as follows:

AN ORDINANCE ESTABLISHING THE ZONING DISTRICT DESIGNATION AS PR (PLANNED RESIDENTIAL) FOR TWO TRACTS OF PROPERTY CONTAINING 104.304 ACRES RECENTLY INCORPORATED INTO THE CITY BY ORDINANCE NO. 3505 PURSUANT TO PRE-ANNEXATION AGREEMENT WITH THE CURRENT FEE OWNER OF THE PROPERTY, TWO RIVERS CHURCH, AND WITH THE ANTICIPATED OWNER, MCBRIDE DUELLO, LLC, APPROVED BY ORDINANCE NO. 3495, AND ADOPTING A PRELIMINARY DEVELOPMENT PLAN FOR THE SITE, CURRENTLY IDENTIFIED AS WYNDSTONE, APPROVING PRELIMINARY PLAT FOR THE SITE, APPROVING A SET OF ARCHITECTURAL ELEVATIONS THAT MAY BE BUILT ON THE SITE, AND GRANTING TO MCBRIDE DUELLO, LLC A SPECIAL USE PERMIT FOR THE DEVELOPMENT OF UP TO 285 RESIDENTIAL LOTS; SAID PROPERTY BEING LOCATED EAST OF DUELLO ROAD APPROXIMATELY 3,700 FEET NORTH OF ORF ROAD.

WHEREAS, the Board of Aldermen for the City of Lake Saint Louis approved, by adoption of Ordinance No. 3495 on December 21, 2015, a Pre-Annexation Agreement with the Two Rivers Church and McBride Duello, LLC for the

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annexation of two parcels of property containing 104.304 acres of land, more or less, generally located east of Duello Road, approximately 3,700 feet north of Orf Road, and identified by the St. Charles County Assessor's Office as Parcels No. 4-0061-1801-00-0002.0000000 and 4-0061-1801-00-0002.6000000, and as more particularly described in the document titled, "Wyndstone / Preliminary Plat", prepared by The Sterling Co., having a final revision date of February 10, 2016, and stamped as having been received in the City's Department of Community Development on February 10, 2016 (appended hereto as Attachment A and made a part hereof); and

WHEREAS, the Board of Aldermen for the City of Lake Saint Louis annexed the above described properties into the City's corporate limits on January 19, 2016 by adoption of Ordinance No. 3505; and

WHEREAS, pursuant to above referenced Pre-Annexation Agreement and subsequent to advertised Public Hearing prescribed by law and held on February 4, 2016, the Planning and Zoning Commission for the City of Lake Saint Louis at its regular meeting on the same date recommended to the Board of Aldermen that the zoning designation for the property be established as PR (Planned Residential) with specific qualifications identified on the document titled, "Staff Recommendation on McBride's Proposed Wyndstone Development", presented to the Planning & Zoning Commission at the Commission's regular meeting held on February 4, 2016 (said document appended hereto as Attachment B and made a part hereof).

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN FOR THE CITY OF LAKE SAINT LOUIS, MISSOURI AS FOLLOWS:

SECTION 1. That, subsequent to a second advertised Public Hearing **prescribed by law** and held on February 16, 2016 and upon recommendation of the Planning and Zoning Commission, the Board of Aldermen for the City of Lake Saint Louis hereby approves the zoning designation for the **above-referenced** properties containing 104.304 acres (more or less) **described on Sheet 1.1 of the Wyndstone Preliminary Plat (Attachment A)** as PR (Planned Residential) and approves the development of the properties as generally described in the document titled, "Wyndstone / Preliminary Plat", prepared by The Sterling Co., having a final revision date of February 10, 2016, and stamped as having been received in the City's Department of Community Development on February 10, 2016 (appended hereto as Attachment A and made a part hereof), which the **Board approves City-accepts** as the Preliminary Development Plan for the

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properties, as required in Municipal Code Section 405.330, subsection 2. ~~The Board also approves the architectural elevations previously submitted by developer for construction within the development in accordance with the note on the "Wyndstone Preliminary Plat" which regulates which elevations are designed for each village. The builder shall not be required to submit any architectural elevations or designs to the City's Architectural Review Board so long as the builder constructs any of the previously submitted architectural elevations in accordance with the Pre-Annexation Agreement. However, in the event an architectural elevation approved for one village is proposed for another village, the ARB will review the elevation for scale and proportion to other homes in that village.~~

SECTION 2. That, as described on the attached document titled "'Wyndstone / Preliminary Plat" referenced above, the front yard setback requirement for all lots identified as "A" Lots and "B" Lots shall be twenty (20) feet.

SECTION 3. ~~That, In the event the City is not successful gaining an easement to the Heritage at Hawk Ridge detention basin outfall structure, then~~ the Board of Aldermen approves the Preliminary Plat incorporating City staff's recommendation regarding the storm pipe crossing Street "A" between Lot 145B and Lot 146B as noted on ~~Exhibit C the revised preliminary plat~~ and grants to McBride Duello, LLC a special use permit for the development of up to 285 residential lots, as detailed on the Plat and called for in paragraph 2. of the Pre-Annexation Agreement.

SECTION 4. The Board of Aldermen hereby authorizes such approvals as described above be endorsed under the hands of the Mayor and the City Clerk for the City.

SECTION 5. This ordinance shall be in full force and effect from and after its passage and approval.

The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 3713 was amended.

FIRST READING:

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Alderman Pellerito made a motion to authorize the first reading of Bill No. 3713 as amended. The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 3713 was read.

SECOND READING:

Alderman Potter made a motion to authorize the second reading of Bill No. 3713 as amended. The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 3713 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3713 AND ADOPT SAME AS AMENDED BY ASSIGNING ORDINANCE NO. 3518.

Alderman Law made a motion to approve the second reading of Bill No. 3713 as amended and pass same by assigning Ordinance No. 3518. The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Torlina, Pellerito, Potter, Vennard and Law. Nays, none. Alderman Turner was absent. The motion passed.

Resolution No. 02-16-16 (1) – 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 Schweikert read Resolution No. 02-16-16 (1).

MOTION TO APPROVE RESOLUTION NO. 02-16-16 (1):

Alderman Potter made a motion to approve Resolution No. 02-16-16 (1). The motion was seconded by Alderman Torlina; the poll of the Board being ayes: Torlina, Pellerito, Potter, Vennard and Law. Nays, none. Alderman Turner was absent. The motion passed.

Resolution No. 02-16-16 (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 Schweikert read Resolution No. 02-16-16 (2).

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MOTION TO APPROVE RESOLUTION NO. 02-16-16 (2):

Alderman Torlina made a motion to approve Resolution No. 02-16-16 (2). The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Torlina, Pellerito, Potter, Vennard and Law. Nays, none. Alderman Turner was absent. The motion passed.

Resolution No. 02-16-16 (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.

Mayor Schweikert read Resolution No. 02-16-16 (3).

MOTION TO APPROVE RESOLUTION NO. 02-16-16 (3):

Alderman Law made a motion to approve Resolution No. 02-16-16 (3). The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Torlina, Pellerito, Potter, Vennard and Law. Nays, none. Alderman Turner was absent. The motion passed.

Resolution No. 02-16-16 (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 Schweikert read Resolution No. 02-16-16 (4).

MOTION TO APPROVE RESOLUTION NO. 02-16-16 (4):

Alderman Torlina made a motion to approve Resolution No. 02-16-16 (4). The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Torlina, Pellerito, Potter, Vennard and Law. Nays, none. Alderman Turner was absent. The motion passed.

BOARD COMMENTS:

Alderman Potter said he would like to thank the legislator who is working on a bill to get the deadline extended to pass a motor vehicle sales tax. Mayor Schweikert replied it

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was Redman.

Mayor Schweikert informed the Board that she has invited the Lake Saint Louis and Wentzville Fire Departments to give a presentation at the March 21, 2016 Work Session meeting.

STAFF COMMENTS:

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.

Donna F. Daniel, City Clerk