BOARD OF ALDERMEN
REGULAR MEETING
APRIL 6, 2015
(JOURNAL AND MINUTES)

The Board of Aldermen for the City of Lake Saint Louis, Missouri met in regular session on Monday, April 6, 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; Tony Zito, Ward I; and John Pellerito, Ward III. Also present were: 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: Bernie Buckman, Deacon St. Patrick Catholic Church, offered the invocation.

MOTION TO AMEND THE AGENDA:

Alderman Torlina made a motion to amend the agenda by moving Resolution No. 03-16-15 (1) after the invocation. The motion was seconded by Alderman Law and passed unanimously. The agenda was amended.

Resolution No. 03-16-15 (1) – A resolution authorizing the Mayor and/or City Administrator to accept a POW flag from the Veterans of Foreign Wars Post 10350.

Mayor Schweikert read Resolution No. 03-16-15 (1)

MOTION TO APPROVE RESOLUTION NO. 03-16-15 (1):

Alderman Pellerito made a motion to approve Resolution No. 03-16-15 (1). The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Vennard, Law, Torlina, Pellerito, Zito and Potter. Nays, none. The motion passed.

Howard Sardis, Commander of VFW Post 10350, presented a POW/MIA flag to the City of Lake Saint Louis. Mayor Schweikert accepted the flag on behalf of the City and thanked Commander Sardis and VFW Post 10350.

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

Regular Session recessed and Executive Session convened at approximately 7:07 p.m.

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

Executive Session recessed and Regular Session reconvened at approximately 7:20 pm.

ANNOUNCEMENTS:

COMMITTEE REPORTS:

Planning and Zoning Commission – Alderman Torlina gave a report on the April 2, 2015 meeting.

Park Board – Alderman Vennard gave a report on the Park Board meeting.

Administrative/Finance/Public Works Committee – Alderman Vennard gave a report on the April 6, 2015 meeting.

Development Review Board (DRB) – Mayor Schweikert gave a report on the DRB meeting.

Green Environmental Advisory Committee – Alderman Pellerito gave a report on the March 25, 2015 meeting.

Mayor Schweikert gave a report on the St. Charles County Mayor's meeting and the Mayor's Charity Ball.

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.

Alderman Potter stated the Board received "new" information from the developer which he thought the residents from Oak Bluff Preserve would be interested to learn. The developer believes this new information demonstrates the "Licensing Agreement" does not apply to the property. Alderman Potter went on to say that he suggests the Board table the bill to allow the residents and the developer to have an opportunity to discuss this "new" information. Alderman Potter said he hopes the discussion will lead to a compromise between parties.

Jeff Igou, Berger, Cohen & Brandt, L.C., representing the applicant, said he was the author of the letter which contains their legal analysis of the title to the "property" and the effect, if any, of certain restrictive covenants alleged to encumber the property. He went on to say he would be happy to answer questions.

Glenn Fritzemeyer, 31 Oak Bluff Drive, 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. Comments included:

- Previous court case involving an annexation was lost in court; the Licensing Agreement restrictions apply to our lots and the 19-acre proposed development
- Developer must abide by the provisions spelled out in the agreement

Dave Hickey, resident of Crimson Oaks, complained that his side yard was damaged by the developer's heavy equipment and it has not been repaired to his satisfaction. Jeremy Malensky, Dutchman Homes, LLC, replied that he would address Mr. Hickey's complaint.

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. Comments included:

- The proposed development is located in the Oak Bluff Preserve subdivision which was established in 1978.
- The 1978 Licensing Agreement applies to all property in the Oak Bluff Preserve subdivision; it places specific restrictions against all lots and land within the subdivision.
- Three dozen Oak Bluff Preserve homes were sold at premium prices in order to comply with the License Agreement.
- The Board members should not make a decision that favors the developer over their constituents.

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

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, gave a presentation

and offered to answer questions about the Preliminary Subdivision Plat and Site Plan to create a senior apartment facility.

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

Application for a Zoning Amendment to ratify the zoning district designation of the property for Hwy N Plaza, L.L.C. annexed into the City on January 20, 2015. The proposed zoning, as designated in a Pre-Annexation Agreement, is HC (Highway Commercial) on 2.227 acres. 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.

CALENDAR:

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

- Architectural Review Board – April 7, 2015 and April 14, 2015.
- Municipal Court – April 14, 2015
- Board of Aldermen Work Session – April 20, 2015
- Board of Aldermen Meeting – April 20, 2015

MINUTES: March 2, 2015 Regular Meeting

MOTION TO APPROVE THE MINUTES FROM THE MARCH 2, 2015 REGULAR BOA MEETING AS SUBMITTED.

Alderman Pellerito made a motion to waive the reading of the minutes from the March 2, 2015 Regular BOA Meeting and approve same as submitted. The motion was seconded by Alderman Vennard and passed unanimously.

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THE MINUTES FROM THE MARCH 2, 2015 REGULAR BOA MEETING STAND APPROVED AS SUBMITTED.

CONSENT AGENDA:

Warrant dated April 6, 2015 in the amount of $390,638.11
Budget Transfers dated April 6. 2015
Delinquent Tax Listing
Site Plan – Lake Ridge LSL Senior, LP

MOTION TO AMEND THE CONSENT AGENDA:

Alderman Pellerito made a motion to amend the Consent Agenda by tabling the fourth item "Site Plan – Lake Ridge LSL Senior, LP". The motion was seconded by Alderman Potter and passed unanimously. The Site Plan for Lake Ridge LSL Senior, LP was tabled.

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 6, 2015 in the amount of $390,638.11
Budget Transfers dated April 6. 2015
Delinquent Tax Listing

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.

MOTION TO REMOVE FROM THE TABLE:

Alderman Torlina made a motion to remove Bill No. 3509 from the table. The motion was seconded by Alderman Potter and passed unanimously. Bill No. 3509 was removed from the table.

SECOND READING:

Alderman Vennard made a motion to authorize the second reading of Bill No. 3509. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3509 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3509 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3392.

Alderman Vennard made a motion to approve the second reading of Bill No. 3509 and pass same by assigning Ordinance No. 3392. The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Vennard, Law, Torlina, Pellerito, Zito and Potter. Nays, none. The motion passed.

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 TABLE:

Alderman Potter made a motion to keep Bill No. 3568 on the table. The motion was seconded by Alderman Law and passed unanimously. Bill No. 3568 remained on the table.

OLD BUSINESS:

NEW BUSINESS:

Bill No. 3585 – An ordinance to authorize the Mayor and/or City Administrator to enter into a contract with Cochran Engineering Company for "On-Call" Material Testing Services for the Civic Center Drive Reconstruction Project.

FIRST READING:

Alderman Torlina made a motion to authorize the first reading of Bill No. 3585. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3585 was read.

SECOND READING:

Alderman Torlina made a motion to authorize the second reading of Bill No. 3585. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3585 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3585 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3393.

Alderman Torlina made a motion to approve the second reading of Bill No. 3585 and pass same by assigning Ordinance No. 3393. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Vennard, Law, Torlina, Pellerito, Zito and Potter. Nays, none. The motion passed.

Bill No. 3586 – 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.

REMOVED FROM THE AGENDA:

Alderman Torlina made a motion to remove Bill No. 3586 from the agenda. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3586 was removed from the agenda.

Bill No. 3587 – An ordinance establishing the zoning district designation for property recently incorporated into the City of Lake Saint Louis as HC (Highway Commercial), pursuant to a previously approved Pre-annexation Agreement; said property consisting of 2.227 acres generally located at the northeast corner of the intersection of Missouri State Route N and Duello Road.

FIRST READING:

Alderman Vennard made a motion to authorize the first reading of Bill No. 3587. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3587 was read.

SECOND READING:

Alderman Vennard made a motion to authorize the second reading of Bill No. 3587. The motion was seconded by Alderman Zito and passed unanimously. Bill No. 3587 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3587 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3394.

Alderman Vennard made a motion to approve the second reading of Bill No. 3587 and pass same by assigning Ordinance No. 3394. The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Vennard, Law, Torlina, Pellerito, Zito and Potter. Nays, none. The motion passed.

Bill No. 3588 – An ordinance to award a bid to Nature's Re-Creation for installation of a water feature at Veterans Park for the City of Lake Saint Louis' Parks and Recreation Department.

FIRST READING:

Alderman Pellerito made a motion to authorize the first reading of Bill No. 3588. The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 3588 was read.

SECOND READING:

Alderman Pellerito made a motion to authorize the second reading of Bill No. 3588. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 3588 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3588 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3395.

Alderman Pellerito made a motion to approve the second reading of Bill No. 3588 and pass same by assigning Ordinance No. 3395. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Vennard, Law, Torlina, Pellerito, Zito and Potter. Nays, none. The motion passed.

Bill No. 3589 – An ordinance authorizing City Staff to conduct an auction to dispose of two (2) surplus Parks and Recreation Department mowers for the City of Lake Saint Louis, Missouri.

FIRST READING:

Alderman Torlina made a motion to authorize the first reading of Bill No. 3589. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 3589 was read.

SECOND READING:

Alderman Torlina made a motion to authorize the second reading of Bill No. 3589. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3589 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3589 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3396.

Alderman Torlina made a motion to approve the second reading of Bill No. 3589 and pass same by assigning Ordinance No. 3396. The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Vennard, Law, Torlina, Pellerito, Zito and Potter. Nays, none. The motion passed.

Bill No. 3590 – 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 Vennard made a motion to authorize the first reading of Bill No. 3590. The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 3590 was read.

SECOND READING:

Alderman Vennard made a motion to authorize the second reading of Bill No. 3590. The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 3590 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3590 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3397.

Alderman Vennard made a motion to approve the second reading of Bill No. 3590 and pass same by assigning Ordinance No. 3397. The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Vennard, Law, Torlina, Pellerito, Zito and Potter. Nays, none. The motion passed.

Bill No. 3591 – An ordinance authorizing the Mayor and/or City Administrator to execute an Escrow Agreement with Rolwes Development, LLC. guaranteeing completion of grading activities and installation and maintenance of erosion control measures on the 25.94 acre site of the future Brookfield Crossing residential subdivision, generally located on the east side of Duello Road, approximately 450' north of State Route N and approximately 525' south of Orf Road in the City of Lake Saint Louis.

FIRST READING:

Alderman Pellerito made a motion to authorize the first reading of Bill No. 3591. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 3591 was read.

SECOND READING:

Alderman Pellerito made a motion to authorize the second reading of Bill No. 3591. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 3591 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3591 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3398.

Alderman Pellerito made a motion to approve the second reading of Bill No. 3591 and pass same by assigning Ordinance No. 3398. The motion was seconded by Alderman Zito; the poll of the Board being ayes: Vennard, Law, Torlina, Pellerito, Zito and Potter. Nays, none. The motion passed.

Resolution No. 03-16-15 (2) – A resolution authorizing the grant application requesting funds from the Susteen Secure View Community Outreach Mobile Forensics Grant on behalf of the City of Lake Saint Louis.

Mayor Schweikert read Resolution No. 03-16-15 (2).

MOTION TO APPROVE RESOLUTION NO. 03-16-15 (2):

Alderman Torlina made a motion to approve Resolution No. 03-16-15 (2). The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Vennard, Law, Torlina, Pellerito, Zito and Potter. Nays, none. The motion passed.

Resolution No. 03-16-15 (3) – A resolution authorizing the Lake Saint Louis Parks and Recreation Department to accept a donation from Jim Trenary Chevrolet.

Mayor Schweikert read Resolution No. 03-16-15 (3).

MOTION TO APPROVE RESOLUTION NO. 03-16-15 (3):

Alderman Vennard made a motion to approve Resolution No. 03-16-15 (3). The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Vennard, Law, Torlina, Pellerito, Zito and Potter. Nays, none. The motion passed.

Resolution No. 04-06-15 (1) – A resolution authorizing the Mayor and/or City Administrator to submit the City's projection of a "nonbinding tax levy" to the County Clerk.

Mayor Schweikert read Resolution No. 04-06-15 (1).

MOTION TO APPROVE RESOLUTION NO. 04-06-15 (1):

Alderman Torlina made a motion to approve Resolution No. 04-06-15 (1). The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Vennard, Law, Torlina, Pellerito, Zito and Potter. Nays, none. The motion passed.

Resolution No. 04-06-15 (2) – A resolution authorizing destruction of certain records that no longer have any value and have exceeded their retention requirement.

Mayor Schweikert read Resolution No. 04-06-15 (2).

MOTION TO APPROVE RESOLUTION NO. 04-06-15 (2):

Alderman Vennard made a motion to approve Resolution No. 04-06-15 (2). The motion was seconded by Alderman Zito; the poll of the Board being ayes: Vennard, Law, Torlina, Pellerito, Zito and Potter. Nays, none. The motion passed.

BOARD COMMENTS:

Alderman Potter said he hopes Oak Bluff Preserve residents and the Dutchman Homes, LLC developer can work something out. Alderman Potter wished everyone good luck in tomorrow's election.

Alderman Torlina gave an update on Lillian Sidebottom's medical condition.

Alderman Vennard thanked Matt Reh for Armstrong Teasdale's contribution to the Mayor's Charity Ball. Alderman Vennard also expressed her appreciation to the Police Department.

Alderman Law wished everyone good luck in the elections.

Mayor Schweikert informed the Board that in response to Representative Hill's invitation, she will be traveling to Jefferson City on Thursday to speak on local issues of concern. Mayor Schweikert encouraged everyone to exercise his/her right to vote tomorrow and she thanked the Board for their support.

STAFF COMMENTS:

Mike Force, Police Chief, encouraged everyone to vote tomorrow.

Eric Sterman, Assistant City Administrator, informed everyone there is a new website being designed to promote St. Charles County – "What's Up St. Chuck " website's address will be www.WUSTC.com.

Derek Koestel, Public Works Director, noted the "way finding signs" are installed. Paul Markworth, City Administrator, congratulated the Board for giving the Oak Bluff Preserve residents and the developer for Dutchman Homes the opportunity to sit down at the table to discuss proposed development. He hopes the meeting will resolve issues.

Donna Daniel, City Clerk, said the photographer will be taking a Board of Aldermen photo at 6:30 p.m. on April 20th.

EXECUTIVE SESSION: Real Estate RSMO 610.021.2 and Legal RSMO 610.021.1 exemptions

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

Regular Session recessed and Executive Session convened at approximately 8:15 p.m.

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

Executive Session recessed and Regular Session reconvened at approximately 8:25 pm.

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